



**BUCHANAN LAW**  
Intellectual Property and Technology

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## **OUR DESIGN SERVICES & FEES**

**FROM 5 MAY 2009**



## INTRODUCTION TO OUR SERVICES

Thank you for considering us to undertake design work on your behalf. For your ease of reference, set out below is a list of the most common activities we carry out in relation to designs, the fees for doing so, and a brief explanation of what is involved.

The fees you see below are set out by reference to the lifecycle of standard Australian designs applications and registrations:

- Search/assessment
- Design application filing
- Design application prosecution
- Design registration
- Post-registration third party challenge
- Design renewal

Please note, however, that we also undertake international design registration in conjunction with corresponding firms overseas (pricing available on request).

There are also many other design services available upon request from us, including:

- Design assignment (transfer of proprietorship)
- Design licensing
- Recordal of assignment and interests
- Register extracts and copies

## OUR FEE STRUCTURE

We try to keep our fee system as simple and transparent as we can; this means we try to use fixed fees wherever possible. When we do use Time Costed fees (see below), this means that the activity varies in scope significantly in each instance.

All of our professional fees (listed as **Our Fees** in the following tables) are listed here in Australian Dollars (AUD) **exclusive of GST**. Please note that until funds have cleared into our accounts, we cannot treat payment as having been made.

T/C means Time Costed at the rate(s) for the Buchanan Team member(s) undertaking the activity; these rates are charged per hour (*pro rata* for each six minute unit of that) inclusive of GST depending on the Team member involved.

The official Designs Office (IP Australia) fees set out are those applicable as at the date of issue and are subject to change independently of our fees.



#### **NOTE TO OVERSEAS CLIENTS**

Where we are providing services to persons operating independently overseas (**overseas clients**), our professional fees (listed as **Our Fees** in the following tables) will be charged to them **exclusive of GST**. Particularly when dealing with new clients, we may request payment of fees in advance; otherwise, we request payment promptly upon presentation of our invoice.

If, as is typical, it is not possible for an overseas client to provide either an Australian banker's cheque/draft (denominated in AUD) or a personal/corporate cheque drawn on an Australian account (denominated in AUD), then our preferred mode of payment is direct EFT with payment originating in AUD. When receiving any payment from overseas clients, we reserve the right to pass on transaction costs on subsequent invoices to ensure we recover expenses arising from exchange rate fluctuations, transaction fees and similar occurrences.

Please note that although we require written confirmation of instructions for our records, there are no prior requirements for Power of Attorney documents for us to act upon your behalf.



### DESIGN SEARCH/ASSESSMENT

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Status report on known registration/application	N/A	100	100
Inherent registrability assessment*	N/A	500	500
For a name-based search	N/A	350 - 650	350 - 650
For a subject matter (image)-based search	N/A	650 - 1,300	650 - 1,300
For combined searching	N/A	900 - 1,800	900 - 1,800

\*This assessment looks at whether there is some aspect of the design in itself which would cause problems if/when seeking registration. Although listed as a separate line item, please note that this assessment is provided as part of a combined search.

### DESIGN APPLICATION FILING

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Preparing and filing an application for a single identified design (excluding supply of graphical representation)	200 <sup>#</sup>	750	950
Preparing and filing each further design in the same application as above	200 <sup>#</sup>	600	800+

# Please note that where excess designs are subsequently officially identified in addition to the design(s) applied for, an additional excess design fee may be payable (\$200 per design).

### DESIGN APPLICATION PROSECUTION

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Reporting official actions/correspondence	N/A	300-900	300-900
Responding to official actions/correspondence	N/A	T/C	T/C
Applying for extension of time <sup>#</sup>	100 per month	250	350 per month

<sup>#</sup>To prescribed limits.



## DESIGN REGISTRATION

**NB** As you may be aware, the *Designs Act 2003* (Cth.) now provides a streamlined process for designs. Designs that are capable of being registered can EITHER be registered OR merely published; please note that mere publication alone confers no rights but simply blocks other would-be rights claimants. Today, even if it is registered, a design is only substantively examined either (a) upon request or (b) by official order after registration. However, please note that a certificate of substantive examination is a prerequisite for taking action for infringement.

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Request for substantive examination	360	450	810
Reporting official actions/correspondence	N/A	300-900	300-900
Responding to official actions/correspondence	N/A	T/C	T/C

## THRID PARTY CHALLENGE

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Responding to third party request for substantive examination	180 <sup>^</sup>	450	630
Reporting official actions/correspondence	N/A	300-900	300-900
Responding to official actions/correspondence	N/A	T/C	T/C

<sup>^</sup> If a third party requests examination, the official fees are payable as \$180 from the applicant and \$180 from the registered owner.

## DESIGN ADDRESS FOR SERVICE/RENEWAL

<i>Activity</i>	<i>Official Fees</i>	<i>Our Fees</i>	<i>Total</i>
Placing ourselves as address for service	N/A	N/A	N/A
Undertaking renewal of one (1) design registration, accuracy checking/forwarding renewal documentation	275	300	575