

## Response to the consultation on Streamlining and simplifying IP regulation

Thank you for the opportunity to provide a submission to IP Australia’s consultation on streamlining and simplifying IP regulation. As the national peak body for the health and medical research and innovation sector, Research Australia has consistently highlighted the need for clearer and more streamlined IP policy and supports to strengthen Australia’s commercialisation pipeline and sovereign capability development. This has been reflected in our recent policy submissions to the [Strategic Examination of R&D \(SERD\)](#) and [draft National Health and Medical Research Strategy](#) - where we advocated for measures to help researchers and businesses navigate and protect IP rights. These recommendations formed part of a broader range of measures to overcome the current ‘valley of death’ between discovery and real-world translation, commercialisation and innovation.

This submission builds on the contributions of our member organisations – with specific input from AbbVie, Murdoch Children’s Research Institute (MCRI) and Swinburne University of Technology – as well as insights from our broader membership and previous policy and advocacy work, including our [joint submission](#) with AusBiotech, Medicines Australia and the Medical Technology Association of Australia to the Higher Education Research Commercialisation (HERC) IP Framework consultation. We acknowledge and thank our members for their insights.

### Recommendations

- Reduce administrative burdens through digitisation and removal of low-value compliance requirements and improve the speed of IP processes to enable faster decision-making and commercialisation of research.
- Better align IP policies and procedures with real world commercial arrangements to reduce complexity.
- Work to resolve ongoing uncertainty regarding the treatment of AI-enabled interventions.
- Explore increasing block funding for early-stage translational activities to Medical Research Institutes (MRIs) to enhance the development and translation of research into registrable IP.
- Implement more predictable timelines with milestone-based processes rather than long fixed deadlines.
- Enable flexibility to accommodate complex research and collaborative IP arrangements.
- Improve IP provisions to align with global norms where it is in the Australian interest and supports sovereign capability development.

### IP within health and medical research and innovation

IP within health and medical research and innovation is increasingly oriented toward improving consistency, transparency, and collaboration across publicly funded research organisations. A key

initiative is the Department of Education's Higher Education Research Commercialisation (HERC) IP Framework, which provides voluntary, standardised guidance to streamline engagement between researchers, universities, and industry partners.

Despite this, significant challenges remain - particularly in accessing and negotiating university-held IP - which continue to be viewed as complex and burdensome, as highlighted in the [Ambitious Australia: Strategic Examination of R&D Final Report](#). Other strategic policy frameworks also emphasise strengthening Australia's commercialisation pipeline and sovereign capability through more effective IP management. The [Draft National Health and Medical Research Strategy 2026–2036](#) proposes the development of a consolidated platform to deliver consistent, up-to-date information on IP, commercialisation funding, and support programs. It further recommends a national strategic initiative to accelerate the promotion and sharing of IP through more standardised management models. While these frameworks signal clear intent to simplify and improve the IP ecosystem, a gap remains between policy ambition and practical implementation in enabling efficient translation within the health and medical research and innovation sector.

## Response to proposals

Research Australia is broadly supportive of the relevant recommendations outlined in IP Australia's consultation, of which proposals 1 and 2 are particularly relevant to the health and medical research and innovation sector. The following provides further details.

### ***Risks and opportunities for the sector***

In terms of risks, tighter response deadlines may disadvantage universities and early-stage ventures with limited IP resources. For universities, there is also a potential risk of reduced flexibility for complex, research-driven patents requiring iterative development. We also note that the practical impact of patent term extensions will depend on how case law relating to pharmaceutical compositions is ultimately interpreted by the High Court.

Opportunities for the sector for universities include reducing administrative burden and improving IP process speed to enable faster decision-making and commercialisation. Recognition of partial exclusive licence structures better aligns with real-world university–industry collaboration models.

### ***Challenges, inefficiencies, or areas of complexity encountered in the current system***

Research Australia highlights the cost challenges of prosecuting and obtaining patents (including administrative requirements which add cost without clear value), as well as the cost of obtaining expert IP advice. Furthermore, current long and inflexible examination timelines create delays, backlog, and uncertainty for applicants and third parties, which is further compounded by a lack of mechanisms to resolve inactive applications or opposition leads. The misalignment between the narrow definition of licensing rights and practical commercial arrangements which increase transaction complexity. Furthermore, there is ongoing uncertainty regarding the treatment of AI-enabled interventions.

***Impacts on R&D, clinical development, or commercialisation under the current system***

Commercialisation within the R&D sector is challenged by incentivisation for researchers to engage in early-stage translational activities, while noting there is currently minimal available block funding to support research institutes to undertake these activities. A potential solution put forward by MCRI includes increasing block funding for these activities to enhance the development and translation of research into registrable IP. Furthermore, delays in IP processes slow down investment decisions, spinout formation, and industry engagement, as well as broader partnership negotiations. This further deters early-stage research translation - which in sectors like health and medtech impacts market entry, competition and downstream clinical pathways.

***A more streamlined IP system***

To create a more streamlined IP system, IP Australia should explore more predictable timelines with milestone-based processes rather than long fixed deadlines, while reducing administrative burden through digitisation and the removal of low-value compliance requirements. Consideration should also be given to enabling flexibility to accommodate complex research and collaborative IP arrangements as part of greater clarity and certainty in IP status to support investment, partnerships, and commercialisation. Australia should also seek to improve IP provisions to align with global norms where it is in the Australian interest and supports sovereign capability development.

**Conclusion**

Thank you for the opportunity to provide a submission to IP Australia’s consultation on streamlining and simplifying IP regulation. We look forward to continuing partnering with government, our members and all relevant stakeholders to ensure a strong commercialisation pipeline across the sector so that we can realise the health and economic benefits of innovation for all Australians.

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Warm regards,



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### **About Research Australia**

Setup by government following a landmark review in 2000, Research Australia is the national peak body for the health and medical research and innovation sector. Our membership is drawn from the whole pipeline of health and medical research and innovation, from universities and medical research institutes to charities and patient groups, and health care providers and companies commercialising new health technologies. Our priorities include a whole of systems approach to health and medical research and innovation, smarter investment, workforce and advancing prevention. Underpinning these priorities are equitable health outcomes; collaboration; AI and digital health, data and data linkage.