

Patents, Designs: Crown provisions and covid

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Abstract:

The Department of Industry has said that if necessary, the federal government will invoke the provisions allowing the Crown use of patents. Crown use is covered in [Chapter 17 of the Patents Act 1990 \(Cth\)](#). Under that Act, the Federal government can exploit patented inventions and registered designs without requiring permission of the copyright owner if this is “necessary for the proper provision of those services within Australia”. The Act also makes provision for exploitation in emergencies.

Such measures may be deemed to be necessary to combat further spread of covid-19, to allow Australian manufacturers to be repurposed to produce the production of essential medical equipment, or to rapidly ramp up that production.

If the provisions are invoked, the IP rights holders would still be entitled to remuneration but in an emergency this would not be immediate.

See the website of InnovationAus for more information [here](#).