



By email: consultation@ipaaustralia.gov.au

Protecting Indigenous Knowledge | Submission | Victorian Small Business Commission

The Victorian Small Business Commission (VSBC) works to provide a fair and competitive trading environment for Victorian small businesses. Our interest in this consultation process is ensuring that Aboriginal owned small businesses are fairly benefitting economically from their intellectual property. In this response we share general comments provided to us through stakeholder consultations, and we also provide our position in relation to proposal 7.

General Comments

In considering the relevant consultation paper, the VSBC spoke to our stakeholders within the Victorian Aboriginal owned business community to seek comment on any of the proposals raised. We were advised that the costs associated with defending Intellectual Property (IP) were an issue. So, we believe that it is important that the cost of obtaining IP is a key consideration in developing the proposals that discuss certification trade-marks, Geographical Indications or registering interests on a national database, as options for protection.

Response to Proposal 7

The VSBC provides a subsidised and affordable dispute resolution service to small businesses and receives approximately 1,700 applications a year, so it is within the context of this service that we seek to comment more specifically on Proposal 7.

The VSBC has capacity to facilitate alternative dispute resolution services in IP disputes concerning the misuse of Indigenous Knowledge so long as they satisfied the requirements of the *Small Business Commission Act 2017* in that the party making the application was also a registered small business. If the need was there, the VSBC would be willing to provide cultural awareness training to mediators. We would develop this training in partnership with the appropriate stakeholders.

Following the review, the VSBC would be willing to undertake a communications initiative to raise awareness of our services amongst the Victorian Aboriginal owned business community, again we would do this with the guidance of our stakeholders.

Conclusion

The VSBC would be willing to provide further comments in this matter if required. Please contact Alice Bradshaw on [REDACTED] or on [REDACTED]

Kind Regards

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Judy O'Connell
Victorian Small Business Commissioner