

WORLD TRADE ORGANIZATION

IP/N/1/AUS/1/Rev.1

14 October 1996

(96-4221)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

Australia

Revision

By means of a communication, dated 18 April 1996, Australia has notified its laws and regulations on industrial property under Article 63.2 of the Agreement, with reference to the procedures reflected in document IP/C/2. With regard to the texts of these laws and regulations, reference has been made to the WIPO collections.

The present document comprises both the above-mentioned notification of industrial property laws and regulations and the earlier notifications from Australia relating to its copyright laws and regulations (see documents IP/N/1/AUS/1 and IP/N/1/AUS/Add.6/Supp.1).

LAWS AND REGULATIONS AS NOTIFIED BY AUSTRALIA
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT

I. General Texts*

- Circuit Layouts Act 1989¹ (Reprinted as at 31 May 1991)
- Circuit Layout Regulations² (S.R. 1990 No. 302)
- Plant Breeders' Rights Act³ (No. 110 of 1994)
[Commencement 10.11.94]
- Plant Breeders' Rights Regulations⁴ (S.R. 1994 No. 352)
[Commencement 10.11.94]
 - Plant Breeders' Rights Regulations Amendment⁴ (S.R. 1994 No. 353)
[Commencement 1.1.95]
- National Security (Industrial Property) Regulations⁵ (Reprinted as at 1956)
[Commencement 12.4.56]
- National Security (Supplementary) Regulations⁶ (Reprinted as at 1956)
[Commencement 17.7.44]

Legislation Protecting Specific Words or Symbols⁷

- Olympic Insignia Protection Act 1987 (No. 27 of 1987)
 - Olympic Insignia Protection Amendment Act (No. 44 of 1994)
- Olympic Insignia Protection Regulations (S.R. 1993 No. 234)

*Only relevant amendments are included

¹ The text of this law can be found in document IP/N/1/AUS/L/1

² The text of these regulations can be found in document IP/N/1/AUS/L/2

³ The text of this law can be found in document IP/N/1/AUS/P/2

⁴ The text of these regulations can be found in document IP/N/1/AUS/P/3

⁵ The text of these regulations can be found in document IP/N/1/AUS/I/2

⁶ The text of these regulations can be found in document IP/N/1/AUS/I/3

⁷ The text of these laws and regulations can be found in document IP/N/1/AUS/I/4-12

- Advance Australia Logo Protection Act 1984 (No. 20 of 1984)
[Commencement 13.10.83]
- Statute Law (Miscellaneous Provisions) Act (No. 1) 1986 (No. 76 of 1986)
[Commencement 24.6.86]
- Jurisdiction of Courts (Miscellaneous Amendments) Act 1987 (No. 23 of 1987)
[Commencement 26.5.87]
- Section 12 of the International Organizations (Privileges and Immunities) Act 1963
(Reprinted as at 30 September 1993) [*Protection of names, etc.*]
- Australian Bicentennial Authority Act 1980 (Reprinted as at 30 September 1992)
- Boy Scouts' Association Act 1924 (Reprinted as at 31 March 1983)
- Statute Law (Miscellaneous Provisions) (No. 1) Act 1984 (No. 72 of 1984)
[Commencement 24.7.84]
- Defence (Prohibited Words and Letters) Regulations Amendment
(Reprinted as at 30 September 1981)
[Commencement 31.7.82]
- Defence (Prohibited Words and Letters) Regulations Amendment (S.R. 1990 No. 378)
[Commencement 6.12.90]
- Protection of Word "ANZAC" Regulations (Nos. 2 and 216 of 1921)
[Commencement 11.11.21]
- Protection of Word "ANZAC" Regulations (S.R. 1959 No. 29)
[Commencement 7.5.59]
- Protection of Word "ANZAC" Regulations (S.R. 1962 No. 79)
[Commencement 13.9.62]
- Protection of Word "ANZAC" Regulations (S.R. 1978 No. 27)
[Commencement 28.2.78]
- Protection of Word "ANZAC" Regulations (S.R. 1979 No. 41)
[Commencement 26.7.79]
- Protection of Word "ANZAC" Regulations (S.R. 1989 No. 419)
[Commencement 8.1.90]
- Section 15 of the Geneva Conventions Act 1957 (Reprinted as at 20 March 1991)
- Geneva Conventions Amendment Act 1991 (S.R. 1991 No. 27)
[Commencement 28.3.91]

- Section 41C of the Health Insurance Commission Act 1973 (Reprinted as at 31 March 1994)
- Human Services and Health Legislation Amendment Act 1994 (No. 80 of 1994)
[Commencement 23.6.94]
- Regulation 5 of the Health Insurance Commission Regulations
(Reprinted as at 30 November 1993)

II. Copyright and Related Rights⁸

- Copyright Act 1968 (Reprinted as at 31 October 1992)
- Copyright (World Trade Organization Amendments) Act 1994 (No. 149 of 1994)
- Law and Justice Legislation Amendment Act (No. 141 of 1994)
- Agricultural and Veterinary Chemicals (Consequential Amendments) Act 1994
(No. 37 of 1994)
- Copyright Regulations (Reprinted as at 30 November 1993) and
Amending Regulation No. 228 of 1993
- Copyright (International Protection) Regulations (Reprinted as at 30 June 1992) and
Amending Regulations No. 214 of 1993 and No. 114 of 1994⁹
- Copyright Tribunal (Procedure) Regulations (Reprinted as at 31 January 1984)

III. Patents

Basic Texts¹⁰

- Patents, Trade Marks, Designs and Copyright Act 1939-1973
 - Statute Law Revision Act 1973 (No. 216 of 1973)
 - Administrative Changes (Consequential Provisions) Act 1976 (No. 91 of 1976)
[Commencement 22.12.75]

⁸ The texts of these laws and regulations can be found in documents IP/N/1/AUS/1/Add.1-7

⁹ The texts of a further amendment to these regulations can be found in document IP/N/1/AUS/1/Add.6/Supp.1

¹⁰ The texts of these laws and regulations can be found in documents IP/N/1/AUS/I/1, IP/N/1/AUS/I/1/Add.1 and IP/N/1/AUS/P/1

- Patents Act 1990 (No. 83 of 1990)
 - Industry, Technology and Commerce Legislation Amendment Act 1991 (No. 66 of 1991)
 - Industry, Technology and Regional Development Legislation Amendment Act 1994 (No. 58 of 1994)
 - Industry, Science and Technology Legislation Amendment Act 1994 (No. 108 of 1994)
 - Patents (World Trade Organization Amendments) Act 1994 (No. 154 of 1994)
[Commencement S. 4-7 and 12, 1.7.95; others 10.1.95]

Other Texts

- Patents Regulations (Reprinted as at 31 January 1994)
 - Patents Regulations (Amendment) (S.R. 1994 No. 182)
 - Patents Regulations (Amendment) (S.R. 1994 No. 317)
 - Patents Regulations (Amendment) (S.R. 1994 No. 387)
 - Patents Regulations (Amendment) (S.R. 1995 No. 16)
 - Patents Regulations (Amendment) (S.R. 1995 No. 20)

IV. Utility Models

- Provisions on petty patents, see legislation under III

V. Industrial Designs

*Basic Texts*¹¹

- Patents, Trade Marks, Designs and Copyright Act 1939-1973
 - Statute Law Revision Act 1973 (No. 216 of 1973)
 - Administrative Changes (Consequential Provisions) Act 1976 (No. 91 of 1976)
 - Designs Act 1906 (Reprinted as at 31 August 1994)

¹¹The texts of these laws can be found in documents IP/N/1/AUS/I/1, IP/N/1/AUS/I/1/Add.1 and IP/N/1/AUS/D/1

Other Texts

- Designs Regulations (Reprinted as at 30 June 1994)
- Designs Regulations (Amendment) (S.R. 1994 No. 315)
- Designs Regulations (Amendment) (S.R. 1995 No. 19)

VI. Trademarks

*Basic Texts*¹²

- Patents, Trade Marks, Designs and Copyright Act 1939-1973
- Statute Law Revision Act 1973 (No. 216 of 1973)
- Administrative Changes (Consequential Provisions) Act 1976 (No. 91 of 1976)
- Trade Marks Act 1995
[Commencement 1.1.96]

Other Texts

- Trade Marks Regulations
[Commencement 1.1.96]
- Trade Marks Regulations (Amendment) (S.R. 1996 No. 3)
[Commencement: reg 9, 1.1.96; other regs, 25.1.96]

VII. Indications of Source and Appellations of Origin

*Basic Texts*¹³

- Australian Wine and Brandy Corporation Act 1980 (Reprinted as at 30 April 1993)
- Australian Wine and Brandy Corporation Amendment Act 1993 (No. 93 of 1993)
[Commencement 16.12.93]
- Primary Industries and Energy Amendment Act (No. 2) 1994 (No. 129 of 1994)
[Commencement 29.6.94]

¹²The texts of these laws can be found in documents IP/N/1/AUS/I/1, IP/N/1/AUS/I/1/Add.1 and IP/N/1/AUS/T/1

¹³The texts of these laws can be found in documents IP/N/1/AUS/G/1 and IP/N/1/AUS/G/1/Add.1

Other Texts

- Australian Wine and Brandy Corporation (Exports) Regulations (S.R. 156 of 1981)
[Commencement 23.6.81]
- Australian Wine and Brandy Corporation (Exports) Regulations (S.R. 161 of 1986)
[Commencement 30.6.86]
- Australian Wine and Brandy Corporation (Exports) Regulations (S.R. 374 of 1993)
[Commencement 24.12.93]
- Australian Wine and Brandy Corporation Regulations (Amendment) (S.R. 338 of 1994)
[Commencement 11.10.94]

VIII. Trade Names and Unfair Competition

*Basic Texts*¹⁴

- Trade Practices Act 1974 (Reprinted as at 31 December 1994)

Other Texts

- Trade Practices Regulations (Reprinted as at 30 November 1994)
- Trade Practices Regulations (Amendment) (No. 248 of 1995)
[Commencement 17.8.95]
- Trade Practices Regulations (Amendment) (No. 330 of 1995)
[Commencement 6.11.95]

IX. Employees' Inventions

Non applicable.

X. Treaties

Multilateral Treaties

- Convention Establishing the World Intellectual Property Organization (1967)
- Paris Convention, of 20 March 1883, for the Protection of Industrial Property
- Nice Agreement, of 15 June 1957, Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (ratification of the Geneva Act)
- Patent Cooperation Treaty, Washington 19 June 1970

¹⁴The text of this law can be found in document IP/N/1/AUS/O/1

- Strasbourg Agreement, of 24 March 1971, Concerning the International Patent Classification
- Budapest Treaty on the International recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, of 28 April 1977
- International Convention for the Protection of New Varieties of Plants (1961)

Bilateral Treaties

INDIA

- Agreement dated 23 January 1963 between the Government of the Commonwealth of Australia and the Government of the Republic of India with respect to the mutual protection of priority on inventions as a result of which the Republic of India was proclaimed a Convention Country for the purposes of the Patents Act 1952 and remains a Convention Country under the Patents Act 1990.