

ORGANIZACIÓN MUNDIAL DEL COMERCIO

IP/N/1/AUS/I/10
2 de octubre de 1996

(96-3974)

Consejo de los Aspectos de los Derechos de Propiedad
Intelectual relacionados con el Comercio

Original: inglés

PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO

Australia

En el presente documento se reproduce el texto de las siguientes leyes y reglamentos¹, que Australia ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/AUS/1/Rev.1).

	<u>Página</u>
- Reglamento de protección de la palabra "ANZAC", de 1921	2
- Reglamento de protección de la palabra "ANZAC", de 1959	4
- Reglamento de protección de la palabra "ANZAC", de 1962	5
- Reglamento de protección de la palabra "ANZAC", de 1978	6
- Reglamento de protección de la palabra "ANZAC", de 1979	7
- Reglamento de protección de la palabra "ANZAC", de 1989	8

¹Inglés solamente.

Protection of word "Anzac" Regulations

WAR PRECAUTIONS ACT REPEAL ACT 1920-1955

PROTECTION OF WORD "ANZAC" REGULATIONS.*

1. These Regulations may be cited as the Protection of Word "Anzac" Regulations.* Short title and citation.

Definition.

1A. In these Regulations, unless the contrary intention appears— Inserted by 1921, No. 216.
"Entertainment" includes any exhibition, performance, lecture, amusement, game, sport or social gathering held or conducted for the purpose of raising money.

2.—(1.) No person shall, without the authority of the Governor-General or of a Minister of State, proof whereof shall lie upon the person accused, assume or use the word "Anzac" or any word resembling the word "Anzac" in connexion with any trade, business, calling or profession or in connexion with any entertainment or any lottery or art union or as the name or part of the name of any private residence, boat, vehicle or charitable or other institution, or any building in connexion therewith. Prohibition of use in trade, &c., of word "Anzac." Sub-reg (1.) amended by 1921, No. 216.

Penalty: One hundred pounds or imprisonment for six months, or both.

(2.) Without limiting the meaning of the preceding sub-regulation, a word shall be deemed to be assumed or used by a person in connexion with any trade, business, calling or profession if—

- (a) it is applied (whether as a trade mark or otherwise) to any goods manufactured, produced, sold or offered for sale by that person; or
- (b) it is used as the name or part of the name of any firm or company registered in Australia.

(3.) The Registrar of Trade Marks shall—

- (a) refuse to register as a trade mark any word the assumption or use of which in connexion with any trade, business, calling or profession is prohibited under sub-regulation (1.) of this regulation; and

* The Protection of Word "Anzac" Regulations in force under the *War Precautions Act Repeal Act 1920-1955* comprise the following Statutory Rules:—

Year and Number.	Date of Notification in Gazette.	Date of Commencement.
1921, No. 2	8th January, 1921	31st December, 1920
216	17th November, 1921	11th November, 1921

WAR PRECAUTIONS ACT REPEAL ACT

- (b) unless otherwise directed by the Attorney-General, cancel any existing registration of any such word as a trade mark, and refuse to take any step or further step in connexion with any application for the use of any such word as a trade mark.
 - (4.) The Registrar of Designs shall—
 - (a) refuse to register as a design any word or mark the assumption or use of which in connexion with any trade, business, calling or profession is prohibited under sub-regulation (1.) of this regulation; and
 - (b) unless otherwise directed by the Attorney-General cancel any existing registration of any such word or mark as a design, and refuse to take any step or further step in connexion with any application for the use of any such word or mark as a design.
 - (5.) The Registrar-General or other proper officer of a State charged with the registration of firms and companies may—
 - (a) permit any firm or company which has been registered under a State Act, and in the name of which there is included any word the use of which in connexion with any trade, business, calling or profession is prohibited under sub-regulation (1.) of this regulation, to amend the name of the firm or company by the omission of that word, and, if the firm or company so desires, the substitution of any other word or words; or
 - (b) cancel the registration of any firm or company which refuses or fails to apply within a reasonable period for the amendment of its name.
-

WAR PRECAUTIONS ACT REPEAL ACT 1920-1958.

WAR PRECAUTIONS ACT REPEAL ACT 1920-1958.

PROTECTION OF WORD "ANZAC" REGULATIONS.

STATUTORY RULES 1959, No. 29.^(a)

The Protection of Word "Anzac" Regulations are amended by adding at the end thereof the following regulation:—

" 3.—(1.) A person shall not, without the approval of the Attorney-General, use, in naming a street, road or park, the word 'Anzac' or any word resembling the word 'Anzac' as the name or part of the name of the street, road or park.

Penalty: One hundred pounds.

" (2.) The last preceding sub-regulation does not apply to or in relation to—

(a) the naming of a street, road or park in which, or in the immediate vicinity of which, there is situated a public memorial relating to the war which commenced on the fourth day of August, 1914, or the war which commenced on the third day of September, 1939; or

(b) the naming or re-naming of a street, road or park the name of which at the commencement of this regulation contained the word 'Anzac' or any word resembling the word 'Anzac'."

(a) Made under the *War Precautions Act Repeal Act 1920-1955* on 30th April, 1959; notified in the *Gazette* on 7th May, 1959.

Prohibition of
word "Anzac"
as name of
street, road
or park.

Protection of the Word "Anzac" Regulations.

WAR PRECAUTIONS ACT.

PROTECTION OF THE WORD "ANZAC" REGULATIONS.

STATUTORY RULES 1962, No. 79.^(a)

Regulation 2 of the Protection of Word "Anzac" Regulations is amended by omitting from sub-regulation (1.) the words "the Governor-General or of a Minister of State" and inserting in their stead the words "the Attorney-General".

Prohibition of use in trade &c., of word "Anzac".

(a) Made under the *War Precautions Act 1920-1958 Repeal Act* on 7th September, 1962; notified in the *Commonwealth Gazette* on 13th September, 1962.



Statutory Rules

1978 No. 27

REGULATION UNDER THE WAR PRECAUTIONS ACT REPEAL ACT 1920*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *War Precautions Act Repeal Act 1920*.

Dated this twenty-third day of February 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

IAN MACPHEE
Minister of State for Productivity

AMENDMENTS OF THE PROTECTION OF WORD "ANZAC" REGULATIONS†

Table of
amendments

The Protection of Word "Anzac" Regulations are amended as set out in the following table:

Provision amended	Amendment
Sub-regulation 2 (1)	Omit " Attorney-General ", substitute " Minister ".
Paragraph 2 (3) (b)	Omit " Attorney-General ", substitute " Minister ".
Paragraph 2 (4) (b)	Omit " Attorney-General ", substitute " Minister ".
Sub-regulation 3 (1)	Omit " Attorney-General ", substitute " Minister ".

* Notified in the *Commonwealth of Australia Gazette* on 28 February 1978.

† Statutory Rules 1921, No. 2 as amended by Statutory Rules 1921, No. 216; 1959, No. 29; and 1962, No. 79.



Statutory Rules

1979 No. 141

REGULATION UNDER THE WAR PRECAUTIONS ACT REPEAL ACT 1920*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *War Precautions Act Repeal Act 1920*.

Dated this eighteenth day of July 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

IAN MACPHEE
Minister of State for Productivity

AMENDMENTS OF THE PROTECTION OF WORD "ANZAC" REGULATIONS†

Regulation 2 of the Protection of Word "Anzac" Regulations is amended—

- (a) by inserting after sub-regulation (1) the following sub-regulation:

"(1A) Sub-regulation (1) does not apply to the assumption or use of the words 'Anzac Day' in connection with an entertainment held on 25 April in any year or on consecutive days that include that day where those words are not used to describe or designate single events within an entertainment consisting of 2 or more events."; and

- (b) by omitting from sub-regulation (2) "the preceding sub-regulation" and substituting "sub-regulation (1)".

Prohibition
of use in
trade, &c.,
of word
"Anzac"

* Notified in the *Commonwealth of Australia Gazette* on 26 July 1979.

† Statutory Rules 1921 No. 2 as amended by Statutory Rules 1921 No. 216; 1959 No. 29; 1962 No. 79; and 1978 No. 27.



Statutory Rules 1989 No. 419¹

Protection of Word “Anzac” Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *War Precautions Act Repeal Act 1920*.

Dated 21 December 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

BEN HUMPHREYS
Minister of State for Veterans' Affairs

Principal Regulations

1. In these Regulations, “Principal Regulations” means the Protection of Word “Anzac” Regulations.

Prohibition of use in trade etc of word “Anzac”

2. Regulation 2 of the Principal Regulations is amended by omitting from the foot of subregulation (1) “Penalty: One hundred pounds or imprisonment for six months, or both.”.

Prohibition of word “Anzac” as name of street, road or park

3. Regulation 3 of the Principal Regulations is amended by omitting from the foot of subregulation (1) “Penalty: One hundred pounds.”.

1792 *Protection of Word "Anzac"* 1989 No. 419

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 8 January 1990.
2. Statutory Rules 1921 No. 2 as amended by 1921 No. 216; 1959 No. 29; 1962 No. 79; 1978 No. 27; 1979 No. 141.