



## DESIGNS REGULATIONS

In force under the *Designs Act 1906*

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## DESIGNS REGULATIONS

In force under the *Designs Act 1906*

### PART I—PRELIMINARY

#### Citation

1. These Regulations may be cited as the Designs Regulations.<sup>1</sup>

#### Commencement

2. These Regulations shall come into operation on 1 April 1982.



## Interpretation

### 3.–

(1) In these Regulations, unless the contrary intention appears:

“**Convention application**” means an application for the registration of a design, being an application referred to in paragraph 49 (1) (b) of the Act;

“**declaration**” means a statutory declaration within the meaning of the *Statutory Declarations Act 1959*;

“**Designs Office**” includes a sub-office of the Designs Office;

“**divisional application**” has the same meaning as in section 22C of the Act;

“**former Designs Regulations**” means Statutory Rules 1907 No. 51 as amended by the other Statutory Rules repealed by regulation 62;

“**legal practitioner**” means a person who is entitled to practice as a barrister or solicitor in the High Court, in another federal court or in the Supreme Court of a State or Territory;

“**patent attorney**” means a person registered as a patent attorney under section 198 of the *Patents Act 1990*;

“**the Act**” means the *Designs Act 1906*.

(2) Unless the contrary intention appears, if a notice is given to a person by the Registrar or the Designs Office, the notice is taken to have been given to the person on the day on which the notice is dated by the Registrar or the Office.

## Fees

### 4.–

(1) The fee specified in Column 3 of an item in Schedule 2 is prescribed for:

- (a) the lodging, referred to in Column 2 of that item, of a document; or
- (b) the doing of the act referred to in Column 2 of that item, by the Registrar; or
- (c) the doing of the act referred to in Column 2 of that item, by a person other than the Registrar.

(2) Where a fee is payable to the Registrar, that fee shall, subject to the directions of the Registrar in relation to that payment, be paid at the Designs Office.

(3) For the purposes of subsection 42 (4) of the Act, the Registrar is to notify the person or his or her agent in writing within 7 days after the lodging of the document, or the doing of the act, for which the fee is payable.

## Exemption from, and refund of, certain fees

**4A.** The Registrar may:

- (a) exempt a person from the payment of a fee; or
- (b) remit any part of a fee; or
- (c) refund the whole or any part of a fee paid in respect of the lodgement of a document; if the Registrar is reasonably satisfied that the action is justified, having regard to all the circumstances.



## PART II—REGISTRATION

### Applications for registration of designs

5. Subject to this Part, an application under the Act for the registration of a design shall:

- (a) in the case of an application other than a Convention application—be in accordance with Parts I and II of Form 1; and
- (b) in the case of a Convention application—be in accordance with Parts I and III of Form 1.

### Signing applications

6.—

(1) Subject to the Act and these Regulations, an application for the registration of a design shall be signed by each applicant or his agent.

(2) Where an application is made by a body corporate, it may be signed by a director, the secretary or a principal officer of that body corporate on behalf of that body corporate or, subject to the Act and these Regulations, by its agent or any person who is lawfully empowered to so sign for or on behalf of the body corporate.

### Representations to accompany application

7.—

(1) For the purposes of subsection 20 (3) of the Act, an application for the registration of a design shall be accompanied by 14 representations of an article to which the design is applied, 7 of which shall be annexed to a form in accordance with Form 2.

(2) Where an application is made for the registration of a design to be applied to a set of articles, the representations of articles to which the design is applied annexed to a form in accordance with Form 2 shall show the design applied to the articles included in the set.

### Advertisement of the withdrawal of an application under section 20A of the Act

7AA. If an application for the registration of a design is withdrawn under section 20A of the Act, the Registrar must, as soon as practicable, notify that fact in the *Official Journal*.

### Convention countries

7A.—

(1) Each of the countries specified in Schedule 2A is declared, under subsection 48 (1) of the Act, to be a Convention country for the purposes of the Act.

(2) For the purposes of subsection 48 (3) of the Act, an application for protection in respect of a design, being an application that is made under the treaty subsisting between 2 or more Convention countries entitled the *Hague Agreement Concerning the International Deposit of Industrial Designs* done at The Hague on 6 November 1925, and (where applicable) as revised at London on 2 June 1934 and at The Hague on 28 November 1960 and (where applicable) as supplemented by the Additional Act done at Monaco on 18 November 1961, by the complementary Act done at Stockholm on 14 July 1967 (as amended under Article 5 of that Complementary Act in 1979) and by the Protocol done at Geneva on 29 August 1975,



is, in accordance with the terms of that treaty, declared to be equivalent to an application made in each Convention country that:

- (a) is a contracting state within the meaning of that treaty; and
- (b) is specified, in accordance with the treaty, in that application.

#### **Directions under section 20B of the Act**

**7B.** A request for a direction under section 20B of the Act must be in accordance with Form 5A.

#### **Order of dealing with applications**

**8.** Subject to regulation 10, the Registrar shall consider applications for registration of designs, as far as practicable, in the order in which they were lodged.

#### **Application to expedite consideration**

**9.–**

(1) A person who is applying, or has applied, under section 20, 22C or 25D of the Act for the registration of a design may apply to the Registrar for the expedition of the Registrar's consideration under section 23 of the Act of that application.

(2) An application under subregulation (1) for expedited consideration of an application for the registration of a design shall be in accordance with Form 3.

#### **Order of dealing with expedited applications**

**10.–**

(1) The Registrar shall consider applications for the registration of designs in respect of which applications to expedite consideration have been made in accordance with regulation 9:

- (a) before he considers applications in respect of which no such application to expedite consideration has been made; and
- (b) as far as practicable, in the order in which such applications to expedite consideration were lodged.

(2) If an application for expedited consideration has not been made in respect of a particular application for the registration of a design and its expedited consideration is warranted in all the circumstances, whether because of its relationship to another application or for any other reason, the Registrar may expedite its consideration.

(3) In spite of subregulation (1), if consideration of an application is expedited under subregulation (2), the Registrar may consider it whenever it is appropriate, in the circumstances, to do so.

#### **Designs excluded from registration**

**11.–**

(1) Subject to subregulation (2), for the purposes of subsection (2) of the Act, the Registrar shall not register under the Act any designs for the following articles, being articles that are primarily literary or artistic in character:

- (a) articles on which there is printing, being:
  - (i) bookjackets;



- (ii) calendars;
  - (iii) certificates, forms or other documents;
  - (iv) dressmaking patterns;
  - (v) greeting cards;
  - (vi) labels;
  - (vii) leaflets;
  - (viii) maps;
  - (ix) plans;
  - (x) post cards;
  - (xi) stamps; or
  - (xii) transfers that are for the purpose, and are capable, of being transferred to the surface of another article;
- (b) medals.
- (2) A design that:
- (a) is depicted on an article specified in subregulation (1); and
  - (b) is applicable to any other article;
- shall not be excluded from registration in respect of that other article solely by virtue of the application of subregulation (1).

### **Copies of documents to be supplied**

#### **12.–**

(1) Authenticated copies of all documents affecting the proprietorship of, or licence to use, a design shall be supplied to the Registrar by the proprietor or licensee, as the case requires.

(2) Where the Registrar receives, under subregulation (1), a copy of a document, he shall cause that document to be filed in the Designs Office.

(3) Where there is an obligation imposed by the Act or a regulation other than this regulation on a person to lodge an authenticated or certified copy of a document in the Designs Office or with the Registrar, this regulation is satisfied if that copy is so lodged under the Act or other regulation.

### **Amendment of application**

#### **13.–**

(1) For the purposes of subsection 22B (1) of the Act, a request to amend an application for registration of a design shall be in accordance with this regulation and Form 4.

(2) A person requesting the amendment of an application for registration of a design shall lodge with the Registrar, as part of his request:

- (a) a substitute document or representation incorporating the proposed amendments; or
- (b) a statement setting out the proposed amendments and the place at which each amendment is proposed to be made.

(3) Where a person requesting the amendment of an application for registration of a design has lodged a statement referred to in paragraph (2) (b), the Registrar may direct that a substitute document or representation incorporating the proposed amendments be lodged with him within one month, or such longer time as the Registrar allows.



(4) Where the Registrar has given a direction under subregulation (3), he shall not further consider the request to which that direction relates until:

- (a) the substitute document or representation is lodged in accordance with that direction; or
  - (b) he withdraws that direction;
- whichever first occurs.

(5) In this regulation “**amend**” and “**application for registration of a design**” have the same meanings as in section 22B of the Act.

### **Notice of objection to registration**

14. Where, under section 23 of the Act, the Registrar considers an application for the registration of a design and he is not satisfied that the design is a design that may be registered under the Act, or that the applicant is, or the applicants are, entitled to make the application, the Registrar shall give notice in writing to each applicant concerned that he is not so satisfied, stating the grounds upon which the notice is based.

### **Amendment of defective application**

15. Where, in relation to an application for the registration of a design, after the Registrar has given notice to an applicant under regulation 14, the application is amended in accordance with section 22B of the Act to remove the ground for objection, the Registrar shall reconsider the application in accordance with section 23 of the Act.

### **Notice of hearing concerning defective application**

16. Where, after the expiration of 12 months from the date on which, in respect of an application for the registration of a design:

- (a) the notice referred to in regulation 14 was issued; or
- (b) if more than one notice referred to in regulation 14 has been issued in respect of the application—the first of those notices was issued;

as the case may be, the Registrar is not satisfied that the design to which the application relates is a design that may be registered under the Act or that the applicant is, or the applicants are, entitled to make the application, the Registrar shall give a further notice in writing to each applicant concerned informing him, for the purposes of sub-section 24 (2) of the Act, that he is entitled to be heard personally, or by his agent, in relation to the matter before the Registrar deals with the application under regulation 17.

### **Application for hearing**

17.—

(1) An applicant may inform the Registrar, no later than 12 months after a notice referred to in regulation 14 is given to the applicant, that the applicant desires to be heard in relation to a matter referred to in the notice.

(1A) An applicant to whom the Registrar has given a further notice under regulation 16 must inform the Registrar, not later than one month after the notice is given to the applicant, or within any longer period specified in that notice, whether or not the applicant desires to be heard in relation to a matter to which the further notice relates.



(2) Where an applicant informs the Registrar, in accordance with subregulation (1) or (1A), that the applicant desires to be heard in relation to a matter, the Registrar shall fix a date, time and place for the hearing of that matter and shall, at least 10 days before the date so fixed, inform the applicant of that date, time and place.

(3) If an applicant:

- (a) informs the Registrar under subregulation (1) that he or she does not desire to be heard in relation to a matter; or
- (b) does not inform the Registrar under subregulation (1A) that he or she desires to be heard in relation to a matter in respect of which a further notice has been issued under regulation 16;

the application to which that matter relates lapses and the Registrar must, as soon as practicable, notify that fact in the *Official Journal*.

(3A) If:

- (a) an applicant fails to appear on the date and at the time and place fixed under subregulation (2) for the hearing of a matter; and
  - (b) the Registrar decides to refuse to register the design to which the application relates;
- the Registrar must inform the applicant of that refusal.

(4) Where an applicant appears to be heard in relation to a matter referred to in subregulation (1) or (1A), the Registrar shall hear the applicant in relation to that matter before deciding:

- (a) in accordance with section 23 of the Act, that the Registrar is satisfied that the design to which the matter refers is a design which may be registered under the Act and that the applicant is, or the applicants are, entitled to make the application to which the matter relates; or
- (b) to refuse to register the design to which the application relates in accordance with section 24 of the Act;

as the case may be.

### Advertisement of registration

18.–

(1) Before registering a design under section 23 of the Act, the Registrar may require a person who is entitled to be registered as an owner of the design to furnish him with such material as may be reasonably required for publication of the registration.

(2) Where a person referred to in subregulation (1) furnishes the Registrar with the material referred to in that subregulation within one month of the date on which the Registrar notified him of the requirement that he so furnish that material, the Registrar shall, as soon as practicable after the material referred to in subregulation (1) has been furnished to him and after he has registered the design in accordance with regulation 19:

- (i) issue to the applicant a certificate of registration in accordance with Form 5 in respect of that design; and
- (ii) publish details of the registration in the *Official Journal*.

### Entry in register

19. The Registrar shall register a design by causing to be entered in the register the particulars referred to in section 33 of the Act and such other particulars in relation to the registration of that design as, after consideration of the circumstances of the case, are reasonably necessary to be so set out in the public interest.





### Inspection of register

#### 20.–

(1) The register shall be open for inspection by any person during office hours other than at times when it is required for use for the purposes of the Act or these Regulations.

(2) For the purposes of this regulation, “**office hours**” means the time, referred to in subregulation 53 (1), during which the Designs Office is required to be open to the public, on days referred to in subregulation 53 (2) as “**business days**”.

### Correction of register

#### 21.–

(1) For the purposes of section 37 of the Act, a request for alteration of the register shall be in accordance with Form 6 and shall be lodged at the Designs Office.

(2) For the purposes of paragraph 37 (1B) (a) of the Act, the prescribed manner of request for an amendment or alteration under subsection 37 (1A) of the Act is to lodge the request, in accordance with Form 6, at the Designs Office.

(3) For the purposes of subsection 37 (1A) of the Act, the Registrar may require the owner of a registered design, who makes a request under paragraph 37 (1B) (a) of the Act, to lodge:

- (a) a statement in writing of the reasons for the request being made; and
- (b) any evidence in support of the request.

(4) A statement and any evidence in support of the request must be lodged within 1 month of lodging the request or, if the Registrar allows a longer time, that time.

(5) If a proposed amendment or alteration of an entry in the register would materially alter the meaning or scope of the entry, the Registrar must publish in the *Official Journal* a notice of the request to amend or alter the entry.

(6) If a notice is published, a person may apply to the Registrar for a hearing in relation to the proposed amendment or alteration by lodging an application in writing with the Registrar not later than 1 month after the date of publication of the notice.

(7) The procedure of a hearing under subregulation (6) is to be determined in accordance with regulation 44.

(8) If the Registrar publishes a notice of the request to amend or alter an entry in the register, the Registrar must:

- (a) if an application is lodged under subregulation (6) within the time for lodging an application, amend or alter the entry in accordance with any decision of the Registrar or the Administrative Appeals Tribunal in respect of the hearing under subregulation (6); or
- (b) in any other case—amend or alter the entry in accordance with the request.

(9) If the Registrar intends to amend or alter an entry in the register under paragraph 37 (1B) (b) of the Act, the Registrar may give notice of that intention to a person whose name is entered in the register as having an interest in the relevant design.

### Publication of rectification or variation of register

22. When an order affecting the register is made by a prescribed court, the Registrar shall publish in the *Official Journal* the terms of the order and such circumstances connected with the making of it as are reasonably necessary in the public interest.



## **PART III—APPLICATIONS AND OPPOSITIONS IN RELATION TO REGISTERED DESIGNS**

### **Extension of period of registration**

#### **23.—**

(1) Subject to regulation 63 and to subregulation (2), an application for the purposes of subsection 27A (2), (12) or (13) of the Act for an extension or further extension of the period of registration of a design shall be in accordance with Form 7.

(2) For the purposes of subsection 27A (14) of the Act, an application under subsection 27A (12) or (13) of the Act may be made within 6 months after the expiration of the period of registration of the design to which the application relates as extended under subsection 27A (8) or (12) of the Act, as the case may be.

### **Notice under subsection 27A (4) of the Act**

24. A notice under subsection 27A (4) of the Act shall be in accordance with Form 8 and may, in addition, be accompanied by a declaration setting out the facts on which the person giving notice relies.

### **Notice for the purposes of subsection 27A (6) of the Act**

#### **25.—**

(1) A notice under subsection 27A (6) of the Act may be accompanied by the notice under subsection 27A (4) of the Act in relation to which the notice under subsection 27A (6) of the Act is issued, together with copies of each of the documents referred to in that notice under subsection 27A (4).

(2) A person to whom a notice under subsection 27A (6) of the Act is addressed may, within the period of one month after his receipt of the notice or before the period of registration of the design expires, whichever is the later, lodge with the Registrar, in writing, any reply to the notice or to the matters contained in the notice that he wishes to make.

(3) The Registrar shall, after the later period referred to in subregulation (2) has expired, consider the matter and, where he does not intend to extend the period of the registration of the design concerned, notify the person who was the registered owner of that design accordingly.

(4) Where the Registrar notifies a person under subregulation (3) that he does not intend to extend the period of the registration of a design, he shall inform that person that he is entitled to be heard in relation to the matter and shall fix a date, time and place for that hearing.

### **Applications for extension of time under subsection 27B (2) of the Act**

#### **26.—**

(1) An application under subsection 27B (2) of the Act must be in accordance with Form 10.

(2) The person making the application must include with it a declaration setting out the grounds on which the application is made.



## Opposition to application

### 27.–

(1) If the Registrar advertises in the *Official Journal* an application under subsection 27B (2) of the Act, a person may give notice of opposition to the grant of that application in accordance with Form 10A.

(2) Notice of opposition to an advertised application is to be given not later than one month after the date of the publication of the advertisement.

### Notification of decisions etc. in the *Official Journal*

### 28.–

(1) If an extension of time is granted under subsection 27B (2) of the Act, the Registrar must publish in the *Official Journal* a notification of that decision.

(2) If the Administrative Appeals Tribunal reviews a decision of the Registrar under subsection 27B (2) of the Act and decides to vary, or set aside, the decision, or make a decision in substitution for a decision set aside, the Registrar is to notify that fact in the *Official Journal*.

## Protection and compensation of certain persons

### 29.–

(1) This regulation applies if an extension of time has been granted under subsection 27B (2) of the Act and, as a result:

- (a) an application for registration of a design that had lapsed is restored; or
- (b) the registration of a design that had ceased to be in force is restored.

(2) If, before the extension of time referred to in subregulation (1) was granted, a person used, or otherwise took advantage of (whether by way of contract or otherwise), a design the subject of an application or registration to which subregulation (1) applies, he or she may apply to the Registrar for a licence to do any act that would, but for the operation of this regulation, infringe, or be taken to infringe, the monopoly in that design.

(3) An application under subregulation (2) must be in accordance with Form 9.

(4) A copy of the application made under subregulation (2) is to be given by the applicant to the person to whom the extension of time was granted and, at the direction of the Registrar, to any other person.

## Protection and compensation of certain other persons

### 29AA.–

(1) For the purposes of subsection 18 (3) of the Act, the following provisions of this regulation are prescribed.

(2) A person to whom subsection 18 (3) of the Act applies may apply to the Registrar for a licence to do an act that would, but for the operation of this regulation, infringe, or be taken to infringe, the monopoly in a registered design:

- (a) in respect of an article or part of an article that is of indefinite extent in one or 2 dimensions; and
- (b) to which that subsection refers.

(3) An application under subregulation (2) must be in accordance with Form 9.

(4) A copy of an application must be given by the applicant to the person registered as the owner of the design and, at the direction of the Registrar, to another person.



## Opposition to claim

### 29A.–

(1) A person to whom a copy of an application under subregulation 29 (2) or 29AA (2) has been given may give notice of opposition to the application in accordance with Form 10A.

(2) Notice of opposition to an application is to be given not later than one month after the date on which a copy of the application was given to the person giving notice of opposition.

(3) A copy of the notice of opposition is to be given by the person giving notice to the person who made the application.

## Determination of claim

### 29B.–

(1) If, after considering all the circumstances of the case, the Registrar is satisfied that, on the merits of the case, an application under subregulation 29 (2) or 29AA (2) should be granted, the Registrar may grant to the applicant a licence under that subregulation:

- (a) unconditionally; or
- (b) subject to conditions.

(2) If, after considering all the circumstances of the case, the Registrar is not satisfied that, on the merits of the case, an application should be granted, the Registrar may dismiss that application.

## PART IV–PRACTICE AND PROCEDURE

### Interpretation

30. In this Part:

“**applicant**” means a person who has made an application in respect of which a person has given notice of opposition;

“**notice of opposition**” means a notice given under subregulation 27 (1) or 29A (1) and “**opposition of which notice has been given**” has a corresponding meaning;

“**opponent**” means a person who has given notice of opposition.

### Application of Part IV

31. This Part applies where notice of opposition has been given in relation to:

- (a) an extension of time under section 27B of the Act; or
- (b) an application for a licence referred to in subregulation 29 (2) or 29AA (2).

### Declaration in support of opposition

32. An opponent shall prepare or cause to be prepared declarations in support of his notice of opposition, setting out the grounds for the opposition or upon which the notice is based.



### **Evidence in support**

#### **33.** An opponent:

- (a) may serve on the applicant concerned, within 3 months after the notice of opposition has been given, a copy of each of the declarations on which he relies in support of his opposition; and
- (b) shall, as soon as practicable after the copies of the declarations have been so served, furnish the declarations to the Registrar by lodging them at the Designs Office with a written statement indicating the place at which, and the date on which, the copies of the declarations were so served.

### **Applicant's evidence in answer**

#### **34.–**

(1) Where copies of declarations of an opponent are served under regulation 33 on an applicant, the applicant may, within 3 months after they were so served, prepare declarations (if any) on which he relies in answer to the opposition and serve copies of each of those declarations on the opponent.

(2) If copies of declarations of an opponent are not served on the applicant concerned within the time specified in paragraph 33 (a), the applicant may:

- (a) within 3 months after the expiration of that time; or
- (b) within 3 months after a notice was served on the applicant under regulation 36;

whichever is the earlier, serve on the opponent a copy of each of the declarations on which he relies in answer to the opposition.

(3) Where an applicant serves copies of declarations under this regulation, he shall, as soon as practicable after they are so served, furnish the declarations to the Registrar by lodging them at the Designs Office with a written statement indicating:

- (a) the place at which, and the date on which, the copies of the declarations of the opponent were served on him; and
- (b) the place at which, and the date on which, the copies of his declarations were served on the opponent.

### **Opponent's evidence in reply**

#### **35.** Where copies of declarations are served by an applicant under regulation 34, the opponent:

- (a) may serve on the applicant, within 3 months after the date on which the copies of the declarations of the applicant were served on him, a copy of each of the declarations on which he relies in reply to the declarations of the applicant; and
- (b) shall, as soon as practicable after the copies of the declarations (if any) are so served, furnish the declarations to the Registrar by lodging them at the Designs Office together with a written statement indicating the place at which, and the date on which the copies of the declarations were so served.

### **Notice if supporting or answering declarations not to be lodged**

36. Where an opponent or an applicant does not intend to serve copies of, or to lodge, declarations under regulation 33, 34 or 35, as the case may be, within the times specified in the regulation concerned, he may, within the time so specified, serve on the applicant or the opponent, as the case may be, a written notice to that effect and shall, if a notice is so served, as soon as practicable after serving it, lodge a copy of



the notice at the Designs Office together with a written statement indicating the place at which, and the date on which, the notice was so served.

### Further evidence

#### 37.–

- (1) An opponent or applicant may:
  - (a) if the parties agree in writing to further evidence, being evidence in addition to evidence furnished in declarations referred to in this Part, being adduced—by leave of the Registrar; or
  - (b) in any other case—by special leave of the Registrar; granted on an application made for that purpose, adduce such further evidence at a hearing.
- (2) An application for special leave under paragraph (1) (b) shall be in accordance with Form 11.
- (3) A person making an application under paragraph (1) (b) to adduce further evidence shall lodge with the application a declaration in writing setting out the grounds on which the application is made and the nature of that further evidence.
- (4) A person making an application under paragraph (1) (b) shall:
  - (a) serve a copy of the application and a copy of the declaration referred to in subregulation (3) on the other party to the proceedings; and
  - (b) lodge at the Designs Office a written statement indicating the place at which, and the day on which, the copies of the application and the declaration were served on the other party.
- (5) The other party shall, if he intends to oppose an application made under paragraph (1) (b), give, to the Registrar and to the person making the application, notice of his intention to do so within 14 days after the date on which the copies of the application and the declaration were served on him.
- (6) The Registrar shall notify the parties of his decision on an application for special leave under subregulation (1).
- (7) Where a person has served a notice under regulation 36, leave or special leave shall not be granted under this regulation to adduce evidence that, but for the service of that notice, could have been contained in a declaration lodged by that person under regulation 33, 34 or 35.
- (8) Where further evidence is adduced under subregulation (1), the other party shall be entitled to lodge declarations in reply to the further evidence.

### Procedure where special leave granted

#### 38.–

- (1) Where the Registrar grants special leave under paragraph 37 (1) (b) to a party to adduce further evidence, that party shall:
  - (a) serve on the other party, within one month after the date on which he receives notification that special leave has been granted, a copy of a declaration containing the further evidence; and
  - (b) as soon as practicable after the copy of the declaration is so served, lodge the declaration at the Designs Office with a written statement indicating the place at which, and the date on which, the copy of the declaration was so served.
- (2) If the other party desires to adduce evidence in reply to the further evidence, that party shall:
  - (a) serve, within one month after the date on which the copy of the declaration referred to in paragraph (1) (a) was served on him, a copy of the declaration on which he proposes to rely in reply to the further evidence on the party who obtained special leave to adduce that evidence; and



- (b) as soon as practicable after the copy of the declaration is so served, lodge the declaration at the Designs Office with a written statement indicating the place at which, and the date on which, a copy of the declaration was so served.

### Fixing of time and place for hearing

#### 39.–

##### (1) Where:

- (a) an applicant has not, within the time specified in subregulation 34 (2), served copies of the declarations referred to in that paragraph on the opponent;
- (b) an opponent has served on the applicant copies of the declarations referred to in paragraph 35 (a); or
- (c) an opponent or an applicant has lodged the written notice referred to in regulation 36; the opponent may lodge at the Designs Office an application in accordance with Form 12 for the date, time and place to be fixed for the hearing of the opposition of which he has given notice.

##### (2) Where:

- (a) an opponent has not, within the time referred to in paragraph 33 (a), served on the applicant copies of the document referred to in that paragraph;
- (b) an opponent has not, within the time referred to in paragraph 35 (a), served on the applicant copies of the declarations referred to in that paragraph;
- (c) an opponent has served the written notice referred to in regulation 36; or
- (d) an opponent has not, within one month after service of:
  - (i) the copies of the declarations referred to in paragraph 35 (a); or
  - (ii) the written notice referred to in regulation 36;lodged an application under subregulation (1); the applicant may lodge at the Designs Office an application in accordance with Form 12 for the date, time and place for the hearing of the opposition of which notice has been given to be fixed.

(3) Upon receipt of an application under subregulation (1) or (2) the Registrar shall fix a time and place for the hearing of the matter and shall notify the applicant and opponent accordingly.

(4) Notwithstanding subregulation (3), if neither the opponent nor the applicant has, within 3 months after becoming entitled to do so, lodged an application under this regulation, the Registrar shall of his own motion fix a time and place for the hearing of the matter and shall notify the applicant and opponent, as the case requires, accordingly.

##### (5) For the purposes of subregulation (4):

- (a) a written statement lodged under regulation 33, 34, 35 or 36 is evidence of the facts stated; and
- (b) failure to lodge at the Designs Office declarations or a copy of a notice in accordance with one of those Regulations is evidence of failure to serve copies of the declarations or the notice on the opponent or the applicant, as the case may be, under that regulation.

### Withdrawal of opposition

40. An opponent may withdraw his opposition at the hearing of the matter or by lodging with the Designs Office a notice of withdrawal in writing at any time before the hearing of the matter.



## Hearings

### 41.–

- (1) The Registrar shall hear the applicant and the opponent, if they desire to be heard, at the time and place fixed under subregulation 39 (3) or (4).
- (2) The Registrar may, if he thinks fit, adjourn the hearing from time to time and from place to place.

## Decisions

42. The Registrar shall furnish each party to a hearing under this Part with a copy of his decision in writing in respect of the matter.

## Procedure at hearings other than oppositions

44. Where the Act authorizes, or these Regulations authorize, the Registrar to hear and determine an application or other matter or question, other than an opposition of which notice has been given, the procedure to be followed in the hearing of that application, matter or question shall, unless the contrary intention appears, be determined by the Registrar having regard to the nature of the application, matter or question, the requirements of the Act and these Regulations and the circumstances of the case.

## Copies of documents

### 45.–

- (1) A copy of each of document referred to in proceedings or in evidence before the Registrar shall be lodged with the Registrar for his use.
- (2) Where a document referred to in subregulation (1) is in a foreign language, a translation of the document verified in such manner as the Registrar directs shall be furnished for the Registrar's use.

## Evidence by declaration

46. Except where the Act or these Regulations otherwise provide, or the Registrar otherwise directs, evidence to be adduced before the Registrar shall be given by declaration.

# PART V–AGENTS

## Agents

### 47.–

- (1) Where an agent signs a document for or on behalf of the person whose agent he is, the agent shall note that fact on that document.
- (2) Where an address for service is provided on a document and the address is the address of an agent referred to in subregulation (1), a note of that fact including the name of the agent shall be made on that document.





### Patent Attorneys and employees acting as agents

#### 48.–

(1) A patent attorney has, in relation to documents and property of a client, the same right of lien that a solicitor has in relation to the documents and property of a client.

(2) Where a person who is acting as an agent is not a legal practitioner, he shall not prepare, on behalf of the person whose agent he is, a document that is to be issued from, or filed in, a Court or transact business or conduct proceedings in a Court on behalf of that person.

### General restriction on acting as agent

#### 49.–

(1) Subject to subregulation (3), for the purposes of section 44 of the Act, the Registrar shall not permit any agent to do, on behalf of any other person, any act in connection with the registration of designs or any procedure relating to the registration of designs, unless that agent:

(a) is:

- (i) a legal practitioner;
- (ii) a Patent Attorney; or
- (iii) an employee (other than a casual employee) of that other person; and

(b) has not been convicted of an offence in relation to a provision of:

- (i) the Act;
- (ii) the *Patents Act 1903*; or
- (iii) the *Trade Marks Act 1955*.

(2) Notwithstanding the provisions of subregulation (1), the Registrar may permit an agent:

- (a) who is not a person referred to in paragraph (1) (a);
- (b) who has not been convicted of an offence referred to in paragraph (1) (b); and
- (c) who, before the commencement of these Regulations, practised or acted as an agent of another person in connection with the registration of designs or any procedure relating to the registration of designs;

to do, on behalf of any other person, any act in connection with the registration of designs or any procedure relating to the registration of designs.

(3) Where there are reasonable grounds for believing that the conduct of an agent is calculated to prejudice the interests of the person whose agent he is, the Registrar shall refuse to receive communications from that agent and shall request that person:

- (a) to appoint another agent; or
  - (b) to communicate directly with the Registrar;
- as the case requires.

## PART VI–MISCELLANEOUS

### Delegation by Registrar under paragraph 8A (1) (a) of the Act

#### 50AA.–

(1) In relation to the powers of the Registrar under the Act, other than the powers under paragraphs 42A (a) and (c) of the Act, a person referred to in Part 1 of Schedule 2B, being a person holding



or performing the duties of an Australian Public Service Office in the Designs Office, is a prescribed person for the purposes of paragraph 8A (1) (a) of the Act.

(2) In relation to the powers of the Registrar under the *Olympic Insignia Protection Act 1987*, a person referred to in Part 2 of Schedule 2B, being a person holding or performing the duties of an Australian Public Service Office in the Designs Office, is a prescribed person for the purposes of paragraph 8A (1) (a) of the Act.

### Directions to co-owners

50. Where an owner of a registered design makes an application under subsection 25B (1) or (3) of the Act, a copy of that application and of any statement accompanying that application shall be served on each other owner of the registered design.

### Costs

#### 50A.–

(1) The Registrar must not award costs, other than costs specified in Schedule 4, unless each party to the proceedings has had the reasonable opportunity to make a submission on the matter of the award of those costs.

(2) The Registrar may award an amount:

- (a) for costs in respect of a matter specified in column 2 of an item in Part 1 of Schedule 4; or
- (b) in respect of the expenses or allowances of a person in relation to any proceedings before the Registrar.

(3) An amount referred to in subregulation (2) must be taxed allowed and certified, by an officer of, or employee in, the Designs Office appointed by the Registrar for that purpose, in accordance with:

- (a) the amount specified in column 3 of that item; or
  - (b) Part 2 in Schedule 4;
- as the case may be.

(4) A taxation of costs is subject to review by the Registrar.

### Exercise of discretionary power by Registrar

#### 51.–

(1) A request to the Registrar seeking the exercise of his discretionary powers within the meaning of section 46 of the Act shall, unless the contrary intention appears in the Act or these Regulations, be in accordance with Form 13.

(2) The Registrar shall, before exercising a discretionary power given to him by the Act or these Regulations adversely to any person, unless that person has indicated, in his request for the exercise of the Registrar's discretionary powers within the meaning of section 46 of the Act, that he does not wish to be heard in connection with the exercise of that power, give that person at least 10 days' notice of the time and place at which that person may be heard.

(3) Within 10 days after the date when the notice referred to in subregulation (2) would be delivered in the ordinary course of post, or such longer time as the Registrar specifies in the notice, the person notified shall inform the Registrar whether he desires to be heard in relation to the exercise of that power.



(4) The Registrar shall, after hearing any person who has informed him that he desired to be heard in relation to the exercise of a power, notify that person and any other person concerned of his decision in relation to the exercise of that power.

### Requirements in relation to documents and representations

#### 52.–

(1) Documents or representations to be lodged at the Designs Office or with the Registrar shall comply with the requirements specified in Schedule 3.

(2) Where a document or representation that is received at the Designs Office or by the Registrar:

(a) is not in accordance with whichever of the forms specified in Schedule 1 is applicable in the circumstances; or

(b) does not comply with the requirements specified in Schedule 3;

the Registrar may:

(c) treat it as not having been lodged at the Designs Office or with the Registrar, as the case requires; or

(d) treat it as having been so lodged, but require the applicant to make such alterations or substitutions as are necessary.

(3) Where, under paragraph (2) (c), the Registrar treats a document or representation as not having been lodged at the Designs Office or with him, he shall return it to the person from whom it was received with a statement indicating in what respect the document or representation is not in accordance with those requirements.

(4) The Registrar shall cause a document or representation lodged at the Designs Office or with him to be marked by an officer or employee in the Designs Office with the date on which it is received in the Designs Office or by the Registrar.

(5) Where, in relation to a representation required to be lodged at the Designs Office or with the Registrar, a specimen is furnished to the Registrar, the Registrar may:

(a) where the specimen is of a kind that can not be conveniently mounted in a flat position affixed by an adhesive to paper of the size specified in paragraph 6 of Part II of Schedule 3; or

(b) where that specimen can not be stored without damage to other documents;

require the person furnishing that specimen to furnish drawings, tracings or photographs in place of that specimen.

### Office hours

#### 53.–

(1) The Designs Office shall be open to the public from 10 o'clock in the morning to 4 o'clock in the afternoon on each business day.

(2) In this regulation, “**business day**” means:

(a) in relation to the Designs Office, a day of the week other than:

(i) a Saturday or a Sunday; or

(ii) a day observed in the Australian Capital Territory as a holiday under section 76 of the *Public Service Act 1922*; and

(b) in relation to a sub-office of the Designs Office, a day of the week other than:

(i) a Saturday or a Sunday; or



- (ii) a day observed in the place at which the sub-office is established as a holiday under section 76 of the *Public Service Act 1922*.

### Address for service

#### 54.–

(1) Where, in a form in Schedule 1, provision is made for a statement of an address for service, the person completing the form shall state an address in Australia at which documents may be served under the Act or these Regulations on him personally or on a person specified in the form as his agent on his behalf.

(2) A person may, by notice in writing lodged at the Designs Office, change his address for service to an address specified in the notice.

(3) Where opposition proceedings within the meaning of Part IV are pending, a person who has given notice under subregulation (2) shall serve a copy of the notice on all persons interested in the proceedings.

(4) Service of a document under these Regulations may be effected on a person by delivering or sending it by prepaid letter through the post to the address for service notified by that person.

### Clerical errors

56. The Registrar may correct any clerical error in any proceedings under the Act or these Regulations where the correction is necessary solely by reason of an error in the Designs Office.

### Copies to be evidence

#### 57.–

(1) The Registrar may, subject to the Act and these Regulations, supply copies of or extracts from the register, or of or from a document or publication in the Designs Office, certified by writing under his hand and the seal of the Designs Office, and a copy or extract so certified and sealed is admissible as evidence in all courts and proceedings without further proof or production of the original.

(2) If the Register is wholly or partly kept by use of a computer, a document signed by the Registrar and reproducing in writing all or any of the particulars comprising the Register, or that part of it, is admissible in any proceedings as *prima facie* evidence of those particulars.

### Documents lost or destroyed in time of war or natural catastrophe

58. Where any document provided for by the Act or these Regulations is lost or destroyed, and there are reasonable grounds for believing that its loss or destruction was due to circumstances arising from a natural catastrophe or the existence of a state of war, the Registrar may issue, without fee, a certified copy of the document so lost or destroyed or, if the Registrar thinks fit, he may issue a further document to the same effect as the document lost or destroyed.

### Certificates

59. The Registrar, may, on receipt of a request in writing, give a certificate as to any entry, matter or thing that he is authorised by the Act or these Regulations to make or to do and such a certificate, purporting to be signed by the registrar, is admissible as evidence in all courts and proceedings without further proof as evidence of the matters stated in the certificate and the facts on which they are based.



## Dispensing with evidence

60. Where, under these Regulations, any person is required to do any act or thing, or to sign any document, or to make any statement, declaration or affidavit, or produce to or leave with the Registrar, or at the Designs Office, any document or evidence, and there are reasonable grounds for believing that that person is unable to comply with the requirement, the Registrar may, upon the production of such other evidence, and subject to such terms, as he thinks fit, dispense with the requirement.

## Review of decisions

### 61.

(1) In this regulation:

“**decision**” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

(2) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Registrar under paragraph 21 (8) (a) or regulation 29B by a person whose interests are affected by the decision.

(3) The Registrar must take such steps as are reasonable in the circumstances to give a person whose interests are affected by a decision referred to in subregulation (2) written notice of:

- (a) the making of that decision; and
- (b) the right to have the decision reviewed by the Administrative Appeals Tribunal.

(4) Failure to comply with subregulation (3) in relation to a decision does not affect the validity of the decision.

## Repeal of former Designs Regulations

62. Statutory Rules 1907 No. 51, 1913 No. 173, 1930 No. 150, 1934 Nos. 1 and 121, 1935 Nos. 24 and 73, 1937 No. 53, 1940 No. 6, 1941 No. 67, 1945 Nos. 143 and 200, 1952 No. 64, 1954 No. 82, 1969 No. 64, 1974 No. 205, 1975 No. 199, 1977 No. 176, 1979 No. 110 and 1980 No. 318 are repealed.

## Transitional

### 63.–

(1) Regulation 23 does not apply in relation to designs registered:

- (a) before the commencement of these Regulations; or
- (b) after the commencement of these Regulations in respect of applications lodged at the Designs Office before the commencement of these Regulations.

(2) Subject to subregulation (3), regulation 25A of the former Designs Regulations and Forms N and O in the Third Schedule to those Regulations apply in relation to designs referred to in subregulation (1) as if the former Designs Regulations were still in force.

(3) For the purposes of paragraph 25A (1) (d) of the former Designs Regulations in its application under subregulation (2), the prescribed fee is \$95.



**SCHEDULE 1  
FORMS**

Regulation 5

**FORM 1**

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

**PART I**

DESIGN TO THE REGI\*APPLICATION/\*CONVENTION APPLICATION FOR REGISTRATION OF A STRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_, apply for the registration of a design applicable to the following article:

*(Note: the following applies only to Convention applications)*

2. This is a Convention application, the details of the basic application(s) are as follows:

Application No.	Country	Filing date

*(Note: the following applies only to subsequent applications under section 25D of the Act)*

3. The provisions of section 25D of the Act are invoked; the design or a design from which the design is an obvious adaptation or a design from which the design differs only in immaterial details or in features commonly used in the relevant trade has been registered as No. \_\_\_\_\_ in respect of the following article:

*(Note: the following applies only to divisional applications under section 22C of the Act)*

4. This is a divisional application, the design having been excluded by amendment from application No. \_\_\_\_\_.

*(Note: the following is optional)*

5. The statement of monopoly in respect of the design is as follows:

6. \*My/\*Our address for service is \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature/s).

**PART II**

STATEMENT IN SUPPORT OF AN APPLICATION FOR REGISTRATION OF A DESIGN  
OTHER THAN A CONVENTION APPLICATION



*\*I/\*We, (insert name, address and occupation of person(s) making the statement), state as follows in support of the application made by \_\_\_\_\_ for registration of a design in respect of*

*:*

1. *\*I/\*We are the applicant(s).*

*or*

*\*I/\*We are authorized by the applicant(s) to make the statement on the behalf of the applicant(s).*

2. *\*I am/\*We are the author(s) of the design.*

*or*

*\*is/\*are the author(s)*

*of the design, and the facts upon which \*I am/\*we are\*/the applicant(s) are entitled to make the application are as follows:*

*(Signature of person making statement)*

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .



### PART III

#### STATEMENT IN SUPPORT OF A CONVENTION APPLICATION FOR REGISTRATION OF A DESIGN

\*I/\*We (*insert name, address and occupation of person(s) making the statement*), state as follows in support of the Convention application made by \_\_\_\_\_ for registration of a design in respect of

1. \*I am/\*We are the applicant(s).

*or*

\*I am/\*We are authorized by the applicant(s) to make this statement on behalf of the applicant(s).

2. \*I am/\*We are the author(s) of the design.

*or*

\_\_\_\_\_ \*is/\*are the author(s) of the design, and the facts upon which \*I am/\*we are\*/ the applicant(s) is/\*are entitled to make the application as follows:

3. The basic application as defined by section 49 of the *Designs Act 1906* was made in \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_

4. \*The basic application referred to in paragraph 3 of this statement was the first application made in a Convention country in respect of the design the subject of the application.

*or*

(1) \*The basic application referred to in paragraph 3 of this statement was not the first application made in a Convention country in respect of the design that is the subject of this application.

(2) \*An earlier application was made

in

on

(3) \*A request has been made to you under section 50 of the *Designs Act 1906* to disregard that earlier application, the provisions of that section being applicable because of the following facts:

(4) \*Except as stated in this paragraph, the basic application referred to in paragraph 3 of this declaration was the first application made in a Convention country in respect of the design that is the subject of this application.

*(Signature of person making statement)*

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

\* *Strike out if inapplicable.*





FORM 2

Sub-regulation 7 (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

ADDITIONAL REPRESENTATIONS OF DESIGN TO ACCOMPANY APPLICATION  
FOR REGISTRATION

1. Applicant(s):
2. Article in respect of which registration is applied for:
3. \*Statement of monopoly:

Representations of the design are annexed.

DATED this                      day of                      19 .

(Signature(s))

*\*Optional, but paragraph 20 (5) (b) of the Act provides that the Registrar may request the applicant to furnish such a statement if the application is not accompanied by it.*



FORM 3

Sub-regulation 9 (2)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

REQUEST FOR EXPEDITED CONSIDERATION OF AN APPLICATION  
FOR THE REGISTRATION OF A DESIGN

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_ of  
the \_\_\_\_\_  
applicant(s) in \*the accompanying application  
\*design application No. \_\_\_\_\_  
request expedited consideration of the application.

2. \*My/\*Our address for service is \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature(s))

*\*Strike out if inapplicable.*



FORM 4

Sub-regulation 13 (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

REQUEST FOR AMENDMENT OF AN APPLICATION FOR REGISTRATION OF A DESIGN

TO THE REGISTRAR OF DESIGNS:

1. \*I/We, \_\_\_\_\_, of \_\_\_\_\_,  
\_\_\_\_\_, the

\*applicant(s) in respect of \*application No.

\*registered design No.

request that \*my/\*our application for registration of a design lodged under the *Designs Act 1906* be amended under section 22B of that Act—

\* as stated in the accompanying statement of amendments.

\* by substitution of the accompanying document(s) for that application.

2. \*My/\*Our address for service is:

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature(s))

\*Strike out if inapplicable.



FORM 5

Sub-regulation 18 (2)

COMMONWEALTH OF AUSTRALIA

*(Australian Coat of Arms)*

DESIGNS REGULATIONS

CERTIFICATE OF REGISTRATION

(No.        )

I, \_\_\_\_\_, the Registrar of Designs, certify that the design a representation of which is attached has been registered in the Register of Designs, and that the following details have been entered in the Register in respect of that registration:

Name of owner:

Address of owner:

Article in respect of which the design is registered:

Statement of monopoly:

Statement of novelty:

Date on which application for registration of the design was lodged:

Term of initial registration: 1 year commencing on

GIVEN under my hand and the seal of the  
Designs Office on

REGISTRAR OF DESIGNS.



FORM 5A

Regulation 7B

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

REQUEST FOR DIRECTION UNDER SECTION 20B OF THE ACT

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_, request the Registrar to direct that application No. \_\_\_\_\_ in the name of \_\_\_\_\_ is to proceed in the name(s) of \_\_\_\_\_
2. \*I am/\*We are entitled to make this request on the following grounds:
3. \*I/\*We furnish with this request the following documents:
4. \*My/\*Our address for service is:

Dated \_\_\_\_\_ 19 .

(Signature(s))

*\*Strike out if inapplicable.*



FORM 6

Regulation 21

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

REQUEST FOR AMENDMENT OR ALTERATION OF THE REGISTER OF DESIGNS

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*we,  
of  
the \*owner/\*owners of registered design No. \_\_\_\_\_, request, under  
\*subsection 37 (1)/\*paragraph 37 (1B) (a) of the *Designs Act 1906*, that you amend or alter the  
Register of Designs under that Act by—
  - \*correcting an error in the \*name/\*address of the owner
  - \*altering or amending the \*name/\*address of the owner who has changed his or her  
\*name/\*address
  - \*correcting a clerical error or obvious mistake.
- \*2. \*My/\*our reasons for this request are:
- \*3. \*My/\*our name(s)/\*address(es) \*is/\*are:
- \*4. \*My/\*our former \*name(s)/\*address(es) \*was/\*were:
- \*5. The clerical error or obvious mistake in the register is the reference to:  
the correct reference is:
6. \*I/\*we enclose with this request the certificate of registration.  
\*The certificate of registration has been \*lost/\*destroyed, and \*I/\*we enclose with this request a declaration  
accounting for that \*loss/\*destruction.
7. \*I/\*we enclose the following documents in support of this request:
8. \*My/\*our address for service is:

Dated \_\_\_\_\_ 19\_\_\_\_

(Signature(s))

*\*Strike out if not applicable*



FORM 7

Sub-regulation 23 (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

APPLICATION FOR EXTENSION OR FURTHER EXTENSION OF THE PERIOD  
OF REGISTRATION OF A DESIGN

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_, the  
owner(\*s) of registered design No. \_\_\_\_\_, request that the period of the registration of  
that design be \*extended\*/further extended to:

\*6 years

the date \*11 years after the date on

\*16 years

which the application for registration of the design was lodged under the *Designs Act 1906*.

2. \*My/\*Our address for service is

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature(s))

\*Strike out if inapplicable.



FORM 8

Regulation 24

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

NOTICE OF MATTER MATERIAL TO NEWNESS OR ORIGINALITY OF DESIGN

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_, set out, in pursuance of sub-section 27A (4) of the *Designs Act 1906*, the following matter:
  - (a) that has been published in a document in Australia before the priority date in respect of the application for registration of registered design No. \_\_\_\_\_; and
  - (b) that \*I/we consider to be relevant to the question whether the design was not, at the priority date referred to in paragraph (a), a design that was new or original.
2. \*I/\*We furnish herewith:
  - (1) 2 copies of the documents to which this notice relates;
  - (2) \*2 copies of an authenticated translation of those documents into English;
  - (3) a declaration establishing when and where those documents were published in Australia, together with an authenticated copy of that declaration;
  - (4) an authenticated copy of this notice.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature(s))

\*Strike out if inapplicable.





FORM 9

Subregulations 29 (3) and 29AA (3)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

APPLICATION FOR LICENCE

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_,  
apply under subregulation \*29 (2)/\*29AA (2) of the Designs Regulations for the grant to \*me/\*us under regulation 29B of the Designs Regulations of a licence in respect of registered design No. \_\_\_\_\_.
2. The grounds upon which this request is made are as follows:
3. \*My/\*Our address for service is:  
DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Signature(s))

*\*Strike out if inapplicable.*



FORM 10

Subregulation 26 (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

APPLICATION FOR EXTENSION OF TIME

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_,  
apply under subregulation 26 (1) of the Designs Regulations for an extension of time of months from \_\_\_\_\_  
to \_\_\_\_\_  
\*application No. \_\_\_\_\_  
in respect of \*registered design No. \_\_\_\_\_  
for the purpose of \_\_\_\_\_

2. The circumstances in which, and the grounds upon which, this application is made are as follows:

3. \*My/\*Our address for service is:

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature(s))

*\*Strike out if inapplicable.*



FORM 10A

Subregulations 27 (1) and 29A (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

NOTICE OF OPPOSITION

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_, give notice of opposition to the \_\_\_\_\_ in respect of \*application/\*registered design No. \_\_\_\_\_
2. The grounds of \*my/\*our opposition are as follows:
3. \*My/\*Our interest in this matter is based on the following facts:
4. A copy of this notice was given to the applicant on \_\_\_\_\_ 19 .
5. \*My/\*Our address for service is:  
Dated \_\_\_\_\_ 19 .

(Signature(s))

*\*Strike out if inapplicable.*



FORM 11

Sub-regulation 37 (2)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

APPLICATION FOR SPECIAL LEAVE TO ADDUCE FURTHER EVIDENCE  
IN OPPOSITION PROCEEDINGS

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We, \_\_\_\_\_, of \_\_\_\_\_,  
hereby apply for special leave of the Registrar to adduce further evidence in the opposition proceedings in respect of \*application No. \_\_\_\_\_

\*registered design No. \_\_\_\_\_

2. The nature of the further evidence and the grounds for making this application are set out in the accompanying declaration.

3. A copy of this application and a copy of the accompanying declaration were served on \_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature(s))

*\*Strike out if inapplicable.*



FORM 12

Sub-regulations 39 (1) and (2)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

APPLICATION FOR TIME AND PLACE FOR HEARING OF OPPOSITION

TO THE REGISTRAR OF DESIGNS:

\*I/\*We , of , hereby apply for a date, time and place to be fixed for the hearing of the opposition of which notice has been given by

DATED this day of 19 .

(Signature(s))

*\*Strike out if inapplicable.*

FORM 13

Sub-regulation 51 (1)

COMMONWEALTH OF AUSTRALIA

DESIGNS REGULATIONS

REQUEST FOR EXERCISE OF REGISTRAR'S DISCRETIONARY POWERS

TO THE REGISTRAR OF DESIGNS:

1. \*I/\*We , of , request that the Registrar exercise his discretionary powers in relation to \*application/\*registered design No. :

2. \*I/\*We do not wish to be heard by the Registrar in connection with the exercise of those powers.

3. \*My/\*Our address for service is:

DATED this day of 19 .

(Signature(s))

*\*Strike out if inapplicable.*

**SCHEDULE 2**  
**FEEES**

Regulation 4



Column 1 Item No.	Column 2 Matter	Column 3 Fee
1	On lodging an application for the registration of a design	\$90
2	On lodging a request for expedited consideration of an application for the registration of a design	\$90
3	On lodging an application under subsection 27B (2) of the Act for an extension of time on the ground specified in paragraph 27B (2) (a) of the Act: (a) for each month, or part of a month, of extension sought; and (b) if the application is lodged after the end of the time to be extended	\$55 \$85
4	For granting an extension of time, on the ground specified in paragraph 27B (2) (a) of the Act, greater than that applied for by the applicant—for each month, or part of a month, of extension granted	\$55 less any amount paid under paragraph (a) of item 3
5	On lodging an application under subsection 27B (2) of the Act for an extension of time on the ground specified in paragraph 27B (2) (b) of the Act	\$55
6	On lodging a request for an extension of the period of registration: (a) under subsection 27A (2) of the Act—for the first extension (b) under subsection 27A (12) of the Act—for the second extension (c) under subsection 27A (13) of the Act—for the third extension	\$55 \$90 \$135
7	On lodging a request under subsection 20B (1) of the Act	\$55
8	On lodging a notice of opposition under subregulation 27 (1) or 29A (1)	\$100
9	On lodging an application under subregulation 29 (2) or 29AA (2) for the grant of a licence	\$70
10	On lodging a request that a legal personal representative be registered as owner of a design under subsection 22A (1) of the Act	\$55
11	On lodging a request for amendment of the register under subsection 22A (2) of the Act	\$55
12	On lodging: (a) a request under subsection 37 (1) or paragraph 37 (1B) (a) of the Act, except: (i) a request that relates only to an error in, or change of, an address; or (ii) a request to which paragraph (b) applies (b) simultaneously—2 or more requests under subsection 37 (1) or paragraph 37 (1B) (a) of the Act, each of which seeks the same amendment or alteration of a name	\$55 \$55 plus \$25 for each application additional to the first
13	On lodging: (a) an application under section 38, 38AA or 38A of the Act, except an application to which paragraph (b) applies	\$55



Column 1 Item No.	Column 2 Matter	Column 3 Fee
	(b) simultaneously—2 or more applications under section 38, 38AA or 38A of the Act, if the devolution of title or the interest is the same for all the registered designs to which the applications relate	\$55 plus \$25 for each application additional to the first
14	On lodging: (a) a request for the exercise of the Registrar's discretionary powers; or (b) a request, under a provision of the Act or Regulations, for a hearing	\$100 \$100
15	On appearing at a hearing	\$100 less any amount paid under item 14 in relation to the hearing
16	On lodging an application to lodge further evidence in opposition proceedings under subregulation 37 (1)	\$75
17	For supply of: (a) a certified copy of a certificate of registration (b) a duplicate certificate of registration (c) a certificate under regulation 59 (d) a certified copy of an extract from the register or another document (e) a copy of a document described in paragraph (a), (b), (c) or (d) that is supplied at the same time as that document	\$75 \$75 \$75 \$75 \$55
18	For supply of an uncertified photographic copy of, or extract from, the register or another document	\$10
19	For taxing costs under subregulation 50A (3)	\$50

Subregulation 7A (1)

Algeria  
Argentina  
Austria  
Bahamas  
Bangladesh  
Barbados  
Belarus  
Belgium  
Benin  
Bolivia  
Bosnia and Herzegovina  
Brazil  
Bulgaria



Burkina Faso  
Burundi  
Cameroon  
Canada  
Central African Republic  
Chad  
Chile  
China  
Congo  
Côte d'Ivoire  
Croatia  
Cuba  
Cyprus  
Czech Republic  
Denmark (including Faroe Islands)  
Dominican Republic  
Egypt  
El Salvador  
Finland  
France (including all Overseas Departments and Territories)  
Gabon  
Gambia  
Georgia  
Germany  
Ghana  
Greece  
Guinea  
Guinea-Bissau  
Haiti  
Holy See  
Honduras  
Hungary  
Iceland  
Indonesia  
Iran, Islamic Republic of  
Iraq  
Ireland  
Israel  
Italy  
Japan  
Jordan  
Kazakhstan  
Kenya  
Korea, Democratic People's Republic of  
Korea, Republic of  
Kyrgyzstan  
Latvia  
Lebanon  
Lesotho  
Libyan Arab Jamahiriya  
Liechtenstein  
Lithuania  
Luxembourg





Madagascar  
Malawi  
Malaysia  
Mali  
Malta  
Mauritania  
Mauritius  
Mexico  
Moldova  
Monaco  
Mongolia  
Morocco  
Netherlands (including the Netherlands Antilles and Aruba)  
New Zealand (excluding the Cook Islands, Niue and Tokelau)  
Niger  
Nigeria  
Norway  
Paraguay  
Philippines  
Poland  
Portugal  
Romania  
Russian Federation  
Rwanda  
San Marino  
Senegal  
Slovak Republic  
Slovenia  
South Africa  
Spain  
Sri Lanka  
Sudan  
Suriname  
Swaziland  
Sweden  
Switzerland  
Syrian Arab Republic  
Taiwan  
Tajikistan  
The former Yugoslav Republic of Macedonia  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda  
Ukraine  
United Kingdom (including Hong Kong and the Isle of Man)  
United Republic of Tanzania  
United States of America (including all territories and possessions, including the Commonwealth of Puerto Rico)  
Uruguay  
Uzbekistan  
Viet Nam  
Yugoslavia



Zaire  
Zambia  
Zimbabwe



**SCHEDULE 2B**  
**PRESCRIBED PERSONS-PARAGRAPH 8A (1) (a) OF THE ACT**

Regulation 50AA

**PART 1**  
**DELEGATION OF POWERS UNDER THE ACT**

A person holding or performing the duties of a Senior Professional Officer, Grade B, in the Designs Office

A person holding or performing the duties of an Administrative Service Officer, Class 6–Supervising Examiner of Designs, in the Designs Office

A person holding or performing the duties of an Administrative Service Officer, Class 6–Manager, Designs Operations, in the Designs Office

A person holding or performing the duties of an Administrative Service Officer, Class 4–Examiner of Designs, in the Designs Office

A person holding or performing the duties of an Administrative Service Officer, Class 4–Senior Clerk, Designs, in the Designs Office

**PART 2**  
**DELEGATION OF POWERS UNDER THE**  
*Olympic Insignia Protection Act 1987*

A person holding or performing the duties of an Administrative Service Officer, Class 6–Supervising Examiner of Designs, in the Designs Office

A person holding or performing the duties of an Administrative Service Officer, Class 6–Manager, Designs Operations, in the Designs Office

**SCHEDULE 3**  
**FORMAL REQUIREMENTS**

Regulation 52

**PART I–Requirements in relation to documents other than representations**

1. Documents shall be written in the English language on tough, opaque white paper of good quality, the thickness of three hundred sheets of which is not less than 25 millimetres.

2. The sheets of the paper shall be International Organization for Standardization size A4 (297 millimetres by 210 millimetres).



3. The contents of a document shall be written on one side only of the paper in a carbonaceous or other permanent ink on which bleaching agents do not have any effect.
4. The contents of a document shall be so written as to leave a margin of not less than 50 millimetres on the left-hand side of each sheet.
5. If the contents of a document are in handwriting, the writing shall be large and legible.
6. If the contents of a document are printed, all text matter shall be in characters the capital letters of which are not less than 0.21 centimetres high, and shall be in a dark, indelible colour, so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming, in any number of copies.
7. The signature of the person signing a document and the date of signature shall be placed on the last sheet of the document.
8. An interlineation, alteration, erasure or amendment made in a document before it is lodged at the Designs Office shall be initialled by the person who signs the document in the margin of the document opposite to the interlineation, alteration, erasure or amendment.

## **PART II—Requirements in relation to representations**

1. Originals of drawings and copies of drawings shall be executed on white paper in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colourings, and shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming, in any number of copies.
2. Tracings shall be in ink and shall be mounted on strong paper of good quality or on other paper approved by the Registrar.
3. Photographs shall be clear original photographs in black and white or colour produced by a dye transfer or dye destruction process. With photographs of specimens, the specimen must be photographed against a neutral background.
4. Photographs shall be mounted on strong paper of good quality; paper and mounting adhesive shall be of such a nature as not to cause deterioration of the photograph.
5. Drawings, tracings and photographs shall not be creased or folded.
6. Paper shall be International Organization for Standardization size A4 (297 millimetres by 210 millimetres).
7. Words, letters or numerals or other extraneous matter shall not appear in a drawing, tracing or photograph unless they are of the essence of the design.

## **SCHEDULE 4 COSTS, EXPENSES AND ALLOWANCES**

Regulation 50A



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## PART 1–COSTS

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Column 1 Item	Column 2 Matter	Column 3 Amount
1	Notice of opposition	\$170
2	Evidence in support	\$460
3	Receiving and perusing notice of opposition	\$85
4	Receiving and perusing evidence in support	\$200
5	Evidence in answer	\$460
6	Receiving and perusing evidence in answer	\$135
7	Evidence in reply	\$230
8	Receiving and perusing evidence in reply	\$85
9	Preparation of case for hearing	\$345
10	Attendance at hearing by patent attorney or solicitor without counsel	\$170 per hour or \$765 per day
11	Attendance at hearing by patent attorney or solicitor instructing counsel	\$135 per hour or \$610 per day
12	Counsel fees	\$230 per hour or \$1035 per day

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## PART 2–EXPENSES AND ALLOWANCES

### *Division 1–Expenses*

1. A person who has paid a fee prescribed in these Regulations in relation to proceedings before the Registrar may be paid the amount of the fee.
2. A person attending proceedings before the Registrar must be paid:
  - (a) a reasonable amount for allowances for transport between the usual place of residence of the person and the place that he or she attends for that purpose; and
  - (b) if the person is required to be absent overnight from his or her usual place of residence—a reasonable amount for allowances up to a daily maximum of \$390 for meals and accommodation.

### *Division 2–Allowances*

3. A person who, because of his or her professional, scientific or other special skill or knowledge, is summoned to appear as a witness before the Registrar must be paid:



- (a) if the person is remunerated in his or her occupation by wages, salary or fees—an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; or
- (b) in any other case—an amount of not less than \$95, or more than \$475, for each day on which he or she so attends.

4. A person summoned to appear as a witness, other than a witness referred to in clause 3, before the Registrar must be paid:

- (a) if the person is remunerated in his or her occupation by wages, salary or fees—an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; or
- (b) in any other case—an amount of not less than \$54, or more than \$89, for each day on which he or she so attends.

**NOTE**

1. The Designs Regulations (in force under the *Designs Act 1906*) as shown in this reprint comprise Statutory Rules 1982 No. 72 amended as indicated in the Tables below.

**Table of Statutory Rules**

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1982 No. 72	19 Mar 1982	1 Apr 1982	
1984 No. 256	27 Sept 1984	1 Oct 1984	—
1986 No. 263	26 Sept 1986	1 Oct 1986	—
1988 No. 103	1 June 1988	1 July 1988	—
1989 No. 95	15 May 1989	1 July 1989	—
313	17 Nov 1989	17 Nov 1989	R. 1 (2)
1990 No. 29	13 Feb 1990	14 Feb 1990 (see r. 1)	—
239	17 July 1990	17 July 1990	—
240	17 July 1990	18 July 1990	—
1991 No. 65	17 Apr 1991	Rr. 3 and 4: 1 May 1991 Remainder: 17 Apr 1991	—
455	19 Dec 1991	19 Dec 1991	—
1992 No. 149	9 June 1992	Rr. 4–6 and 8: 1 July 1992 Remainder: 9 June 1992	—
445	24 Dec 1992	24 Dec 1992	—
452	24 Dec 1992	24 Dec 1992	—



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1993 No. 114	3 June 1993	1 July 1993	–
342	10 Dec 1993	10 Dec 1993	–
1994 No. 180	16 June 1994	29 June 1994	–

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### Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

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Provision affected	How affected
R. 3	am. 1991 No. 455
R. 4	am. 1990 No. 29; 1993 No. 114
R. 4A	ad. 1992 No. 149
R. 7AA	ad. 1990 No. 240
R. 7A	ad. 1989 No. 313
R. 7B	ad. 1990 No. 239
R. 10	am. 1990 No. 240
R. 17	am. 1990 No. 240; 1991 No. 455
R. 21	am. 1994 No. 180
Rr. 26–28	rs. 1990 No. 239
R. 29	rs. 1990 No. 239 am. 1992 No. 445
R. 29AA	ad. 1992 No. 445
R. 29A	ad. 1990 No. 239 am. 1992 No. 445
R. 29B	ad. 1990 No. 239 am. 1992 No. 452
R. 30	am. 1990 No. 239
R. 31	rs. 1990 No. 239 am. 1992 No. 452
R. 43	rep. 1992 No. 149
R. 50AA	ad. 1994 No. 180
R. 50A	ad. 1992 No. 149

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Provision affected	How affected
R. 55	rep. 1990 No. 240
R. 56	am. 1994 No. 180
R. 57	am. 1990 No. 240
R. 61	rs. 1992 No. 452 am. 1994 No. 180
R. 63	am. 1984 No. 256; 1986 No. 263; 1991 No. 65
Schedule 1	am. 1990 No. 239; 1992 No. 445; 1994 No. 180
Form 1	1982 No. 72 am. 1990 No. 239
Forms 2–5	1982 No. 72
Form 5A	ad. 1990 No. 239
Form 6	1982 No. 72 rs. 1994 No. 180
Forms 7–8	1982 No. 72
Form 9	1982 No. 72
Form 10	am. 1990 No. 239; 1992 No. 445 1982 No. 72
Form 10A	am. 1990 No. 239 ad. 1990 No. 239
Forms 11–13	1982 No. 72
Schedule 2	am. 1984 No. 256 rs. 1986 No. 263; 1988 No. 103; 1989 No. 95 am. 1990 No. 239 rs. 1991 No. 65; 1992 No. 149 am. 1992 No. 445 rs. 1993 No. 114 am. 1993 No. 342; 1994 No. 180
Schedule 2A	ad. 1989 No. 313 am. 1991 No. 65





Provision affected	How affected
	rs. 1991 No. 455
	am. 1992 No. 149
	rs. 1993 No. 342
	am. 1994 No. 180
Schedule 2B	ad. 1994 No. 180
Schedule 4	ad. 1992 No. 149
	rs. 1993 No. 114

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