



Statutory Rules 1994 No. 387¹

Patents Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Patents Act 1990*.

Dated 18 November 1994.

BILL HAYDEN
Governor-General

By His Excellency's Command,

C. SCHACHT
Minister for Small Business, Customs and Construction

1. Commencement

1.1 Regulations 9 and 10 commence on 30 May 1995.

[NOTE: The remainder of these Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Amendment

2.1 The Patents Regulations are amended as set out in these Regulations.

3. Regulation 20.1 (Interpretation)

3.1 Insert the following definitions:

“**AIPO**” means the division of the Department that is known as the Australian Industrial Property Organisation;

“**Chairperson**” means Chairperson of the Board;”.

3.2 Definition of “member”:

Omit “Commissioner;”, substitute “Chairperson;”.

4. Regulation 20.32 (Establishment of Board)

4.1 Subregulation 20.32 (2) (a):

Omit the paragraph, substitute:

“(a) the Chairperson; and”.

4.2 Subregulation 20.32 (3):

Omit the subregulation, substitute:

“(3) The Minister may appoint in writing as the Chairperson a person who holds, or performs the duties of, a Senior Executive Service office in AIPO.

“(4) The instrument of appointment must be published in the *Official Journal*.”.



5. Regulation 20.37 (Meetings of the Board)

- 5.1 Subregulation 20.37 (2):
Omit “Commissioner”, substitute “Chairperson”.

6. Regulation 20.38 (Member presiding at meetings of the Board)

- 6.1 Omit “Commissioner” (wherever occurring), substitute “Chairperson”.

7. Regulation 20.39 (Quorum for meetings of Board)

- 7.1 Omit “Commissioner” (twice occurring), substitute “Chairperson”.

8. Regulation 20.40 (Secretary to the Board)

- 8.1 Subregulation 20.40 (1):
Omit the subregulation, substitute:

“(1) The Minister may appoint in writing as the Secretary to the Board a person who holds, or performs the duties of, an office in AIPO.

“(1A) The instrument of appointment must be published in the *Official Journal*.”.

9. Schedule 5 (Prescribed subjects)

- 9.1 Items 6, 7 and 8:
Omit the items, substitute:
“6 Validity and Infringement of Patents
7 Patent Attorneys’ Practice, Part 1
8 Patent Attorneys’ Practice, Part 2”.

10. Saving

- 10.1 A person who before 30 May 1995:
(a) passed a subject specified in column 2 of an item in the following table; or
(b) under regulation 20.13 of the Patents Regulations is exempt from passing a subject specified in column 2 of an item in the following table;
is taken to have passed the subject specified in column 3 of the item:

Column 1 Item	Column 2 Subject specified in Schedule 5 to the Patents Regulations as in force before 30 May 1995	Column 3 Subject specified in Schedule 5 to the Patents Regulations as in force on 30 May 1995
1	Interpretation and Criticism of Specifications	Validity and Infringement of Patents
2	Patent, Trade Marks and Designs Law and Practice of Countries other than Australia	Patent Attorneys’ Practice, Part 1
3	Patent Attorneys’ Practice	Patent Attorneys’ Practice, Part 2

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 21 November 1994.



2. Statutory Rules 1991 No. 71 as amended by 1991 No. 456; 1992 No. 148; 1993 Nos. 113, 227, 340 and 341; 1994 Nos. 182 and 317.