



Statutory Rules 1997 No. 346¹

Trade Marks 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 *Trade Marks Act 1995*.

Dated 8 December 1997.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

J. MOORE
Minister for Industry, Science and Tourism

1. Commencement

- 1.1 Regulations 5 and 6 commence on 1 January 1998.
- 1.2 Regulations 3 and 4 commence on 1 February 1998.

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

2. Amendment

- 2.1 The Trade Marks Regulations are amended as set out in these Regulations.

3. Application

- 3.1 The amendment of regulation 4.5 of the Trade Marks Regulations by regulation 4 of these Regulations applies only to an application filed on or after 1 February 1998.

4. Regulation 4.5 (Period for claiming priority for an application)

- 4.1 Omit "6 months", substitute "2 working days".

5. Regulation 22.2 (Fees payable in relation to certain matters)

5.1 Subregulations 22.2 (3) and (4):
Omit the subregulations.

6. Schedule 9 (Fees)

6.1 Omit the Schedule, substitute:

SCHEDULE 9

Regulation 21.21

FEES

Column 1	Column 2	Column 3
Item	Matter	Fee
1	Filing an application to register a trade mark under subsection 27 (5) of the Act in respect of goods or services in 1 or more of the prescribed classes	\$150 for each class
2	Filing a divisional application under subsection 45 (1)	\$150 for each class
3	Filing an application to register 2 or more trade marks as a series under section 51 of the Act	\$200
4	Request for amendment under section 64 or 65 of the Act to include an additional prescribed class of goods or services in an application	\$150 for each class
5	Filing an application for an extension of period or time under subregulation 4.12 (3) or regulation 5.2, 5.15 or 21.25:	
	(a) for each month or part of a month for which the extension is sought	\$65
	(b) additional fee if the application or request is filed after the end of the period or time to be extended	\$85
6	Filing a notice of opposition under section 52 or 96 or subsection 224 (6) of the Act	\$250
7	Filing an application for permission to serve a copy of further evidence in opposition proceedings under paragraph 5.15 (1) (b)	\$100
8	Single registration of a trade mark under section 68 of the Act:	
	(a) in respect of goods or services in a single prescribed class	\$300
	(b) in respect of goods or services in more than 1 prescribed class	\$300 plus \$260 for each additional class

Column 1 Item	Column 2 Matter	Column 3 Fee
9	Renewal of a single registration of a trade mark under section 75 of the Act:	
	(a) in respect of goods or services in a single prescribed class	\$500
	(b) in respect of goods or services in more than 1 prescribed class	\$500 plus \$150 for each additional class
	(c) as a result of a request made within 12 months after the expiry date to which section 79 of the Act refers	in addition to any fee in relation to paragraph (a) or (b)—\$65 for each class and for each month, or part of a month, after the expiry date
10	Filing an application for removal of a trade mark from the Register for non-use under section 92 of the Act	\$150
11	Request for a hearing:	
	(a) under regulation 5.14 or 9.4 to determine an opposition	\$500
	(b) in relation to any other matter	\$300
12	Attendance at a hearing	
	(a) under regulation 5.14 or 9.4 to determine an opposition	\$500 less any amount paid under item 11 in relation to the hearing
	(b) in relation to any other matter	\$300 less any amount paid under item 11 in relation to the hearing
13	Request for a decision under subregulation 21.16 (2)	\$300
14	Taxation of costs under regulation 21.13	\$65
15	Supply of a certificate signed by the Registrar under section 211 of the Act	\$15 for each certificate
16	Supply of a copy of an extract from the Register or another document	\$10
17	Supply of a copy of a document for which a search is required	\$65

Column 1	Column 2	Column 3
Item	Matter	Fee
18	Filing an application for linked applications to be considered as a single application under subsection 243 (3) of the Act	\$100

7. Schedule 10 (Convention Countries)

7.1 Omit the Schedule, substitute:

SCHEDULE 10

Regulation 21.29

CONVENTION COUNTRIES

Albania	Cyprus
Algeria	Czech Republic
Angola	Democratic Republic of the Congo
Antigua and Barbuda	Denmark (including Faroe Islands)
Argentina	Djibouti
Armenia	Dominica
Austria	Dominican Republic
Azerbaijan	Ecuador
Bahamas	Egypt
Bahrain	El Salvador
Bangladesh	Equatorial Guinea
Barbados	Estonia
Belarus	Fiji
Belgium	Finland
Belize	France (including all Overseas Departments and Territories)
Benin	Gabon
Bolivia	Gambia
Bosnia and Herzegovina	Georgia
Botswana	Germany
Brazil	Ghana
Brunei Darussalam	Greece
Bulgaria	Grenada
Burkina Faso	Guatemala
Burundi	Guinea
Cameroon	Guinea-Bissau
Canada	Guyana
Central African Republic	Haiti
Chad	Holy See
Chile	Honduras
China	Hong Kong, China
Colombia	Hungary
Congo	Iceland
Costa Rica	India
Côte d'Ivoire	Indonesia
Croatia	Iran, Islamic Republic of
Cuba	Poland
Iraq	

Ireland	Portugal
Israel	Qatar
Italy	Romania
Jamaica	Russian Federation
Japan	Rwanda
Jordan	Saint Kitts and Nevis
Kazakhstan	Saint Lucia
Kenya	Saint Vincent and the Grenadines
Korea, Democratic People's Republic of	San Marino
Korea, Republic of	Senegal
Kuwait	Sierra Leone
Kyrgyzstan	Singapore
Latvia	Slovak Republic
Lebanon	Slovenia
Lesotho	Solomon Islands
Liberia	South Africa
Libyan Arab Jamahiriya	Spain
Liechtenstein	Sri Lanka
Lithuania	Sudan
Luxembourg	Surinam
Macau	Swaziland
Madagascar	Sweden
Malawi	Switzerland
Malaysia	Syrian Arab Republic
Maldives	Taiwan
Mali	Tajikistan
Malta	Tanzania
Mauritania	Thailand
Mauritius	The former Yugoslav Republic of Macedonia
Mexico	Togo
Moldova	Trinidad and Tobago
Monaco	Tunisia
Mongolia	Turkey
Morocco	Turkmenistan
Mozambique	Uganda
Myanmar	Ukraine
Namibia	United Arab Emirates
Netherlands (including the Netherlands Antilles and Aruba)	United Kingdom (including the Isle of Man)
New Zealand (excluding the Cook Islands, Niue and Tokelau)	United Republic of Tanzania
Nicaragua	United States of America (including all territories and possessions, including the Commonwealth of Puerto Rico)
Niger	Uruguay
Nigeria	Uzbekistan
Norway	Venezuela
Pakistan	Viet Nam
Panama	Yugoslavia
Papua New Guinea	Zambia
Paraguay	Zimbabwe
Peru	
Philippines	

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 9 December 1997.
 2. Statutory Rules 1995 No. 341 as amended by 1996 Nos. 3, 184 and 272.
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