



Trade Marks Amendment Regulations 1999 (No. 2)

Statutory Rules 1999 No. 186

I, WILLIAM PATRICK DEANE, 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 25 August 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

WARREN ENTSCH
Parliamentary Secretary to the Minister for Industry, Science
and Resources
on behalf of the Minister for Industry, Science and Resources



Trade Marks Amendment Regulations 1999 (No. 2)¹

Statutory Rules 1999 No. 186²

Made under the

Trade Marks Act 1995

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1 Name of Regulations

These Regulations are the *Trade Marks Amendment Regulations 1999 (No. 2)*.

2 Commencement

These Regulations commence as follows:

- (a) on gazettal — regulations 1 to 3 and Schedule 1;
- (b) on 6 September 1999 — Schedule 2.

3 Amendment of *Trade Marks Regulations 1995*

Schedules 1 and 2 amend the *Trade Marks Regulations 1995*.

Schedule 1 Amendments commencing on gazettal
(regulation 3)

[1] Subregulation 4.14 (1)

substitute

- (1) The period for which acceptance of an application is deferred (the *deferral period*) begins immediately after:
- (a) for deferral under subregulation 4.13 (1) — the date the Trade Marks Office receives the request; or
- (b) for deferral under subregulation 4.13 (2) or (3) — the date of the notice of deferral issued under subregulation 4.13 (4).

[2] Paragraph 4.14 (3) (b)

omit

the notice

insert

commencement

[3] Subregulation 9.2 (1)

substitute

- (1) This regulation applies to an application under section 92 of the Act.

Note The application must be in accordance with the Regulations: see Act, para 92 (2) (a) and r 9.1.

- (1A) For subsection 95 (1) of the Act (which deals with notification), the Registrar must give notice of the application within 1 month after the application is made.

Note Subsection 95 (1) of the Act applies to an application made to the Registrar under s 92 of the Act.

[4] Regulation 13.2, note 2

substitute

Note 2 An authorised user must also give the documents prescribed by r 13.1 to the Customs CEO — see subs 132 (1) of the Act.

[5] **Regulation 13.3, heading**

substitute

13.3 Period for compliance with Customs CEO's request for information etc

[6] **Paragraph 21.28 (1) (b)**

substitute

- (aa) filing notice of a claim to a right of priority under subsection 29 (1) of the Act;
- (b) applying for the registration of a trade mark in the circumstances described in paragraph 29 (1) (b) of the Act;

[7] **After paragraph 21.28 (1) (e)**

insert

- (ea) requesting deferment of acceptance under subregulation 4.13 (1);

[8] **After subregulation 21.29 (3)**

insert

- (4) For subsection 225 (2) of the Act, an application, under the terms of the *Treaty Establishing the European Community* done at Rome on 25 March 1957, for registration of a European Community trade mark is equivalent to an application made in each Convention country party to the treaty.

[9] **Schedule 3, item 2.1, definitions of *Collector* and *designated owner***

omit

Ordinance 1913

insert

Act 1913 of Norfolk Island

[10] **Schedule 3, item 3.2**

omit

Ordinance 1913

insert

Act 1913 of Norfolk Island

[11] Schedule 3, item 4.1*omit*

Minister

insert

Executive Member

[12] Schedule 3, item 4.1*omit*

Ordinance 1913

insert

Act 1913 of Norfolk Island

[13] Schedule 4, after item 3*insert***3A Section 136 (Release of goods to owner — no action for infringement)**

3A.1 Subsection 136 (3), note 3:

omit

Customs CEO

insert

Comptroller

[14] Schedule 4, after item 7.1*insert*

7.2 Subsection 143 (1), note 2:

omit

Customs CEO

insert

Comptroller

[15] Schedule 4, after item 7*insert***8 Additional amendments**

8.1 The following provisions are amended by omitting each occurrence of ‘Customs CEO’ and inserting ‘Comptroller’:

- section 131
- section 132
- section 133, heading
- section 133
- section 134
- section 135
- section 136
- section 137
- section 139
- section 140, heading
- section 140
- section 141
- section 142
- section 143.

[16] Schedule 5, after item 3*insert***3A Section 136 (Release of goods to owner — no action for infringement)**

3A.1 Subsection 136 (3), note 3:

omit

Customs CEO

insert

Comptroller

[17] Schedule 5, after item 7.1*insert*

7.2 Subsection 143 (1), note 2:

omit

Customs CEO

insert

Comptroller

[18] Schedule 5, after item 7

insert

8 Additional amendments

8.1 The following provisions are amended by omitting each occurrence of ‘Customs CEO’ and inserting ‘Comptroller’:

- section 131
- section 132
- section 133, heading
- section 133
- section 134
- section 135
- section 136
- section 137
- section 139
- section 140, heading
- section 140
- section 141
- section 142
- section 143.

[19] Schedule 8, item 12, column 2

substitute

Counsel fees for attendance at a hearing

[20] Additional amendments

The following provisions are amended by omitting each occurrence of ‘Comptroller’ and inserting ‘Customs CEO’:

- regulation 13.3
- regulation 21.22

- regulation 21.23
- Schedule 3, Part 1, items 1.1, 3.3, 3.4, 3.5, 4.1, 5.1, 6.2, 7.3, 8.2
- Schedule 3, Part 2.

Schedule 2 **Amendment commencing on 6 September 1999**
(regulation 3)

[1] Regulation 19.1

omit

10 a.m. to 4 p.m.

insert

9 am to 5 pm

Notes

1. These Regulations amend Statutory Rules 1995 No. 341, as amended by 1996 Nos. 3, 184 and 272; 1997 No. 346; 1998 Nos. 258, 265, 343 and 346; 1999 No. 153.
 2. Made by the Governor-General on 25 August 1999, and notified in the *Commonwealth of Australia Gazette* on 1 September 1999.
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