



Patents Amendment Regulations 2002 (No. 2)¹

Statutory Rules 2002 No. 100²

I, PETER JOHN HOLLINGWORTH, 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 16 May 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

IAN MACFARLANE
Minister for Industry, Tourism and Resources

1 Name of Regulations

These Regulations are the *Patents Amendment Regulations 2002 (No.2)*.

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Patents Regulations 1991*

Schedule 1 amends the *Patents Regulations 1991*.

Schedule 1 Amendments
(regulation 3)**[1] Subregulation 4.3 (1)**

substitute

(1) For subsection 55 (1) of the Act, all documents that are:

- (a) associated with the application, or with any provisional application associated with the application; and
- (b) in the possession of the Patent Office;

are prescribed, other than:

- (c) documents that would be privileged from production in legal proceedings on the ground of legal professional privilege; and
- (d) the results of documentary searches provided under subsection 45 (3) of the Act; and
- (e) the documents mentioned in subregulation (2).

[2] Subregulation 8.4 (2)

substitute

(2) For subsection 92 (4) of the Act, all documents that are:

- (a) associated with the application, or with any provisional application from which the application claims priority under article 8 of the PCT; and
- (b) in the possession of the Patent Office;

are prescribed, other than:

- (c) documents that would be privileged from production in legal proceedings on the ground of legal professional privilege; and
- (d) the results of documentary searches provided under subsection 45 (3) of the Act; and

(e) the documents mentioned in subregulation 4.3 (2).

[3] After subregulation 13.3 (1A)

insert

(2) In the case of an application, filed before 1 April 2002, to which section 33, 34, 35, 36 or 79B of the Act applies, a continuation fee that is payable before 12 months after the date of filing the application is taken to have been paid.

Notes

1. These Regulations amend Statutory Rules 1991 No. 71, as amended by 1991 No. 456; 1992 No. 148; 1993 Nos. 113, 227, 340 and 341; 1994 Nos. 182, 317 and 387; 1995 Nos. 16, 20, 82 and 427; 1996 No. 271; 1997 Nos. 192 and 345; 1998 Nos. 45, 56, 141, 241, 257, 264, 291, 319, 342 and 345; 1999 Nos. 154, 184, 261 and 349; 2000 No. 317; 2001 Nos. 98, 184 and 345; 2002 No. 59.
 2. Notified in the *Commonwealth of Australia Gazette* on 23 May 2002.
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