



Intellectual Property Laws Amendment (Border Interception) Act 1999

No. 144, 1999

An Act to amend legislation relating to intellectual property, and for related purposes

Contents

- 1 Short title
- 2 Commencement
- 3 Schedule(s)
- 4 Application and saving

Schedule 1—Sydney 2000 Games (Indicia and Images) Protection Act 1996

Schedule 2—Trade Marks Act 1995



Intellectual Property Laws Amendment (Border Interception) Act 1999

No. 144, 1999

An Act to amend legislation relating to intellectual property, and for related purposes

[Assented to 3 November 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Intellectual Property Laws Amendment (Border Interception) Act 1999*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Application and saving

- (1) The amendments made by this Act to the *Sydney 2000 Games (Indicia and Images) Protection Act 1996* and the *Trade Marks Act 1995* apply in relation to goods imported into Australia on or after the commencement of this Act.
- (2) Despite those amendments, those Acts continue to apply after the commencement of this Act, in relation to goods imported into Australia before the commencement of this Act (the *goods*), as if those amendments had not been made.
- (3) If something was done before the commencement of this Act in relation to the goods:
 - (a) that thing continues to have effect; and
 - (b) those Acts continue to apply in relation to that thing;after the commencement of this Act, as if those amendments had not been made.

Schedule 1—Sydney 2000 Games (Indicia and Images) Protection Act 1996**1 Section 29 (definition of *designated owner*)**

Repeal the definition, substitute:

designated owner, in relation to goods imported into Australia, means:

- (a) the person identified as the owner of the goods on the entry made in relation to the goods under section 68 of the *Customs Act 1901*; or
- (b) if no such entry exists—the person determined to be the owner of the goods under section 29A of this Act.

2 After section 29

Insert:

29A Determinations about owners of goods

The CEO or an officer of Customs (within the meaning of subsection 4(1) of the *Customs Act 1901*) may determine that a person is the owner of goods for the purposes of paragraph (b) of the definition of *designated owner* if the person is an owner (within the meaning of that subsection) of the goods.

Schedule 2—Trade Marks Act 1995

1 Section 6 (definition of *designated owner*)

Repeal the definition, substitute:

designated owner, in relation to goods imported into Australia, means:

- (a) the person identified as the owner of the goods on the entry made in relation to the goods under section 68 of the *Customs Act 1901*; or
- (b) if no such entry exists—the person determined to be the owner of the goods under section 133A of this Act.

2 After section 133

Insert:

133A Determinations about owners of goods

The Customs CEO or an officer of Customs (within the meaning of subsection 4(1) of the *Customs Act 1901*) may determine that a person is the owner of goods for the purposes of paragraph (b) of the definition of *designated owner* if the person is an owner (within the meaning of that subsection) of the goods.

Note: For *designated owner* see section 6.

[Minister's second reading speech made in—
House of Representatives on 25 August 1999
Senate on 22 September 1999]

(161/99)
