



Intellectual Property Legislation Amendment Regulations 2011 (No. 2)¹

Select Legislative Instrument 2011 No. 217

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Designs Act 2003*, the *Olympic Insignia Protection Act 1987*, the *Patents Act 1990*, the *Plant Breeder's Rights Act 1994* and the *Trade Marks Act 1995*.

Dated 23 November 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

KIM CARR
Minister for Innovation, Industry, Science and Research

1 Name of Regulations

These Regulations are the *Intellectual Property Legislation Amendment Regulations 2011 (No. 2)*.

2 Commencement

These Regulations commence as follows:

- (a) on 27 December 2011 — regulations 1 to 3 and Schedule 1;
- (b) on 1 January 2012 — regulation 4 and Schedule 2.

3 Amendments — Schedule 1

Schedule 1 amends:

- (a) the *Designs Regulations 2004*; and
- (b) the *Olympic Insignia Protection Regulations 1993*; and
- (c) the *Patents Regulations 1991*; and
- (d) the *Plant Breeder's Rights Regulations 1994*; and
- (e) the *Trade Marks Regulations 1995*.

4 Amendments — Schedule 2

Schedule 2 amends:

- (a) the *Patents Regulations 1991*; and
- (b) the *Trade Marks Regulations 1995*.

Schedule 1 Amendments commencing on 27 December 2011

(regulation 3)

Part 1 *Designs Regulations 2004*

[1.1] Subregulation 11.33 (2), note

omit

17AA

insert

2B

Part 2 *Olympic Insignia Protection Regulations 1993*

[2.1] Subregulation 6B (2), note

omit

17AA

insert

2B

Part 3 *Patents Regulations 1991*

[3.1] Subregulation 22.10AB (2), note

omit

17AA

insert

2B

Part 4 ***Plant Breeder's Rights
Regulations 1994***

[4.1] Subregulation 3F (2), note

omit

17AA

insert

2B

Part 5 ***Trade Marks Regulations 1995***

[5.1] Regulation 2.2, note

omit

displaces section 36

insert

expresses a contrary intention to section 2G and
subsection 36 (1)

[5.2] Regulation 2.2, note

omit

provision.

insert

provisions.

[5.3] Subregulation 21.24B (2), note

omit

17AA

insert

2B

Schedule 2 Amendments commencing on 1 January 2012

(regulation 4)

Part 1 *Patents Regulations 1991*

[1.1] Subregulation 1.3 (4)

omit

Subject to subregulation (5), if

insert

If

[1.2] Subregulation 1.3 (5)

substitute

- (5) A document is taken to be given to a person if the Commissioner or the Office:
- (a) makes the document available to the person by an electronic means; and
 - (b) sends the person a notice, stating that the document is available for the person to collect in an electronic form.

[1.3] After regulation 10.6

insert

10.6A Deferred consideration of request for amendment

- (1) This regulation applies if:
- (a) on or after 1 January 2012 — an applicant asks the Commissioner for leave to amend a complete specification; and
 - (b) the complete specification relates to an application for a standard patent; and

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- (c) the applicant has not filed a request for examination of the patent request and complete specification relating to the application; and
- (d) the applicant asks the Commissioner to defer considering the request for leave to amend until the Commissioner examines the patent request and complete specification.
- (2) The request for leave to amend the complete specification is taken to be filed immediately after the applicant files the request for examination of the patent request and complete specification.

Part 2 **Trade Marks Regulations 1995**

[2.1] Schedule 1, Part 1, item 4

omit

wicks

insert

wicks for lighting

[2.2] Schedule 1, Part 1, item 5

substitute

- 5 Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides

[2.3] Schedule 1, Part 1, item 7

omit

eggs

insert

eggs; automatic vending machines

[2.4] Schedule 1, Part 1, item 9*substitute*

- 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus

[2.5] Schedule 1, Part 1, item 16*omit*

playing cards;

[2.6] Schedule 1, Part 1, item 18*substitute*

- 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harness and saddlery

[2.7] Schedule 1, Part 1, item 24*substitute*

- 24 Textiles and textile goods, not included in other classes; bed covers; table covers

[2.8] Schedule 1, Part 1, items 29 to 32*substitute*

- 29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; edible oils and fats
- 30 Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice
- 31 Grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt
- 32 Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages

[2.9] Schedule 1, Part 2, item 41*omit*

entertainment,

insert

entertainment;

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.