



12 August 2020

(20-5528)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

AUSTRALIA: INTELLECTUAL PROPERTY LAWS AMENDMENT (PRODUCTIVITY COMMISSION  
RESPONSE PART 2 AND OTHER MEASURES) ACT 2020

<b>Notifying Member</b>	AUSTRALIA
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**Details of the notified legal text**

<b>Title</b>	Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Act 2020
<b>Subject matter</b>	Trademarks; Industrial designs; Patents (including plant variety protection)
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2020/IP/AUS/20_4496_00_e.pdf">https://ip-documents.info/2020/IP/AUS/20_4496_00_e.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	Patents Act 1990, Compilation No. 43 <a href="#">IP/N/1/AUS/22</a> , <a href="#">IP/N/1/AUS/P/15</a>  Intellectual Property Laws Amendment (Productivity Commission Response Part 1 and Other Measures) Act 2018 ("the Act") <a href="#">IP/N/1/AUS/19</a> , <a href="#">IP/N/1/AUS/C/25</a> , <a href="#">IP/N/1/AUS/D/8</a> , <a href="#">IP/N/1/AUS/E/2</a> , <a href="#">IP/N/1/AUS/I/23</a> , <a href="#">IP/N/1/AUS/P/13</a> , <a href="#">IP/N/1/AUS/T/12</a>  Intellectual Property Laws Amendment (Productivity Commission Response Part 1 and Other Measures) Regulations 2018 ("the Regulations") <a href="#">IP/N/1/AUS/20</a> , <a href="#">IP/N/1/AUS/C/26</a> , <a href="#">IP/N/1/AUS/D/9</a> , <a href="#">IP/N/1/AUS/E/3</a> , <a href="#">IP/N/1/AUS/I/24</a> , <a href="#">IP/N/1/AUS/P/14</a> , <a href="#">IP/N/1/AUS/T/13</a>

**Brief description of the notified legal text**

The law implements recommendations from an earlier Productivity Commission (PC) inquiry into Crown use and compulsory licences. It also implements the PC review recommendations to phase out the innovation patent system and introduces an objects clause into the Patents Act 1990. Crown use provisions were amended to improve and clarify their operation. Compulsory licensing provisions were amended to replace the 'reasonable requirements of the public' test with a 'public interest' test when the Federal Court considers an application for a compulsory licence.

The law also amends provisions on crown use of designs in the Designs Act and makes minor amendments to the Trademarks Act.

<b>Language(s) of notified legal text</b>	English
<b>Entry into force</b>	27 February 2020; The Act received Royal Assent on 26 February 2020. The Crown use and compulsory licence changes, and the objects clause, commenced on 27 February 2020. The innovation patent changes will commence on 26 August 2021.
<b>Other date</b>	

**Notification details**

<b>Submission date of notification</b>	24 July 2020
<b>Other information</b>	
<b>Agency or authority responsible</b>	IP Australia Ground Floor Discovery House 47 Bowes Street Phillip ACT 2606 Australia  +61 2 6283 2999  Postal address PO Box 200 Woden ACT 2606

\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.