



# **Olympic Insignia Protection Regulations 1993**

**Statutory Rules No. 234, 1993**

made under the

*Olympic Insignia Protection Act 1987*

## **Compilation No. 6**

<b>Compilation date:</b>	1 October 2020
<b>Includes amendments up to:</b>	F2020L00997
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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Olympic Insignia Protection Regulations 1993* that shows the text of the law as amended and in force on 1 October 2020 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

1	Name of Regulations.....	1
2	Definitions .....	1
3	Fees.....	1
5	Times for inspection of Register of Olympic Designs .....	1
6	Correction of Register of Olympic Designs .....	1
6A	Period for doing certain acts—office not open for business.....	1
6B	Days when office not open for business.....	2
6C	Period for doing certain acts—acts to which section 14A does not apply .....	2
7	Register of licences for copyright in the olympic symbol and for protected designs .....	2
8	Register of licences for use of protected olympic expressions .....	3
9	Period of effect of notice of objection to importation .....	3
<b>Endnotes</b>		4
<b>Endnote 1—About the endnotes</b>		4
<b>Endnote 2—Abbreviation key</b>		5
<b>Endnote 3—Legislation history</b>		6
<b>Endnote 4—Amendment history</b>		7



## 1 Name of Regulations

These Regulations are the *Olympic Insignia Protection Regulations 1993*.

## 2 Definitions

In these Regulations:

*Act* means *Olympic Insignia Protection Act 1987*.

*approved form* means a form mentioned in subsection 14 (1) of the Act.

## 3 Fees

For the purposes of the provision of the Act mentioned in column 1 of an item of the following table, the fee mentioned in column 2 of the item is prescribed:

Fees		
	Column 1	Column 2
Item	Provision of the Act	Fee
1	Paragraph 10(2)(b) (application to register design)	\$450
2	Paragraph 11(2)(b) (application for extension of protection period)	\$450

## 5 Times for inspection of Register of Olympic Designs

For the purposes of section 12 of the Act, the prescribed times for the Register of Olympic Designs to be open to the inspection of the public are the times prescribed, from time to time, for the purposes of subsection 113(1) of the *Designs Act 2003* for the Register of Designs to be available for inspection.

## 6 Correction of Register of Olympic Designs

- (1) On a request being made in the approved form, the Registrar may amend an entry in the Register of Olympic Designs for the purposes of correcting a clerical error or an obvious mistake.
- (2) The Registrar may, of his or her own initiative, amend an entry in the Register of Olympic Designs to correct a clerical error or an obvious mistake.

### 6A Period for doing certain acts—office not open for business

For subsection 14A (1) of the Act, the circumstance is that the act is done at the Designs Office.

Note: Subsection 14A (1) provides as follows:

- ‘(1) If the last day of a period provided by this Chapter (except this section), or regulations made for the purposes of this Chapter, for doing an act is a day when the Designs

## Regulation 6B

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Office is not open for business, the act may be done in prescribed circumstances on the next day when the office is open for business.<sup>2</sup>.

### 6B Days when office not open for business

- (1) For paragraph 14A (2) (a) of the Act, the days on which the Designs Office is not open for business are:
  - (a) Saturday; and
  - (b) Sunday; and
  - (c) Australia Day; and
  - (d) Anzac Day.
- (2) For paragraph 14A (2) (b) of the Act, the table sets out prescribed persons.

Item	Person
1	The Director General of IP Australia
2	The Deputy Director General of IP Australia
3	Another person who: <ol style="list-style-type: none"><li>(a) is an SES employee of IP Australia; and</li><li>(b) acts with the agreement of the Director General of IP Australia</li></ol>
4	Another person who: <ol style="list-style-type: none"><li>(a) is an SES employee of IP Australia; and</li><li>(b) acts with the agreement of the Deputy Director General of IP Australia</li></ol>
5	Another person who: <ol style="list-style-type: none"><li>(a) is an SES employee of IP Australia; and</li><li>(b) acts with the agreement of another SES employee of IP Australia</li></ol>

Note: *SES employee* is explained in section 34 of the *Public Service Act 1999*. That meaning is applied generally to Commonwealth legislation by section 2B of the *Acts Interpretation Act 1901*.

- (3) For paragraph 14A (2) (b) of the Act, the prescribed way of publishing a declaration is in the Official Journal of Designs.

### 6C Period for doing certain acts—acts to which section 14A does not apply

For subsection 14A (7) of the Act, an act done in relation to proceedings in a court or a tribunal is prescribed.

## 7 Register of licences for copyright in the olympic symbol and for protected designs

For subsection 18A (1) of the Act the particulars for a licence that are to be included in the Register are:

- (a) the name and address of the holder of the licence; and
- (b) the period for which the licence is granted; and

- (c) a description of the articles to which a protected design may be applied under the licence; and
- (d) if the licence relates to copyright in the olympic symbol, a statement to that effect; and
- (e) if the licence relates to a protected design:
  - (i) a statement to that effect; and
  - (ii) one or more representations of the design sufficient to give a true indication of the design.

## **8 Register of licences for use of protected olympic expressions**

- (1) For subsection 40 (1) of the Act, the particulars for a licence that are to be included in the Register are:
  - (a) the name and address of the licensed user; and
  - (b) the period for which the licence is granted; and
  - (c) the protected olympic expressions that may be used under the licence; and
  - (d) a description of the goods and services to which a protected olympic expression may be applied under the licence.

Note: Subsection 28 (1) of the Act explains when an expression is applied to goods or services.

- (2) In this regulation:

*licensed user* has the meaning given by section 23 of the Act.

## **9 Period of effect of notice of objection to importation**

For subsection 52 (5) of the Act, the period for a notice of objection to importation is 4 years beginning when the notice is given to the Comptroller-General of Customs in accordance with section 52 of the Act.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1993 No. 234	9 Sept 1993	9 Sept 1993	
2002 No. 12	21 Feb 2002	21 Feb 2002	—
2007 No. 40	23 Mar 2007 (F2007L00650)	r 1–10 and Sch 1, 2, 3, 5 and 6: 27 Mar 2007 (r 2(a)) Sch 4 and 8: 1 Apr 2007 (r 2 (b)) Sch 7: 27 Mar 2007 (r 2 (c))	—
2011 No. 62	16 May 2011 (F2011L00773)	1 July 2011 (r 2)	—
2011 No. 217	29 Nov 2011 (F2011L02480)	Sch 1 (Part 2): 27 Dec 2011 (r 2(a))	—
90, 2015	19 June 2015 (F2015L00854)	Sch 2 (item 180): 1 July 2015 (s 2(1) item 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Intellectual Property Laws Amendment (Fee Amounts and Other Measures) Regulations 2020	7 Aug 2020 (F2020L00997)	1 Oct 2020 (s 2(1) item 1)	—

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
r. 1 .....	rs. 2002 No. 12
r. 2 .....	rs 2002 No 12 am F2020L00997
r. 3 .....	rs F2020L00997
r. 4 .....	rep F2020L00997
r. 5 .....	rs F2020L00997
r. 6 .....	am 2002 No 12
r. 6A .....	ad. 2007 No. 40
r. 6B.....	ad. 2007 No. 40 am. 2011 No. 62; No 217, 2011
r. 6C.....	ad. 2007 No. 40
r. 7 .....	ad. 2002 No. 12
r. 8 .....	ad. 2002 No. 12
r. 9 .....	ad. 2002 No. 12 am No 90, 2015