

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

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

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Australia

The present document reproduces the text of Section 12 of the International Organizations (Privileges and Immunities) Act 1963¹, as notified by Australia under Article 63.2 of the Agreement (see document IP/N/1/AUS/1/Rev.1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES
A LA PROPRIETE INTELLECTUELLE NOTIFIEES
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

Australie

Le présent document contient le texte¹ de l'article 12 de la Loi de 1963 sur les organisations internationales (privilèges et immunités), notifiée par l'Australie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/AUS/1/Rev.1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intelectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Australia

En el presente documento se reproduce el texto del artículo 12 de la Ley de Organismos Internacionales (Privilegios e Inmunities) de 1963¹, notificada por Australia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/AUS/1/Rev.1).

¹English only/anglais seulement/en inglés solamente.



INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963

Reprinted as at 30 September 1993

TABLE OF PROVISIONS

Section

1. Short title
3. Interpretation
4. Extension of Act to Territories
5. International organizations to which Act applies
- 5A. Overseas organizations to which Act applies
6. Privileges and immunities of certain international organizations and persons connected therewith
7. Privileges and immunities of representatives attending certain international conferences or engaged on missions in Australia or a Territory
8. Withdrawal of privileges and immunities of representatives of countries not according reciprocal treatment
9. Privileges and immunities of judges and officials of, and persons engaged in business before, the International Court of Justice
- 9A. Privileges and immunities in respect of certain proceedings under the Investment Convention
10. Waiver
11. Certificates by Minister
12. Protection of names etc. of international organizations
13. Regulations

THE SCHEDULES

FIRST SCHEDULE

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATION

International Organizations (Privileges and Immunities) Act 1963

(4) A word or expression used in this section and in the Investment Convention (whether or not a particular meaning is given to it by the Investment Convention) has, in this section, the same meaning as it has in the Investment Convention.

(5) A reference in this section to a numbered Article is a reference to the Article so numbered in the Investment Convention.

Waiver

10. The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or a person is entitled by virtue of this Act or the regulations.

Certificates by Minister

11. (1) The Minister may give a certificate in writing certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled, by virtue of this Act or the regulations, to any privileges or immunities.

(2) In any proceedings, a certificate given under this section is evidence of the facts certified.

Protection of names etc. of international organizations

12. (1) Except with the consent in writing of the Minister, a person (including a body corporate) shall not:

- (a) use the name or an abbreviation of the name of an international organization to which this Act applies in connexion with a trade, business, profession, calling or occupation; or
- (b) use:
 - (i) a seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies;
 - (ii) a seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or
 - (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization.

Penalty: \$1,000.

(2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of an international organization to which this Act applies, or a seal, emblem or device referred to in paragraph (1) (b):

International Organizations (Privileges and Immunities) Act 1963

- (a) is used as, or as part of, the name, seal or emblem of an association;
- (b) is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or
- (c) is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organization;

then:

- (d) if the association is a body corporate—the association; or
- (e) if the association is not a body corporate—every member of the governing body of the association;

is guilty of an offence against this section and is punishable upon conviction by a fine not exceeding \$1,000.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence under this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.

(5) For the purposes of this section:

- (a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and
- (b) if a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.