

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

IP/N/1/AUS/I/3

17 October 1996

(96-4326)

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

Original: English/
anglais/
inglés

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

Australia

The present document reproduces the text of the National Security (Supplementary) Regulations¹, 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 texte du Règlement (supplémentaire) sur la sécurité nationale¹, notifié 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 Reglamento (Suplementario) de Seguridad Nacional¹, notificado 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.

DEFENCE TRANSITION (RESIDUAL PROVISIONS) ACT
NATIONAL SECURITY (SUPPLEMENTARY) REGULATIONS.*

Citation. 1. These Regulations may be cited as the National Security (Supplementary) Regulations.*

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Certain matters not to be registered as trade marks or designs. Added by 1942, No. 269, Sub-reg. (1.) amended by Act No. 77, 1946.

62.—(1.) The Registrar of Trade Marks may refuse to register any trade mark which contains—
(a) any word or group of letters specified in any order in force by virtue of the *Defence (Transitional Provisions) Act 1946* whereby the assumption or use of that word or group is prohibited; or
(b) any representation of any badge or emblem to which this regulation applies,
or any mark so nearly resembling any such word, badge or emblem as to be likely to deceive.

Amended by Act No. 77, 1946.

(2.) The Registrar of Designs may refuse to register any design which consists of, embodies or contains—
(a) any representation of—
(i) the King, the Queen, or any member of the Royal Family;
(ii) the Royal arms, crests, armorial bearings, insignia or devices, or arms, crests, armorial bearings, insignia or devices so nearly resembling them as to be likely to be taken therefor, or of the Royal crowns or of the British national flags, or the word "Royal", or any other words, letters or devices likely to lead persons to think that the applicant had royal or government patronage or authorization;
(iii) the arms, flags or seal of the Commonwealth or of any State or Territory of the Commonwealth;
(iv) the armorial bearings, flags, state emblems, or signs of any country other than the Commonwealth; or
(v) the arms or emblems of any city or town in the Commonwealth or of any State or Public Authority or public institution,
or of any matter so nearly resembling any such matter as to be likely to deceive;
(b) any word or group of letters specified in any order in force by virtue of the *Defence (Transitional Provisions) Act 1946* whereby the assumption or use of that word or group is prohibited, or any word so nearly resembling any such word as to be likely to deceive; or

* The National Security (Supplementary) Regulations consist of those provisions of Statutory Rules 1940, No. 126, as amended, that are continued in force by the *Defence Transition (Residual Provisions) Act 1952*. Those provisions comprise the following Statutory Rules:—

Year and Number.	Date of Notification in Gazette and of Commencement.
1940, No. 126	4th July, 1940
1942, No. 269	19th June, 1942
1943, No. 114	5th May, 1943
1944, No. 104	17th July, 1944

These regulations were also amended by the *Defence (Transitional Provisions) Act 1946* (No. 77, 1946).

National Security (Supplementary) Regulations

- (c) any representation of any badge or emblem to which this regulation applies, or of any badge or emblem so nearly resembling any such badge or emblem as to be likely to deceive.
- (3.) In this regulation—
 - “badge” includes order, decoration and medal and the ribbon thereof;
 - “badge or emblem to which this regulation applies” means any badge or emblem supplied or authorized by any Commonwealth or State Government Department or any local or public authority for any purpose directly or indirectly connected with defence measures, and includes such other badges and emblems as the Attorney-General, by order published in the *Gazette*, specifies;
 - “emblem” includes a regimental or other distinctive mark and an armlet.

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100.—(1.) The mere production of the *Gazette* or the Government Evidence of orders, &c.
Gazette of a State purporting to contain any instrument or copy of any Added by 1943, No. 114; substituted by 1944, No. 104.
 instrument shall be *prima facie* evidence that the instrument was duly made, given or issued in the terms set out in the *Gazette* or in the Government *Gazette* and that the instrument is in force.

- (2.) The mere production of—
 - (a) a document purporting to be an extract from the *Gazette* or the Government *Gazette* of a State, purporting to be printed or published by the Government Printer for the Commonwealth or for the State, as the case may be, and purporting to contain any instrument or a copy of any instrument; or
 - (b) a document purporting to be a copy of any instrument and purporting to be printed or published by the Government Printer for the Commonwealth or for a State, as the case may be,

shall be *prima facie* evidence that the instrument—

- (c) was duly made, given or issued to the effect of or in the terms set out in the extract or copy and is in force; and
- (d) in the case of an instrument referred to in paragraph (a) of this sub-regulation, was published in the *Gazette* or the Government *Gazette*, as the case may be.

- (3.) For the purpose of this regulation, “instrument” means— Amended by Act No. 77, 1946.
 - (a) any instrument under the *National Security Act* 1939, or under that Act as amended, or under the *Defence (Transitional Provisions) Act* 1946;
 - (b) any order, rule, by-law, notice, direction or other instrument made, given or issued under any regulation made under or in force by virtue of either of those Acts; and
 - (c) any notice, direction or other instrument given or issued under any order, rule or by-law made under any such regulation.

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