



16 May 2019

(19-3405)

Page: 1/2

**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 1 AND OTHER MEASURES) ACT 2018 ("THE ACT")

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

<b>Title</b>	Intellectual Property Laws Amendment (Productivity Commission Response Part 1 and Other Measures) Act 2018 ("the Act")
<b>Subject matter</b>	Copyright and related rights; Industrial property (general); Trademarks; Industrial designs; Patents (including plant variety protection); Enforcement
<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://members.wto.org/crnattachments/2019/IP/AUS/19_2595_00_e.pdf">https://members.wto.org/crnattachments/2019/IP/AUS/19_2595_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>	<a href="#">IP/N/1/AUS/D/5</a> ; <a href="#">IP/N/1/AUS/P/5</a> ; <a href="#">IP/N/1/AUS/T/3</a> ; <a href="#">IP/N/1/AUS/P/2</a> ; <a href="#">IP/N/1/AUS/P/2/Add.1</a>

**Brief description of the notified legal text**

The Act (and Regulations - see separate notification) implements the first part of the Australian Government's response to the Productivity Commission's 2016 report into Australia's IP arrangements. In particular, the Act makes the following changes:

- Amends the Trade Marks Act 1995 to clarify the circumstances in which the parallel importation of trade marked goods does not infringe a registered trade mark, and make a consequential amendment to the Copyright Act 1968 to repeal a provision which is redundant as a result.
- Amends the Trade Marks Act 1995 to change the time period that must elapse before certain non-use actions of trade mark can be taken.
- Amends the Plant Breeder's Rights Act 1994 to close a loophole to improve how essentially derived variety declarations can be made for plant breeder's rights.
- Amends the Patents Act 1991 to remove a requirement for patentees to provide certain data relating to pharmaceutical patents with an extended term.

<ul style="list-style-type: none"><li>Amends the Trade Marks Act 1991, Designs Act 2003, Patents Act 1990 and Plant Breeders Rights Act 1994 to implement a number of measures intended to streamline and harmonize the administration of the Australian IP system.</li></ul>	
<b>Language(s) of notified legal text</b>	English
<b>Entry into force</b>	Schedule 1, Parts 2 and 4 and Schedule 2, Parts 1, 4, 5, 13, and 15-21 of the Act commenced on 25 August 2018. Schedule 1, Parts 2 and 3, and Schedule 2, Parts 2, 3, 6-12, and 14 commenced on 24 February 2019.
<b>Other date</b>	Adoption: 24 August 2018

**Notification details**

<b>Submission date of notification</b>	2 May 2019
<b>Other information</b>	The related Regulations can be found in document IP/N/1/AUS/C/26
<b>Agency or authority responsible</b>	IP Australia