

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

**IP/N/1/AUS/I/1**

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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 Patents, Trademarks, Designs and Copyright Act 1939-1973<sup>1</sup>, 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 de la Loi sur les brevets, les marques, les dessins et modèles et le droit d'auteur 1939-1973<sup>1</sup>, 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  
Intellectual relacionados con el Comercio**

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

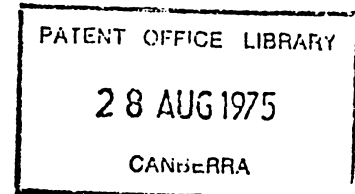
**Australia**

En el presente documento se reproduce la Ley sobre Patentes, Marcas, Dibujos y Modelos y Derecho de Autor de 1939-1973<sup>1</sup>, que Australia ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/AUS/1/Rev.1).

<sup>1</sup>English only/anglais seulement/inglés solamente.

# PATENTS, TRADE MARKS, DESIGNS AND COPYRIGHT ACT 1939-1973

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An Act to make special Provisions with respect to Patents, Trade Marks, Designs and Copyright in Consequence of the War, and for other purposes.

1. This Act may be cited as the *Patents, Trade Marks, Designs and Copyright Act 1939-1973*.<sup>1</sup>

Short title.  
Short title amended; No. 32, 1918, s. 2.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup>

Commencement.

3. (1) \* \* \* \* \*

Interpretation.  
Sub-section (1) omitted by No. 11, 1953, s. 3.

(2) In this Act, the expressions "the Commissioner of Patents", "the Registrar of Trade Marks" and "the Registrar of Designs" include a Deputy Commissioner of Patents, the Deputy Registrar of Trade Marks and a Deputy Registrar of Designs, respectively, when exercising any power or function delegated to him in pursuance of this Act.

\* \* \* \* \*

Sub-sections (3) and (4) omitted by No. 11, 1953, s. 3.

Extension to Territories.  
Amended by No. 216, 1973, s. 3.

4. This Act shall extend to the Territory of Papua, the Territory of New Guinea and Norfolk Island, as if each of those Territories were part of the Commonwealth.

Sections 5-8 repealed by No. 11, 1953, s. 4.

\* \* \* \* \*

Emergency powers.  
Sub-section (1) amended by No. 11, 1953, s. 5.

9. (1) Subject to any directions of the Attorney-General, the Commissioner of Patents, the Registrar of Trade Marks, the Registrar of Designs or the Registrar of Copyrights, may, notwithstanding anything contained in any Act, if it appears to him to be necessary or expedient to do, by reason of circumstances arising from the existence (whether at the time of the exercise of the power or at an earlier time) of a state of war, extend for such period as he thinks fit the time fixed by or under the *Patents Act* 1903-1935, the *Trade Marks Act* 1905-1936, the *Designs Act* 1906-1934 or the *Copyright Act* 1912-1935, for doing any act.

(2) The power conferred by sub-section (1) of this section may be exercised notwithstanding the expiry, whether before or after the commencement of this Act, of the time referred to therein.

(3) If any application, patent, registration or proceeding has lapsed, ceased or expired, or become void or invalid, or has been treated as abandoned, it shall revive upon the granting of an extension of time for doing the act by reason of the non-performance of which it lapsed, ceased or expired or became void or invalid, or was treated as abandoned, as the case may be.

Added by No. 11, 1953, s. 5.

(4) The regulations may make provision for or in relation to the protection or compensation of persons prejudicially affected by any exercise, whether before or after the commencement of this sub-section, of the power conferred by sub-section (1) of this section, being an exercise of that power which has, or has had, the effect of reviving an application, patent, registration or proceeding.

Sections 10-13 repealed by No. 11, 1953, s. 6.

\* \* \* \* \*

Delegation.

14. (1) The Commissioner of Patents, the Registrar of Trade Marks or the Registrar of Designs may, in relation to any particular matter or class of matters, by writing under his hand, delegate all or any of his powers or functions under this Act (except this power of delegation) to a Deputy Commissioner of Patents, the Deputy Registrar of Trade Marks or a Deputy Registrar of Designs, respectively, so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by

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the Commissioner of Patents, the Registrar of Trade Marks or the Registrar of Designs.

15. The provisions of section 48 of the *Designs Act 1906-1973* shall be deemed to have applied from and including 1 August 1938 and shall continue to apply after the commencement of this Act, in respect of an application for the registration of a design made in a country that was, or at the date of the application, a Convention country for the purposes of the law of the United Kingdom relating to designs.

International arrangements.  
Substituted by No. 216, 1973, s. 3.

16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular—

Regulations.

- (a) for regulating the practice and procedure in respect of any application or other matter under this Act;
- (b) for prescribing the time within which any act authorized or required by this Act or the regulations shall, or may, be done; and
- (c) for prescribing fees in respect of applications and other matters under this Act.

17. This Act shall continue in operation until a date to be fixed by Proclamation, and no longer.

Duration of Act.  
Substituted by No. 11, 1953, s. 8.

**NOTE**

The *Patents, Trade Marks, Designs and Copyright Act 1939-1973* comprises the *Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939* as amended by the other Acts specified in the following table:

Act	Number and year	Date of Assent	Date of commencement
<i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939</i>	No. 66, 1939	15 Dec 1939	15 Dec 1939
<i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1940</i>	No. 32, 1940	3 June 1940	15 Dec 1939
<i>Defence (Transitional Provisions) Act 1946</i>	No. 77, 1946	14 Dec 1946	1 Jan 1947
<i>Patents, Trade Marks, Designs and Copyright Act 1953</i>	No. 11, 1953	28 Mar 1953	S. 5: 2 Oct 1952 S. 7: 1 Jan 1950 Remainder: 1 Apr 1953
<i>Statute Law Revision Act 1973</i>	No. 216, 1973	19 Dec 1973	31 Dec 1973