



Intellectual Property Laws Amendment (Border Interception) Act 1999

No. 144, 1999



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**An Act to amend legislation relating to intellectual
property, and for related purposes**

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An Act to amend legislation relating to intellectual property, and for related purposes

[Assented to 3 November 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Intellectual Property Laws
Amendment (Border Interception) Act 1999*.

2 Commencement

This Act commences on the day on which it receives the Royal
Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Application and saving

- (1) The amendments made by this Act to the *Sydney 2000 Games (Indicia and Images) Protection Act 1996* and the *Trade Marks Act 1995* apply in relation to goods imported into Australia on or after the commencement of this Act.
- (2) Despite those amendments, those Acts continue to apply after the commencement of this Act, in relation to goods imported into Australia before the commencement of this Act (the *goods*), as if those amendments had not been made.
- (3) If something was done before the commencement of this Act in relation to the goods:
 - (a) that thing continues to have effect; and
 - (b) those Acts continue to apply in relation to that thing; after the commencement of this Act, as if those amendments had not been made.

Schedule 1—Sydney 2000 Games (Indicia and Images) Protection Act 1996

1 Section 29 (definition of *designated owner*)

Repeal the definition, substitute:

designated owner, in relation to goods imported into Australia, means:

- (a) the person identified as the owner of the goods on the entry made in relation to the goods under section 68 of the *Customs Act 1901*; or
- (b) if no such entry exists—the person determined to be the owner of the goods under section 29A of this Act.

2 After section 29

Insert:

29A Determinations about owners of goods

The CEO or an officer of Customs (within the meaning of subsection 4(1) of the *Customs Act 1901*) may determine that a person is the owner of goods for the purposes of paragraph (b) of the definition of *designated owner* if the person is an owner (within the meaning of that subsection) of the goods.

Schedule 2—Trade Marks Act 1995

1 Section 6 (definition of *designated owner*)

Repeal the definition, substitute:

designated owner, in relation to goods imported into Australia, means:

- (a) the person identified as the owner of the goods on the entry made in relation to the goods under section 68 of the *Customs Act 1901*; or
- (b) if no such entry exists—the person determined to be the owner of the goods under section 133A of this Act.

2 After section 133

Insert:

133A Determinations about owners of goods

The Customs CEO or an officer of Customs (within the meaning of subsection 4(1) of the *Customs Act 1901*) may determine that a person is the owner of goods for the purposes of paragraph (b) of the definition of *designated owner* if the person is an owner (within the meaning of that subsection) of the goods.

Note: For *designated owner* see section 6.

[*Minister's second reading speech made in—
House of Representatives on 25 August 1999
Senate on 22 September 1999*]

(161/99)
