

# Olympic Insignia Protection Regulations 1993 No. 234

## EXPLANATORY STATEMENT

### STATUTORY RULES 1993 No. 234

Issued by the Authority of the Minister for Science and Small Business

*Olympic Insignia Protection Act 1987*

Olympic Insignia Protection Regulations

The Statutory Rules make the Olympic Insignia Protection Regulations (the Regulations) to raise the fees charged under the *Olympic Insignia Protection Act 1987* (the Act) for applications for the registration of olympic designs, and for extension of periods of protection of these designs; to prescribe that the Register of Olympic Designs (the Register) shall be open to public inspection whenever the Designs Office is open to the public; and to enable the Registrar of Designs (the Registrar) to correct clerical errors or obvious mistakes in the Register.

The Act provides for the Australian Olympic Federation Incorporated to apply to the Registrar for the registration of up to 10 olympic designs in the Register, which is administered by the Designs Office. Paragraphs 10(2)(b) and 11(2)(b) of the Act require applications for registration of olympic designs, and for extension of periods of protection of designs to be accompanied by a fee of \$65 or such higher fee as is prescribed.

In 1987, when the Act was passed, the fees charged for lodging applications for the registration of olympic designs, and for extension of periods of protection of these designs were equal to the fees for the corresponding actions under the *Designs Act 1906* (the Designs Act), namely \$65. The fees charged under the Act have not been increased to date, although the corresponding fees charged under the Designs Act have increased to \$90. As few applications for registration or extension under the Act have been made since the initial registration of 10 olympic designs in 1987, no action to raise the fees has been taken before. With the prospect of an increasing number of applications in the near future, it is necessary to raise the levels of the fees to enable the Designs Office, which administers the Act, to recover costs.

The Regulations will align and peg those fees to the corresponding fees under the Designs Act with the effect that they will remain aligned in future, provided that the corresponding fees under the Designs Act remain higher than \$65. This will obviate the need to amend the Regulations each time the Designs Act fees are revised.

Details of the regulations made by these Statutory Rules are as follows:

Regulation 1 provides for the citation of the Regulations as the Olympic Insignia Protection Regulations.

Regulation 2 defines certain words and a phrase used in the Regulations.

Regulation 3 prescribes for the purposes of paragraph 10(2)(b) of the Act the amount of the fee charged for an application for registration of an olympic design to be equal to the amount of the fee prescribed under the Designs Regulations for the lodging of an application for the registration of a design.

Regulation 4 prescribes for the purposes of paragraph 11(2)(b) of the Act the amount of the fee for the extension of the protection period of an olympic design to be equal to the amount of the

fee prescribed under the Designs Regulations for the lodging of a request for the second extension of the period. of registration of a design.

Regulation 5 prescribes the times when the Register shall be open to public inspection to be the times at which the Designs Office is open to the public in accordance with regulation 53 of the Designs Regulations.

Regulation 6 enables the Registrar of Designs to amend an entry in the Register to correct a clerical error or an obvious mistake, on the request being made in the form approved by the Registrar, or on the Registrar's own initiative.