

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 50

Issued by the Authority of the Minister for Industry, Tourism and Resources

Designs Act 2003

Designs Amendment Regulations 2005 (No. 1)

Subsection 149(1) of the *Designs Act 2003* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act or for the conduct of any business relating to the Designs Office.

The Paris Convention for the Protection of Industrial Property (Paris Convention), of which Australia is a Contracting Party, is an international agreement that facilitates simultaneous protection of industrial property in member countries ('Convention countries'). Section 5 of the 2003 Act defines a Convention country as a country declared by the regulations to be a Convention country for the purposes of the Act.

Schedule 1 to the *Designs Regulations 2004* (the Principal Regulations) lists the Convention countries by name. This schedule must be updated each time a country accedes to the Paris Convention. On 3 January 2005 Comoros deposited its instrument of accession to the Paris Convention. Comoros will become bound by the Paris Convention on 3 April 2005.

The Regulations amend the list of Convention countries in Schedule 1 to the Principal Regulations to insert 'Comoros'. This change meets Australia's international obligations under the Paris Convention.

No consultation was undertaken prior to making these Regulations. This is because the Regulations are of a minor or machinery nature only, and do not substantially change the law. The amendments made by these Regulations are required in order for Australia to meet its international obligations under the Paris Convention.

The Regulations commence on 3 April 2005, the day from which Comoros becomes bound by the Paris Convention.