

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 (No. 66)

Issued by the Authority of the Minister for Industry and Innovation

Designs Act 2003

Patents Act 1990

Plant Breeder's Rights Act 1994

Trade Marks Act 1995

Intellectual Property Legislation Amendment Regulation 2012 (No. 1)

Subsection 149(1) of the *Designs Act 2003* (Designs Act), subsection 228(1) of the *Patents Act 1990* (Patents Act), subsection 80(1) of the *Plant Breeder's Rights Act 1994* (Plant Breeder's Rights Act) and subsection 231(1) of the *Trade Marks Act 1995* (Trade Marks Act) (collectively, 'the Acts') provide that the Governor-General may make regulations prescribing matters required or permitted by the Acts to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Acts.

Section 130 of the Designs Act, section 227 of the Patents Act, subsection 80(2) of the Plant Breeder's Rights Act and section 223 of the Trade Marks Act provide for the payment of prescribed fees in accordance with the regulations made for the purpose of the respective Acts.

Paragraph 228(2)(t) of the Patents Act allows the Governor-General to make regulations modifying the operation of the Patents Act in relation to applications made under the Patent Cooperation Treaty (PCT). The PCT provides for cooperation in the filing, searching and examination, of applications for the protection of inventions. In addition, subsection 228(5) of the Patents Act requires the Governor-General to make regulations setting out the English text of the PCT as in force for Australia on the commencing day of the Patents Act, and afterwards such regulations as are necessary to keep that English Text up-to-date.

Section 5 of the Designs Act, Schedule 1 to the Patents Act and section 6 of the Trade Marks Act define a Convention country as a foreign country declared by the relevant regulations to be a Convention country for the purposes of the respective Acts.

The Regulation:

- updates the *Patents Regulations 1991* (Patent Regulations), the *Trade Marks Regulations 1995* (Trade Marks Regulations), the *Designs Regulations 2004* (Designs Regulations) and the *Plant Breeder's Rights Regulations 1994* (Plant Breeder's Rights Regulations) (collectively, 'the Regulations') to implement changes in fees arising from the fee review conducted by IP Australia;
- amends the Patents Regulations, the Trade Marks Regulations and the Designs Regulations to enable customers to provide statutory declarations electronically and simplify the requirements for filing a declaration;
- amends the Trade Marks Regulations to implement provisions of the Trade Marks Act, as amended by the *Personal Property Securities (Consequential Amendments) Act 2009*;

- updates the Patents Regulations, the Trade Marks Regulations and the Designs Regulations to include the Netherlands (including Aruba, Curaçao and Sint Maarten) and Samoa in the list of Convention countries, commencing on 1 July 2012; and
- updates the Patents Regulations to reflect changes to the *Regulations under the Patent Cooperation Treaty* (the PCT Rules) as approved by the International Patent Cooperation Union Assembly (PCT Assembly) at its meeting in September-October 2011.

The objectives of the Regulation are further discussed in Attachment A and details of the Regulation are set out in Attachment B.

The Acts specify no conditions that must be met before the power to make the Regulation may be exercised.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Prior to the making of this Regulation, the Patents Consultation Group, the Trade Marks Consultation Group and the Designs Consultation Group were consulted. The members of these consultation groups are drawn from the registered patent attorney profession, the registered trade marks attorney profession, the legal profession, academia and industry. Several peak bodies are represented in the membership of these consultation groups: the Institute of Patent and Trade Mark Attorneys of Australia, the International Federation of Intellectual Property Attorneys of Australia, the Law Council of Australia and the Australian Manufacturers' Patents, Industrial Designs, Copyright and Trade Mark Association. The Professional Standards Board for Patent and Trade Marks Attorneys and the Plant Breeder's Rights Advisory Committee were also consulted prior to the making of this Regulation.

The Attorney-General's Department was consulted in relation to the electronic transmission and retention of statutory declarations made under the *Statutory Declarations Act 1959*.

The Office of Best Practice Regulation in the Department of Finance and Deregulation has advised that no Regulation Impact Statement is required to be prepared for these amendments.

The amendments to implement the changes in fees commence in two stages – 1 July 2012 for the majority of fee changes and 1 October 2012 for the remaining fee changes. The remaining amendments commence on 1 July 2012.

Attachment A

Objectives of the *Intellectual Property Legislation Amendment Regulation 2012 (No. 1)*

The first purpose of the Regulation is to update the Regulations to amend the fees IP Australia charges for its services. IP Australia is a cost recovery agency and approximately 97% of its revenue is generated from fees paid by customers for services provided by IP Australia. The amendments arise from a fee review conducted by IP Australia as part of IP Australia's Cost Recovery Impact Statement (CRIS) 2012-2016. The review was conducted in compliance with the Australian Government Cost Recovery Guidelines and a summary of the CRIS will be published as part of the 2012-2013 Federal Budget. Amendments to various fees reflect an expansion in online services for patents and trade marks and the introduction of online services for designs and plant breeder's rights. In addition, various fees will be increased to reflect changes in costs to administer activities across all IP rights.

A second purpose of the Regulation is to amend the Designs Regulations, the Patents Regulations and the Trade Marks Regulations to simplify the requirements for filing a declaration and to enable customers to provide statutory declarations electronically. IP Australia is increasingly moving towards electronic methods for conducting transactions with customers. These amendments align with this approach and remove the overly prescriptive requirements for filing declarations.

A third purpose of the Regulation is to amend the Trade Marks Regulations to align with provisions of the Trade Marks Act, as amended by the *Personal Property Securities (Consequential Amendments) Act 2009*. The Personal Property Securities Register commenced on 30 January 2012 and has replaced over 40 different registers of security interests established under Commonwealth, State and Territory legislation. Secured parties are still able to record security interests in trade marks on the Trade Marks Register in order to receive certain notifications, be given an opportunity to be heard or be given an opportunity to make submissions under certain sections of the Trade Marks Act. The amendments change the supporting information that must be provided to the Registrar of Trade Marks to record a claimed interest on the register.

A fourth purpose of the Regulation is to update the Patents Regulations, the Trade Marks Regulations and the Designs Regulations to correct references to the Netherlands and to include Samoa in the list of Convention countries. Convention countries are a party to the Paris Convention for the Protection of Industrial Property (Paris Convention) and / or full members of the World Trade Organisation (WTO). On 10 October 2010, the Netherland Antilles were dissolved and this changed the composition of the Kingdom of the Netherlands, a party to the Paris Convention. Samoa is expected to become a full member of the WTO in July 2012.

Finally, the Regulation updates the English text of the PCT Rules as set out in Schedule 2A to the Patents Regulations. This update reflects changes made to the PCT Rules as approved by the PCT Assembly at its 42nd session from 26 September to 5 October 2011, with effect from 1 July

2012.

Attachment B

Details of the *Intellectual Property Legislation Amendment Regulation 2012 (No. 1)*

Section 1 identifies the Regulation as the *Intellectual Property Legislation Amendment Regulation 2012 (No. 1)*.

Section 2 specifies that Sections 1 to 6, Parts 1 to 4 of Schedule 1, Parts 1 to 4 of Schedule 2, Parts 1 to 3 of Schedule 3 and Part 1 of Schedule 4 commence on 1 July 2012 and that the remainder commence on 1 October 2012.

Section 3 specifies that Schedule 1 amends the *Patents Regulations 1991* and sets out the application of several amendments in Schedule 1. Subsection 3 (2) provides that the amendments made by Part 1 of Schedule 1 regarding declarations apply to declarations given on or after 1 July 2012. The amendments in Part 2 of Schedule 1 update the English text of the PCT Rules set out in Schedule 2A to the Patents Regulations. Subsections 3 (3) to 3 (7) reflect the application provisions agreed by the PCT Assembly at its meeting in September-October 2011.

Section 4 specifies that Schedule 2 amends the *Trade Marks Regulations 1995* and provides that the amendments made by Part 1 of Schedule 2 regarding declarations apply to a declaration given on or after 1 July 2012.

Section 5 specifies that Schedule 3 amends the *Designs Regulations 2004* and provides that the amendments made by Part 1 of Schedule 3 regarding declarations apply to a declaration given on or after 1 July 2012.

Section 6 specifies that Schedule 4 amends the *Plant Breeder's Rights Regulations 1994*.

Schedule 1 Amendments of *Patents Regulations 1991*

Part 1 Amendments relating to declarations

Items 1 to 4 amend Chapter 20 of the Patents Regulations to provide that declarations, and not statutory declarations, are required to be given to the Designated Manager for the purposes of registering, and restoring to the register, a person as a patent attorney. Applicants will continue to be able to provide statutory declarations for these purposes, should they wish to do so.

Item 5 amends regulation 22.13 to change the requirements for declarations and to provide that statutory declarations may be given electronically. Regulation 22.13 currently sets out the requirements for declarations. The changes to subregulation 22.13 (1) remove these requirements and provide that a declaration required or permitted by the Act or the Regulations must be in the approved form. The approved form will be made available on the IP Australia website and will set out simpler requirements.

The amendments to subregulations 22.13 (2) and 22.13 (3) enable customers who wish to provide statutory declarations to do so electronically. The amendments provide that a statutory declaration that is required or permitted to be given to the Commissioner, the Designated Manager, the Disciplinary Tribunal or the Professional Standards Board may be given in an

electronic form by means of an approved electronic communication. The Commissioner will publish a notice specifying the approved means of electronic communication. Customers will continue to be able to give statutory declarations in paper form, should they wish to do so.

Part 2 Amendments relating to PCT Rules

Items 6 and 7 amend subregulation 1.4 (2) and the amendment history paragraph of Schedule 2A to the Patents Regulations to update the date references for the English text of the PCT Rules being in force in Australia. This is to reflect the amendments to the PCT Rules made by the PCT Assembly at its meeting in September-October 2011. Those amendments take effect from 1 July 2012 and are subject to transitional arrangements determined by the Assembly.

Item 8 amends the Table of Provisions for Schedule 2A to reflect the changes to PCT Rule 82^{quater} made at the PCT Assembly's 42nd session meeting.

Items 9 to 14 update the English text of the PCT Rules set out in Schedule 2A. The changes concern the provision of priority documents, the incorporation by reference of elements or parts, patent documents and delays in meeting time limits.

Part 3 Amendments relating to Convention countries

Items 15 and 16 amend Schedule 4 to update references to foreign countries declared to be 'convention countries' for the purposes of the Patents Act. Declared countries are either party to the Paris Convention for the Protection of Industrial Property ('Paris Convention'), are full members of the World Trade Organization (WTO) or enjoy both statuses. The Netherland Antilles were dissolved on 10 October 2010, with the Kingdom of the Netherlands now consisting of four countries: the Netherlands, Aruba, Curaçao and Sint Maarten. Further, Samoa is expected to become a full member of the WTO on or about 15 July 2012. The amendments reflect these changes.

Part 4 Amendments relating to fees (commencing on 1 July 2012)

Items 17 and 21 make amendments to enable IP Australia's customers to pay a lower fee for doing an action or paying a fee using electronic means. IP Australia is increasingly enabling its customers to conduct business electronically. Schedule 7 as amended specifies lower fees for certain actions when paid by approved means. The amendments to regulations 1.3 and 22.2AA enable the Commissioner to publish a notice specifying the means approved for doing such an action. Should the approved electronic means be temporarily unavailable, the Commissioner will be able to specify other means that customers may use and pay the lower fee.

Items 18, 19 and 22 amend subregulation 22.2 (2) and paragraph 22.2G (4) to specify when hearing fees are payable and the consequences of non-payment. IP Australia is requiring different fees for hearings that are based on oral submissions and hearings that are based on written submissions only, in order to better reflect the difference in costs to IP Australia. Item 18 provides that the hearing fee referred to in paragraph 22.2 (2) (b) and item 231 of Schedule 7 is for appearing at and being heard at an oral hearing. Parties that attend a hearing and make no oral submissions are not required to pay the fee. Item 19 provides that the fee for a hearing on the basis of written submissions only, as mentioned in item 231A of Schedule 7 is payable when the

written submissions are filed. Item 22 provides that a person cannot appear and be heard at an oral hearing, or is not entitled to a hearing on the basis of written submissions, if the respective fee has not been paid.

Item 20 amends subregulation 22.2 to provide when the changes to fees apply. Subregulation 22.2 (6) provides that the new fourth anniversary fee, item 211(a) in Schedule 7, applies to all patents that have a date of patent of 1 July 2008 or later and for which the fourth anniversary falls on or after commencement, and to all patent applications that were filed on or after 1 July 2008 and for which the fourth anniversary falls on or after commencement.

Subregulations 22.2 (7) and 22.2 (8) ensure that a person who pays a hearing fee before commencement that increases after commencement is not required to pay the difference. Subregulation 22.2 (7) provides that, for a hearing held after commencement, the new fee for appearing at and being heard at an oral hearing for the first day, item 231(a) in Schedule 7, does not apply to a person if:

- the person requests the hearing and pays the request fee before commencement; or
- the person pays the first day appearance fee before commencement; or
- the hearing relates to a representation or request for which the person pays a fee under items 219, 220 or 229 of Schedule 7 before commencement.

Subregulation 22.2 (8) provides that, for a hearing held after commencement, the new fee for appearing at and being heard at an oral hearing for additional days, item 231(b) in Schedule 7, does not apply to a person if the person pays the additional days appearance fee before commencement.

Item 23 amends Schedule 7 to introduce the following new fees from 1 July 2012:

- continuation or renewal fees when paid by approved means - fee items 211(a) to 211(q) and 212(a) to 212(f);
- hearing a person on the basis of written submissions only, as referred to in Item 23 - fee item 231A.

Item 23 also increases a number of existing fees from 1 July 2012 for patent services provided by IP Australia. These matters comprise:

- certain patent attorney fees - fee items 104, 106 and 107;
- filing a request for examination of a standard patent - fee item 205;
- filing a request for examination of an innovation patent – fee items 207 and 208;
- continuation / renewal fees - fee items 211 and 212;

- acceptance of a patent request and complete specification - fee item 213;
- grant of leave to amend a complete specification after the specification has been accepted - fee item 222A;
- appearing at and being heard at an oral hearing – fee item 231;
- filing a request for an international-type search – fee item 236;
- general fees for international applications – fee items 301 to 305.

Part 5 Amendments relating to fees (commencing on 1 October 2012)

Item 24 amends Schedule 7 to the Patents Regulations from 1 October 2012 to introduce a new fee for the national phase entry of a PCT application when paid using approved means – fee item 214A. Item 25 also increases the existing fees for filing a request for a patent – fee items 201 to 203.

Schedule 2 Amendments of *Trade Marks Regulations 1995*

Part 1 Amendments relating to declarations

Items 1, 2 and 6 amend Part 20 of the regulations to provide that declarations, and not statutory declarations, are required to be given to the Designated Manager for the purposes of registering, and restoring to the register, a person as a trade marks attorney. Applicants will continue to be able to provide statutory declarations for these purposes, should they wish to do so.

Items 3 and 4 amend paragraph 21.1(a) and (b) to provide that, if a declaration under the Act or the regulations is required to be in an approved form and a blank form containing directions about completing the form is provided by the Registrar, the person who completes the form must comply with those directions.

Item 5 amends regulation 21.6 to change the requirements for declarations and to provide that statutory declarations may be given electronically, in the same manner as that referred to above in relation to patents in Schedule 1, Part 1, Item 5.

Part 2 Amendments relating to registration of interests or rights

Items 7 and 8 amend subregulations 11.1 (2), 11.1 (3) and 17A.61 (2) to align the Trade Marks Regulations with the Trade Marks Act regarding requests to record an interest or a right in a registered or unregistered trade mark. The changes require such requests to be in an approved form and to be accompanied by material supporting the person's entitlement to make the request. A form for recording interests or rights in trade marks will be made available on the IP Australia website, and will provide examples of appropriate supporting material to satisfy the requirements of these provisions.

Part 3 Amendments relating to Convention countries

Items 9 and 10 amend Schedule 10 to update references to foreign countries declared to be 'convention countries' for the purposes of the Trade Marks Act. As referred to in Schedule 1, Part 3, Items 15 and 16 regarding patents, amendments are required to correct the reference to the Netherlands and to add Samoa to the list of Convention Countries.

Part 4 Amendments relating to fees (commencing on 1 July 2012)

Items 11 and 13 make amendments to enable IP Australia's customers to pay a lower fee for doing an action or paying a fee using electronic means, similar to that outlined above in relation to Schedule 1, Part 4, Items 17 and 22 regarding patents. Schedule 9 to the Trade Marks Regulations as amended specifies lower fees for certain actions when paid by approved means. The amendments to regulations 2.1 and 21.21AA enable the Registrar to publish a notice specifying the means approved for doing such as an action. Should the approved means be temporarily unavailable, the Registrar will be able to specify other means that customers may use and pay the lower fee.

Item 12 amends regulation 21.21 to provide when the changes to the hearing fees apply and to ensure that a person who pays a hearing fee before commencement that increases after commencement is not required to pay the difference. Subregulations 21.21(8) and 21.21 (9) provide that, for a hearing held after commencement, the fee for attending an oral hearing does not apply to a person if:

- the person pays the respective fee for requesting the hearing, items 14 and 15, before commencement; or
- the person pays the respective fee for attending the hearing, items 16 and 17, before commencement.

Item 14 amends Schedule 9 to the Trade Marks Regulations to introduce the following three new fees from 1 July 2012:

- filing a notice of opposition under s.65A of the Act – item 7(e);
- renewal of a single registration of a trade mark under s.75 of the Act in respect of goods or services in one or more of the prescribed classes, when paid by approved means – fee item 10(a);
- request for a hearing on the basis of written submissions only, where the submissions are filed after the notice of hearing is issued – fee item 17A.

Item 14 also increases a number of existing fees from 1 July 2012 for trade mark services provided by IP Australia. These matters comprise:

- filing an application to register a trade mark in respect of goods or services in one or more of the prescribed classes – fee items 1(a) and 1(b);
- filing an application to register two or more trade marks as a series – fee items 3(a) and

3(b);

- single registration of a trade mark in respect of goods or services in one or more of the prescribed classes – fee item 9;
- renewal of a single registration of a trade mark under s.75 of the Act in respect of goods or services in one or more of the prescribed classes – fee item 10;
- each potential renewal period requested under s.80D of the Act in respect of goods or services in one or more of the prescribed classes – fee item 11;
- each potential renewal period requested under paragraph 80G (1) (b) of the Act in respect of goods or services in one or more of the prescribed classes – fee item 12;
- request for an oral hearing – fee items 14 and 15;
- request to attend an oral hearing– fee items 16 and 17;
- certain trade mark attorney fees – items 28 to 31.

Part 5 Amendments relating to fees (commencing on 1 October 2012)

Item 15 makes changes to the following existing fees from 1 October 2012:

- filing an application to register a trade mark in respect of goods or services in one or more of the prescribed classes, when paid by another means – fee item 1(b);
- filing an application to register a trade mark in respect of goods or services in one or more of the prescribed classes – the additional fee if the goods and services are specified in the application otherwise than by using the official Goods and Services pick list – fee item 1;
- filing an application to register a trade mark in respect of goods or services in one or more of the prescribed classes, by AFS request mentioned in regulation 4.2A – fee item 1(c);
- filing an application to register two or more trade marks as a series, when paid by another means – fee item 3(b);
- filing an application to register two or more trade marks as a series, when paid by another means – the additional fee if the goods and services are specified in the application otherwise than by using the official Goods and Services pick list – fee item 3;
- requesting an amendment to include an additional prescribed class of goods or services in an application – fee items 4(a) and 4(b);

- AFS request under regulation 3A.4 – fee item 32;
- inclusion of an additional class of goods or services in an AFS request - fee item 33;
- inclusion of an amendment in an AFS request that significantly changes the graphical representation of a trade mark – fee item 34.

Schedule 3 Amendments of *Designs Regulations 2004*

Part 1 Amendments relating to declarations

Item 1 amends subregulation 11.26 to change the requirements for declarations and to provide that statutory declarations may be given electronically, in the same manner as that referred to above in relation to patents in Schedule 1, Part 1, Item 5.

Part 2 Amendments relating to Convention countries

Items 2 and 3 amend Schedule 1 to update references to foreign countries declared to be ‘convention countries’ for the purposes of the Designs Act. As discussed in relation to Schedule 1, Part 3, Items 15 and 16 regarding patents, amendments are required to correct the reference to the Netherlands and to add Samoa to the list of Convention Countries.

Part 3 Amendments relating to fees (commencing on 1 July 2012)

Items 4 and 6 make amendments to enable IP Australia’s customers to pay a lower fee for doing an action or paying a fee using electronic means, similar to that outlined above in relation to Schedule 1, Part 4, Items 17 and 22 regarding patents. Schedule 4 to the Designs Regulations as amended specifies lower fees for certain actions when paid by approved means. The amendments to regulations 1.04 and 11.01A enable the Registrar to publish a notice specifying the means approved for doing an action mentioned in Schedule 4. Should the approved means be temporarily unavailable, the Registrar will be able to specify other means that customers may use and pay the lower fee.

Item 5 amends regulation 11.01 to provide when the changes to the hearing fees apply and to ensure that a person who pays a hearing fee before commencement that increases after commencement is not required to pay the difference. Subregulation 11.01 (7) provides that, for a hearing held after commencement, the first day appearance fee - item 12(a) in Schedule 4 – does not apply to a person if:

- the person pays the fee for requesting the hearing before commencement – item 11; or
- the person pays the first day appearance fee before commencement – item 12(a); or
- the hearing relates to a request or application by the person for which the person paid the fee in item 10 before commencement.

Subregulation 11.01 (8) provides that, for a hearing held after commencement, the additional

days appearance fee – item 12(b) - does not apply to a person if the person pays the additional days appearance fee before commencement.

Item 7 amends Schedule 4 to the Designs Regulations from 1 July 2012 to introduce a new fee for filing an application for renewal of the registration of a design, when paid by approved means – item 5(a). Item 7 also increases the following existing fees:

- filing a request for examination of a design – fee items 3 and 4;
- filing an application for renewal of the registration of a design – fee item 5(b);
- filing a request for a hearing – fee item 11;
- appearing at a hearing – fee items 12(a) and 12(b).

Part 4 Amendments relating to fees (commencing on 1 October 2012)

Item 8 introduces the following new fees from 1 October 2012:

- filing a design application, when paid by approved means – fee item 1(a);
- filing a request for registration covering a further design, when paid by approved means – fee item 2(a).

Schedule 4 Amendments of *Plant Breeder's Rights Regulations 1994*

Part 1 Amendments relating to fees (commencing on 1 July 2012)

Items 1 and 2 make amendments to enable IP Australia's customers to pay a lower fee for doing an action or paying a fee using electronic means, similar to that outlined above in relation to Schedule 1, Part 4, Items 17 and 22 regarding patents. The Schedule to the Plant Breeder's Rights Regulations as amended specifies lower fees for certain actions when paid by approved means. The amendments to subregulation 3 (1) and regulation 4A enable the Registrar to publish a notice specifying the means approved for doing an action mentioned in the Schedule. Should the approved means be temporarily unavailable, the Registrar will be able to specify other means that customers may use and pay the lower fee.

Item 3 amends the Schedule to the Plant Breeder's Rights Regulations from 1 July 2012 to introduce a new fee for the annual maintenance of PBR, when paid by approved means – fee item 15(a). Item 3 also increases the following existing fees:

- lodgement of a detailed description under s.34 of the Act – fee items 6(a)(i), 6(a)(ii), 6(b) and 6(c);
- grant of PBR - fee item 10;

- annual maintenance of PBR, when paid by another means – fee item 15(b).

Part 2 Amendments relating to fees (commencing on 1 October 2012)

Item 4 introduces from 1 October 2012 a new fee for lodging an application under s.26 of the Act, when paid by approved means – fee item 4(a). Item 4 also increases the fee for lodging an application under s.26 of the Act when paid by another means.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Intellectual Property Legislation Amendment Regulation 2012 (No. 1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Intellectual Property Legislation Amendment Regulation 2012 (No. 1)* makes technical and administrative amendments to various Regulations to improve the operation of the intellectual property rights system administered by IP Australia.

The amendments implement changes in fees arising from the fee review conducted by IP Australia. This review was conducted as part of IP Australia's Cost Recovery Impact Statement 2012-2016, in compliance with the Australian Government Cost Recovery Guidelines.

Schedules 1 to 3 of the Regulation enable customers to provide statutory declarations electronically and simplify the requirements for filing a declaration.

Schedule 2 of the Regulation changes the information that must be provided to IP Australia to record on the Trade Marks Register a security interest or right in a trade mark.

The amendments also update the lists of Convention countries and provisions of the Patent Cooperation Treaty, as approved by the International Patent Cooperation Union Assembly at its September-October 2011 meeting. These amendments enable Australia to comply with its international obligations under the relevant agreements and treaties.

None of these amendments make any substantive changes to the law.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Greg Combet AM MP, Minister for Industry and Innovation