



# Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated            9 May            2024

Signed  
David Hurley  
Governor-General

By His Excellency's Command

Signed  
Ed Husic  
Minister for Industry and Science

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## Contents

1	Name .....	1
2	Commencement.....	1
3	Authority .....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
Part 1—Renewal of registration		2
<i>Trade Marks Regulations 1995</i>		2
Part 2—Restoration of trade mark to the Register		3
<i>Trade Marks Regulations 1995</i>		3
Part 3—Official Journal etc.		4
<i>Trade Marks Regulations 1995</i>		4
Part 4—Extension of time for Assisted Filing Service		10
<i>Trade Marks Regulations 1995</i>		10
Part 5—NICE Classification		11
<i>Trade Marks Regulations 1995</i>		11
Part 6—Application and transitional provisions		15
<i>Trade Marks Regulations 1995</i>		15
Part 7—Spent provisions		19
<i>Patents Regulations 1991</i>		19



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## 1 Name

This instrument is the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument.	17 May 2024.	17 May 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Patents Act 1990*;
- (b) the *Trade Marks Act 1995*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Renewal of registration**

#### ***Trade Marks Regulations 1995***

##### **1 Subregulation 21.21(6)**

Omit “10 months”, substitute “6 months”.

##### **2 Clause 1 of Schedule 9 (table item 12, column headed “Matter”)**

Omit “10 months”, substitute “6 months”.

## **Part 2—Restoration of trade mark to the Register**

### *Trade Marks Regulations 1995*

#### **3 At the end of Division 3 of Part 9**

Add:

##### **9.18A Trade mark restored to Register in certain circumstances**

For the purposes of subparagraph 98(2)(b)(ii) of the Act (which deals with restoration of trade marks), a thing referred to in paragraph 98(2)(b) of the Act is:

- (a) filing evidence in support in accordance with subregulation 9.16(3); or
- (b) requesting a hearing in accordance with subregulation 9.17(1).

## Part 3—Official Journal etc.

### *Trade Marks Regulations 1995*

#### 4 Paragraph 3A.3(3)(f)

Omit “notified by the Registrar in the *Official Journal*”, substitute “published by the Registrar on the IP Australia website”.

#### 5 Paragraph 3A.3(3)(g)

Omit “notified conditions in the *Official Journal*”, substitute “published conditions on the IP Australia website”.

#### 6 Subregulation 4.7(2)

Repeal the subregulation, substitute:

- (2) The particulars must be published in a computer database maintained by the Trade Marks Office.

#### 7 After regulation 4.11

Insert:

##### 4.11A Publication of decision

For the purposes of paragraph 34(b) of the Act, the decision must be published in a computer database maintained by the Trade Marks Office.

#### 8 Subregulation 5.6(1)

Omit “advertised in the *Official Journal* under paragraph 34(b) of the Act”, substitute “published in a computer database maintained by the Trade Marks Office in accordance with regulation 4.11A”.

#### 9 After regulation 6.3

Insert:

##### 6.3A Publication of request for amendment

For the purposes of subsection 65A(3) of the Act, the request for the amendment must be published in a computer database maintained by the Trade Marks Office.

#### 10 Subregulation 6.6(1)

Omit “advertisement of the request for amendment in the *Official Journal* under subsection 65A(3) of the Act”, substitute “publication of the request for the amendment in a computer database maintained by the Trade Marks Office in accordance with regulation 6.3A”.

#### 11 Paragraph 7.1(1)(a)

Omit “advertised in the *Official Journal*”, substitute “published in a computer database maintained by the Trade Marks Office in accordance with regulation 4.11A”.



**12 At the end of Division 1 of Part 7**

Add:

**7.2A Publication of registration**

For the purposes of paragraph 71(a) of the Act, the registration must be published in a computer database maintained by the Trade Marks Office.

**13 After regulation 8.3**

Insert:

**8.3A Amendment because of inconsistency with international agreements—  
publication of request**

For the purposes of subsection 83A(3) of the Act, the request for the amendment must be published in a computer database maintained by the Trade Marks Office.

**14 Paragraph 8.4(2)(b)**

Omit “advertised in the *Official Journal*”, substitute “published in a computer database maintained by the Trade Marks Office in accordance with regulation 8.3A”.

**15 Regulation 9.6**

Before “For”, insert “(1)”.

**16 At the end of regulation 9.6**

Add:

- (2) For the purposes of subsections 95(2) and (3) of the Act, the application must be published in a computer database maintained by the Trade Marks Office.

**17 Subregulation 9.8(1)**

Omit “advertised in the *Official Journal*”, substitute “published in a computer database maintained by the Trade Marks Office”.

**18 At the end of regulation 10.4**

Add:

- (5) For the purposes of subsection 110(3) of the Act, the recording or registration must be published in a computer database maintained by the Trade Marks Office.

**19 Paragraph 16.3(2)(b)**

Omit “advertised in the *Official Journal*”, substitute “published in a computer database maintained by the Trade Marks Office in accordance with subregulation (3)”.

**20 Paragraph 16.3(2)(c)**

Omit “publication of the *Official Journal* in which the advertisement is published”, substitute “the publication in the computer database maintained by the Trade Marks Office”.

**21 Paragraph 16.3(3)(a)**

Repeal the paragraph, substitute:

- (a) publish the initial assessment in a computer database maintained by the Trade Marks Office; and

**22 Paragraph 16.3(3)(b)**

Omit “advertisement”, substitute “publication”.

**23 Subregulation 16.3(4)**

Omit “of the advertisement in the *Official Journal* of an initial assessment”, substitute “the initial assessment is published in a computer database maintained by the Trade Marks Office in accordance with subregulation (3)”.

**24 Paragraph 16.3(4)(a)**

Omit “an advertisement”, substitute “a publication”.

**25 Subregulation 16.4(1)**

Omit “of the advertisement in the *Official Journal* of an initial assessment”, substitute “the initial assessment is published in a computer database maintained by the Trade Marks Office in accordance with subregulation 16.3(3)”.

**26 Paragraph 16.4(1)(b)**

Omit “an advertisement”, substitute “a publication”.

**27 Subregulation 16.4(3)**

Omit “of the advertisement in the *Official Journal* of an initial assessment”, substitute “the initial assessment is published in a computer database maintained by the Trade Marks Office in accordance with subregulation 16.3(3)”.

**28 Paragraph 16.4(3)(b)**

Omit “an advertisement”, substitute “a publication”.

**29 Paragraph 16.5(2)(b)**

Omit “an advertisement”, substitute “a publication”.

**30 Regulation 16.7**

Repeal the regulation, substitute:

**16.7 Matters to be included in publication of adverse decision**

For the purposes of paragraph 175(4)(b) of the Act (which deals with publication of a decision of the Commission not to give a certificate), the publication of the matter must:

- (a) be in a computer database maintained by the Trade Marks Office; and
- (b) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the AAT for the review of the decision to which the publication relates.

**31 After regulation 16.7**

Insert:

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### **16.7A Publication of decision to accept or reject application**

For the purposes of paragraph 176(3)(b) of the Act, the decision must be published in a computer database maintained by the Trade Marks Office.

### **32 Subregulation 16.10(4)**

Omit “in the *Official Journal*”, substitute “in a computer database maintained by the Trade Marks Office”.

### **33 Subregulation 16.10(5)**

Omit “to be published in the *Official Journal*”, substitute “published under subregulation (4)”.

### **34 Subregulation 16.12(2)**

Omit “advertises acceptance of the application in the *Official Journal* in accordance with paragraph 176(3)(b) of the Act”, substitute “publishes acceptance of the application in a computer database maintained by the Trade Marks Office in accordance with regulation 16.7A”.

### **35 Paragraph 17A.25(1)(a)**

Omit “notify the decision in the *Official Journal*”, substitute “publish the decision in a computer database maintained by the Trade Marks Office”.

### **36 Paragraph 17A.25(2)(c)**

Omit “notify the decision in the *Official Journal*”, substitute “publish the decision in a computer database maintained by the Trade Marks Office”.

### **37 Subregulation 17A.33(1)**

Repeal the subregulation, substitute:

- (1) If the Registrar publishes the acceptance of an IRDA in a computer database maintained by the Trade Marks Office in accordance with regulation 17A.25, a person may oppose the extension of protection by filing a notice of intention to oppose within 2 months from the publication of the acceptance.

### **38 Paragraph 17A.37(1)(a)**

Repeal the paragraph, substitute:

- (a) publish that fact in a computer database maintained by the Trade Marks Office; and

### **39 Regulation 17A.48E**

Before “For”, insert “(1)”.

### **40 At the end of regulation 17A.48E**

Add:

- (2) For the purposes of subsections 95(2) and (3) of the Act, the application must be published in a computer database maintained by the Trade Marks Office.

#### **41 Subregulation 17A.48G(1)**

Omit “is advertised in the *Official Journal*”, substitute “is published in a computer database maintained by the Trade Marks Office in accordance with subregulation 17A.48E(2)”.

#### **42 Paragraph 20A.19(1)(c)**

Omit “in the *Official Journal*”, substitute “on the Trans-Tasman IP Attorneys website”.

#### **43 After regulation 21.3**

Insert:

##### **21.3A Approved means of filing documents**

For the purposes of subsection 213A(3) of the Act, the determination must be published on the IP Australia website.

##### **21.3B Directions by Registrar for filing of documents**

For the purposes of subsection 213B(3) of the Act, the direction must be published on the IP Australia website.

##### **21.3C Directions by Registrar for filing of evidence**

For the purposes of subsection 213C(4) of the Act, the direction must be published on the IP Australia website.

#### **44 Regulation 21.10**

Omit “advertise the withdrawal in the Official Journal”, substitute “publish the withdrawal in a computer database maintained by the Trade Marks Office”.

#### **45 After regulation 21.20A**

Insert:

##### **21.20AA Publication of application for extension of time**

For the purposes of subsection 224(5) of the Act, the application must be published in a computer database maintained by the Trade Marks Office.

#### **46 Subregulation 21.20B(1)**

Omit “the advertisement of the request for the extensions in the *Official Journal* under subsection 224(5) of the Act”, substitute “the publication of the request for the extension in a computer database maintained by the Trade Marks Office under regulation 21.20AA”.

#### **47 After subregulation 21.22(1)**

Insert:

- (1A) For the purposes of subsection 223AA(3) of the Act, the Registrar must publish the determination on the IP Australia website.

**48 Subregulation 21.24B(3)**

Omit “in the Official Journal of Trade Marks”, substitute “on the IP Australia website”.

**49 Paragraph 21.28(1)(q)**

Omit “an advertisement”, substitute “a publication”.

## Part 4—Extension of time for Assisted Filing Service

### *Trade Marks Regulations 1995*

#### **50 Subregulation 3A.5(1)**

After “under subregulation 3A.4(2)”, insert “, or within an extended period as decided by the Registrar under regulation 3A.7”.

#### **51 At the end of Part 3A**

Add:

#### **3A.6 AFS request—application for extension of time**

- (1) A requester may apply to the Registrar to extend the period for amending or submitting an AFS request under subregulation 3A.5(1).
- (2) The application must be made within the period of 2 months beginning immediately after the end of the period of 5 working days after the requester is informed by the Registrar under subregulation 3A.4(2).
- (3) The application must:
  - (a) be in the approved form; and
  - (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

- (4) The application may be made only on any of the following grounds:
  - (a) an error or omission by the requester, the requester’s agent, the Registrar or an employee;
  - (b) circumstances beyond the control of the requester, other than an error or omission by the requester, the requester’s agent, the Registrar or an employee;
  - (c) special circumstances exist that justify an extension of the period.

#### **3A.7 AFS request—grant of extension of time**

- (1) The Registrar may grant the application only if the Registrar is satisfied that the grounds set out in the application justify the extension.
- (2) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.
- (3) The Registrar must not grant more than one extension for an AFS request.

#### **52 Regulation 4.2A**

After “the period of 5 working days mentioned in subregulation 3A.5(1)”, insert “, or such extended period as decided by the Registrar under regulation 3A.7”.

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## Part 5—NICE Classification

### *Trade Marks Regulations 1995*

#### **53 Part 1 of Schedule 1 (table items 1 to 11)**

Repeal the items, substitute:

1	Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilisers; biological preparations for use in industry and science
2	Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art
3	Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing and abrasive preparations
4	Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting
5	Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides
6	Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes
7	Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines
8	Hand tools and implements, hand-operated; cutlery; side arms, except firearms; razors
9	Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus
10	Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and

**Schedule 1** Amendments  
**Part 5** NICE Classification

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	assistive devices adapted for persons with disabilities; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles
11	Apparatus and installations for lighting, heating, cooling, steam generating, cooking, drying, ventilating, water supply and sanitary purposes

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**54 Part 1 of Schedule 1 (table items 13 to 34)**

Repeal the items, substitute:

13	Firearms; ammunition and projectiles; explosives; fireworks
14	Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments
15	Musical instruments; music stands and stands for musical instruments; conductors' batons
16	Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks
17	Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal
18	Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals
19	Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal
20	Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber
21	Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware
22	Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor
23	Yarns and threads for textile use
24	Textiles and substitutes for textiles; household linen; curtains of textile or plastic
25	Clothing, footwear, headwear
26	Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair
27	Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile
28	Games, toys and playthings; video game apparatus; gymnastic and sporting

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	articles; decorations for Christmas trees
29	Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese, butter, yogurt and other milk products; oils and fats for food
30	Coffee, tea, cocoa and substitutes therefor; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water)
31	Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt
32	Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other preparations for making non-alcoholic beverages
33	Alcoholic beverages, except beers; alcoholic preparations for making beverages
34	Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vaporisers for smokers; smokers' articles; matches

**55 Part 2 of Schedule 1 (table items 35 to 38)**

Repeal the items, substitute:

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35	Advertising; business management, organisation and administration; office functions
36	Financial, monetary and banking services; insurance services; real estate services
37	Construction services; installation and repair services; mining extraction, oil and gas drilling
38	Telecommunications services

**56 Part 2 of Schedule 1 (table item 40)**

Repeal the item, substitute:

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40	Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services; food and drink preservation
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**57 Part 2 of Schedule 1 (table item 42)**

Repeal the item, substitute:

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42	Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; design and development of computer hardware and software
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**58 Part 2 of Schedule 1 (table items 44 and 45)**

Repeal the items, substitute:

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44	Medical services; veterinary services; hygienic and beauty care for human
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**Schedule 1** Amendments  
**Part 5** NICE Classification

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	beings or animals; agriculture, aquaculture, horticulture and forestry services
45	Legal services; security services for the physical protection of tangible property and individuals; dating services, online social networking services; funerary services; babysitting

## Part 6—Application and transitional provisions

### *Trade Marks Regulations 1995*

#### 59 In the appropriate position in Part 22

Insert:

### **Division 6—Amendments made by the Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024**

#### **22.26 Amendments made by Part 1 of Schedule 1**

Despite the amendments of regulation 21.21 and clause 1 of Schedule 9 made by Part 1 of Schedule 1 to the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024*, those provisions, as in force immediately before the commencement of that Part, continue to apply in relation to a trade mark for which particulars were entered in the Register under section 69 of the Act before that commencement.

#### **22.27 Amendments made by Part 2 of Schedule 1**

Regulation 9.18A, as inserted by Part 2 of Schedule 1 to the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024*, applies in relation to a trade mark removed from the Register under paragraph 97(1)(a) of the Act after the commencement of that Part.

#### **22.28 Amendments made by Part 3 of Schedule 1**

The amendments made by Part 3 of Schedule 1 to the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024* apply as set out in the following table.

Transitional provisions		
Item	Column 1	Column 2
	The amendments made by:	apply in relation to:
1	items 4 and 5	an AFS request made under regulation 3A.3 if the request is: (a) submitted after the commencement of this regulation; or (b) amended after the commencement of this regulation
2	item 6	an application made under section 27 of the Act if the application: (a) is filed after the commencement of this regulation; or (b) was filed before the commencement of this regulation, but has not been published as at that commencement
3	items 7, 8 and 11	a decision made under section 33 of the Act in relation to an application made under section 27 of the Act, if the decision: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation,

## Schedule 1 Amendments

### Part 6 Application and transitional provisions

<b>Transitional provisions</b>		
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
	<b>The amendments made by:</b>	<b>apply in relation to:</b>
		but has not been advertised as at that commencement
4	items 9 and 10	a request for amendment made under section 65A of the Act if the request is made after the commencement of this regulation
5	item 12	a trade mark registered under section 68 of the Act if the trade mark is registered after the commencement of this regulation
6	items 13 and 14	a request for amendment made under section 83A of the Act if the request is made after the commencement of this regulation
7	items 16, 17, 40 and 41	an application made under section 92 of the Act if the application is made after the commencement of this regulation
8	item 18	a recording or registration made under section 110 of the Act in relation to an application made under section 109 of the Act, if the recording or registration is made after the commencement of this regulation (whether the application is made before, on or after that commencement)
9	items 19 to 29 and 49	an initial assessment made under regulation 16.3 in relation to an application under section 27 of the Act, if the initial assessment: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation, but has not been advertised as at that commencement
10	item 30	a decision made under section 175 of the Act in relation to an application made under section 27 of the Act, if the decision: (a) is given after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was given before the commencement of this regulation, but has not been advertised as at that commencement
11	items 31 and 34	a decision made under section 176 of the Act in relation to an application made under section 27 of the Act, if the decision: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation, but has not been advertised as at that commencement
12	items 32 and 33	a decision made under section 178 of the Act in relation to an application made under regulation 16.8, if the decision: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation, but has not been published as at that commencement

<b>Transitional provisions</b>		
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
	<b>The amendments made by:</b>	<b>apply in relation to:</b>
13	items 35 to 37	a decision made under regulation 17A.24, if the decision: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation, but the decision has not been notified as at that commencement
14	item 38	a trade mark that becomes a protected international trade mark under regulation 17A.36 if the trade mark becomes protected after the commencement of this regulation
15	item 42	a decision made under regulation 20A.18 in relation to an application made under 20A.10, if the decision: (a) is made after the commencement of this regulation (whether the application is made before, on or after that commencement); or (b) was made before the commencement of this regulation, but has not been published as at that commencement
16	item 43 (new regulation 21.3A)	a determination made under section 213A of the Act if the determination is made after the commencement of this regulation
17	item 43 (new regulation 21.3B)	a direction given under section 213B of the Act if the direction is given after the commencement of this regulation
18	item 43 (new regulation 21.3C)	a direction given under section 213C of the Act if the direction is given after the commencement of this regulation
19	item 44	an application, notice or request withdrawn in accordance with regulation 21.9, if the application, notice or request: (a) is withdrawn after the commencement of this regulation; or (b) was withdrawn before the commencement of this regulation, but the withdrawal has not been advertised as at that commencement
20	items 45 and 46	an application made under section 224 of the Act if the application is made after the commencement of this regulation
21	item 47	a determination made under section 223AA of the Act if the determination is made after the commencement of this regulation
22	item 48	a declaration made under section 223A of the Act if the declaration is made after the commencement of this regulation

### 22.29 Amendments made by Part 4 of Schedule 1

- (1) The amendments of regulations 3A.5 and 4.2A, made by Part 4 of Schedule 1 to the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024*, apply in relation to an opinion formed under subregulation 3A.4(1) in relation to an AFS request, if the opinion:
- (a) is formed after the commencement of that Part; or

**Schedule 1** Amendments

**Part 6** Application and transitional provisions

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- (b) was formed before the commencement of that Part but for which the Registrar has not informed the requester under subregulation 3A.4(2) as at that commencement.
- (2) Regulations 3A.6 and 3A.7, as added by Part 4 of Schedule 1 to the *Intellectual Property Laws Amendment (Regulator Performance) Regulations 2024*, apply in relation to an opinion formed under subregulation 3A.4(1) in relation to an AFS request, if the opinion:
  - (a) is formed after the commencement of that Part; or
  - (b) was formed before the commencement of that Part but for which the Registrar has not informed the requester under subregulation 3A.4(2) as at that commencement.

## **Part 7—Spent provisions**

### *Patents Regulations 1991*

#### **60 Regulation 1.3 (definition of *former patents Regulations*)**

Repeal the definition.

#### **61 Regulations 23.2 to 23.26**

Repeal the regulations.