

## AUSTRALIA (AU)



### I. LEGISLATIVE PROFILE

#### 1. National Legislation

##### a. Industrial Property

**Capital:** Canberra  
**Population:** 19,387,000

##### Patents:

- The Patents Act 1990 No. 83 of 1990, was assented to in October 1990 and commenced in April 1991, as last amended by the Trade Marks and Other Legislation Amendment Act 2001 No. 99, assented to in August 2001, commenced in September 2001, and also amended by the Patents Amendment (Innovation Patents) Act 2000 No. 140 assented to in November 2000 and commenced in May 2001, and by Acts Nos. 99 of 2001 and 48 of 2003.

##### Trade Marks:

- Trade Marks Act 1995 No. 119, was assented to in October 1995 and commenced in January 1996, as last amended by the Trade Marks and Other Legislation Amendment Act 2001 No. 99, assented to in August 2001, commenced in September 2001, and also amended by the Trade Marks Amendment (Madrid Protocol) Act 2000 No. 117, assented to in September 2000 and commenced in July 2001. Note also the Trade Marks and Other Legislation Amendment Regulations commencing in September 2001 except for Schedule 2 to the Regulations commencing in January 2002.

##### Industrial Designs:

- Designs Act 1906 No. 4 of 1906 was assented to in August 1906 and commenced in January 1907, as last amended by the Intellectual Property Laws Amendment Act 1998 No. 100 of 1998, assented to in July 1998 and commenced Schedule 2: 27 in January 1997 and also amended by the Public Employment (Consequential and Transitional) Amendment Act 1999 No. 146 of 1999 assented to in November 1999 and commenced in December 1999.

##### b. Copyright and Related Rights

##### Copyright:

- Copyright Act 1968 No. 63 of 1968 was assented to in June 1968 and commenced in May 1969, as last amended by the Copyright Amendment (Digital Agenda) Act 2000 No. 110, assented to in September 2000 and commenced in March 2001, and also amended by the Copyright Amendment (Moral Rights) Act 2000 No. 159 of 2000, assented to in December 2000 and commenced Schedule 2: 4 in March 2001 (upon commencement of Copyright Amendment (Digital Agenda) Act, No. 110, 2000): remainder on assent.

##### Related Rights:

As above, under Copyright.

##### c. Other Country-Specific Legislation or Activities

##### Layout Designs (Topographics) of Integrated Circuits:

- Circuit Layouts Act 1989 No. 28 of 1989, assented to in May 1989, commenced in October 1990, as last amended by the Law and Justice Legislation Amendment Act 1990 No.

115 of 1990, assented to in December 1990, commenced in December 1990 (so far as amendments to the Copyright Act 1968 are concerned).

**d. Sources for Information on National Laws**

IP Australia's (Patents, Trade Marks and Designs Office) Website on Industrial Property <http://www.ipaustralia.gov.au>

This website provides comprehensive information on patents, trademarks and designs, including legislation.

Australian legislation available from internet websites: <http://www.austlii.edu.au> (under Commonwealth Consolidated Acts) <http://www.scaleplus.law.gov.au>

Attorney-General's Department Website: <http://www.ag.gov.au>

"Windows on the Law": <http://www.law.gov.au.wotl.html>

See also address below, under Copyright Office.

**2. Membership of International Bodies**

**a. Membership of WIPO treaties:**

- WIPO Convention, since August 1972.
- Paris Convention (Industrial Property), since October 1925.
- Berne Convention (Literary and Artistic Works), since April 1928.
- PCT (Patents), since March 1980.
- Madrid Protocol (International Registration of Marks), since July 2001.
- Singapore Treaty (Law of Trademarks), since March 2009.
- Nice Agreement (International Classification of Goods and Services), since April 1961.
- Rome Convention (Performers, Producers of Phonograms and Broadcasting Organizations), since September 1992.
- Strasbourg Agreement (International Patent Classification), since November 1975.
- Geneva Convention (Unauthorized Duplication of Phonograms), since June 1974.
- Brussels Convention (Distribution of Programme-Carrying Signals Transmitted by Satellite), since October 1990.
- Budapest Treaty (Deposit of Micro-organisms), since July 1987.
- TLT (Trademarks), since January 1998.
- WCT (WIPO Copyright Treaty), since July 2007.
- WPPT (WIPO Performances and Phonograms Treaty), since July 2007.

**b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.**

**c. Membership of other bodies/treaties: APEC, UCC, UPOV.**

- Member of APEC since November 1989.
- Member of UCC since February 1969.
- Member of UPOV since March 1989.

## II. ADMINISTRATION

### 1. Industrial Property

#### Supervisory Ministry:

Department of Industry, Tourism and Resources  
20 Allara Street  
Canberra ACT 2601

Tel.: (61.2) 62.13.60.00  
Fax: (61.2) 62.13.70.00

or:

P.O. Box 9839  
CANBERRA ACT 2600

#### Industrial Property Office:

IP Australia  
Department of Innovation, Industry, Science  
and Research  
Discovery House  
47 Bowes Street  
PHILLIP ACT 2606

Tel.: (61.2) 62.83.29.99  
(General switchboard)  
62.83.20.03  
(Director General)  
Fax: (61.2) 62.81.18.41  
62.83.79.99  
(Customer service)

or:

P.O. Box 200  
WODEN ACT 2606  
*Title of Head:* Director General

E-mail: [assist@ipaustrialia.gov.au](mailto:assist@ipaustrialia.gov.au)

Internet website:

<http://www.ipaustrialia.gov.au>

### 2. Copyright and Related Rights

#### Supervisory Ministry:

Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Tel.: (61.2) 62.50.66.66  
62.50.63.13  
Fax: (61.2) 62.50.59.00  
62.50.59.29

*Title of Head:* Department Secretary

E-mail:

[copyrightlawbranch@ag.gov.au](mailto:copyrightlawbranch@ag.gov.au)

[chris.creswell@ag.gov.au](mailto:chris.creswell@ag.gov.au)

(Contact point)

#### Copyright Office:

Intellectual Property Branch  
Information and Security Law Division  
As above, under Supervisory Ministry, Copyright  
and Related Rights.

Tel.: (61.2) 62.50.63.13  
Fax: (61.2) 62.50.52.59  
E-mail: [joan.sheedy@ag.gov.au](mailto:joan.sheedy@ag.gov.au)  
(Contact point)

#### Collective Management Societies:

International Intellectual Property Section  
Department of Foreign Affairs and Trade  
Canberra ACT

Tel.: (61.2) 62.61.20.39  
Fax: (61.2) 62.61.35.14

Australian Copyright Council

Internet website: <http://copyright.org.au>

Australasian Mechanical Copyright Owners Society Limited (AMCOS)	Internet website: <a href="http://www.amcos.com.au">http://www.amcos.com.au</a>
Australasian Performing Right Association Limited (APRA)	Internet website: <a href="http://www.apra.com.au">http://www.apra.com.au</a>
Australian Screen Directors Association	Internet website: <a href="http://www.asdafilm.org.au/">http://www.asdafilm.org.au/</a>
Australian Writers Guild	Internet website: <a href="http://www.awg.com.au/">http://www.awg.com.au/</a>
Audio-Visual Copyright Society (Screenrights)	Internet website: <a href="http://www.screen.org">http://www.screen.org</a>
Christian Copyright Licensing Asia-Pacific Pty Limited	Tel.: (61.2) 98.94.53.86
Copyright Agency Limited (CAL)	Internet website: <a href="http://www.copyright.com.au">http://www.copyright.com.au</a>
LicenSing (a division of MediaCom Inc.)	Internet website: <a href="http://www.mediacom.org.au">http://www.mediacom.org.au</a>
Phonographic Performance Company of Australia Limited (PPCA)	Internet website: <a href="http://www.pcca.com.au">http://www.pcca.com.au</a>
Visual Arts Copyright Collecting Agency (VISCOPY)	E-mail: <a href="mailto:viscopy@wr.com.au">viscopy@wr.com.au</a> Internet website: <a href="http://www.viscopy.com/">http://www.viscopy.com/</a>

Information may also be applied to from the Copyright Office (see above).

### **III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTY**

#### Industrial Property Tribunal

There is no specific Industrial Property Tribunal.

For both industrial property and copyright, enforcement is undertaken by the Australian Federal Authorities and, in some instances such as importing infringing goods, the Australian Customs Service. Enforcement matters may be pursued through the Federal Court of Australia, State and Territory courts (prescribed courts).

Copyright Tribunal

As above, under Industrial Property Tribunal.

Law Courts Building	Tel.:	(61.2)	92.30.85.67
Level 16	Fax:	(61.2)	92.30.85.35
Queens Square			
SYDNEY NSW 2000			
<i>Title of Head:</i> President			

Conducts enquiries into royalty payments and remuneration to owners of copyright.

Other

Australian Federal Police	Internet website:	<a href="http://www.afp.gov.au">http://www.afp.gov.au</a>
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Australian Customs Service	Internet website:	<a href="http://www.customs.gov.au">http://www.customs.gov.au</a>
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Federal Court of Australia	Internet website:	<a href="http://www.fedcourt.gov.au/">http://www.fedcourt.gov.au/</a>
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State and Territory courts		
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See also Internet website:	<a href="http://lawfoundation.net.au/judgments/">http://lawfoundation.net.au/judgments/</a>
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*Enquiries:*

The Director	Tel.:	(61.6)	261.24.70
Intellectual Property and Investment Section	Fax:	(61.6)	261.35.14
Department of Foreign Affairs and Trade			
Canberra, ACT			

*Contact point for technical assistance on TRIPS:*

Intellectual Property and Investment Section	Tel.:	(61.2)	62.61.20.39
Department of Foreign Affairs and Trade	Fax:	(61.2)	62.61.35.14
R.G. Casey Building	E-mail:	<a href="mailto:james.silva@dfat.gov.au">james.silva@dfat.gov.au</a>	
John McEwen Crescent			
Canberra ACT 0221			
<i>Contact Official:</i> Mr. James Silva, Director			

**IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY**

Many law schools in Australia teach Intellectual Property. A web site for information on Australian law schools with information on subjects is: <http://jurist.law.mq.edu.au/lawschl.htm>

The Australian National University	Tel.:	(61.2)	61.25.51.11
Canberra ACT 0200			

University of Canberra	Tel.:	(61.2)	62.01.57.62
P.O. Box 1	Fax:	(61.2)	62.01.57.64
Belconnen ACT 2616	Internet website:	<a href="http://blis.canberra.edu.au/schools/law/">http://blis.canberra.edu.au/schools/law/</a>	

<hr/> University of Melbourne Parkville VIC 3052	Tel.: (61.3) 93.44.61.64 (Undergraduate) 93.44.61.90 (Graduate) Fax: (61.3) 93.47.23.92 (Undergraduate) 93.47.91.29 (Graduate) Internet website: <a href="http://www.law.unimelb.edu.au/LIB">http://www.law.unimelb.edu.au/LIB</a>
<hr/> University of New South Wales Faculty of Law Sydney NSW 2052	Tel.: (61.2) 93.85.22.27 Fax: (61.2) 93.85.11.75 E-mail: <a href="mailto:law@law.unsw.edu.au">law@law.unsw.edu.au</a> Internet website: <a href="http://law.unsw.edu.au">http://law.unsw.edu.au</a>
<hr/> University of Queensland TC Beirne School of Law QLD 4072	Tel.: (61.7) 33.65.14.44 Fax: (61.7) 33.65.14.54 Internet website: <a href="http://www.ug.edu.au/law">http://www.ug.edu.au/law</a>
<hr/> University of Sydney 173-175 Phillip Street Sydney NSW 2000	Tel.: (61.2) 93.51.03.44 - 45 Fax: (61.2) 95.31.02.00 E-mail: <a href="mailto:stiserv@law.usyd.edu.au">stiserv@law.usyd.edu.au</a> Internet website: <a href="http://www.law.usyd.edu.au">http://www.law.usyd.edu.au</a>
<hr/> University of Western Australia Nedlands WA 6907	Tel.: (61.8) 93.80.29.45 Fax: (61.8) 93.80.10.45
<hr/> Murdoch University School of Law Perth 6150	Tel.: (61.9) 360.29.79 Fax: (61.9) 313.52.79

In addition to the above, other universities offering postgraduate study in Intellectual Property include:

Flinders University of South Australia  
 Griffith University  
 La Trobe University  
 Macquarie University  
 Monash University  
 Queensland University of Technology  
 Northern Territory University  
 Southern Cross University  
 University of Technology, Sydney  
 University of Western Sydney Nepean  
 University of Wollongong

More detailed information is available in the publication by Australian Law Deans (sponsored by the Australian Government Solicitor) entitled: Studying Law in Australia.  
Internet website: <http://www.newcastle.edu.au/school/1>

## V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 2005:

		Patents (direct filings)	Trade Marks	Industrial Designs (2002)
Applications by:	residents	8,630	38,550	2,581
	non-residents	4,583	17,854	1,530
Grants to:	residents	621	22,452	2,312
	non-residents	2,769	13,875	1,530

### PCT (National Phase Entries)

Applications by residents and non-residents: 17,979

Grants to residents and non-residents:

### Madrid System

#### International Registrations:

Total applications: 8,009 (non-residents only)

Total registrations: 7,025 (non-residents only)

