

# Patents Regulations (Amendment) 1994 No. 182

## EXPLANATORY STATEMENT

### STATUTORY RULES 1994 No. 182

Issued by the Authority of the Minister for Small Business, Customs and Construction

*Patents Act 1990*

Patents Regulations (Amendment)

The Statutory Rules amend the Patents Regulations (the Regulations) to provide new regulations for the delegation provisions of the *Patents Act 1990* (the Act) as amended by the *Industry, Technology and Regional Development Legislation Amendment Act 1994* (the Portfolio Act), and to update the list of Convention countries.

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

Regulation 1 sets 29 June 1994 as the commencement day for the regulations.

Regulation 2 identifies the Patents Regulations as those to be amended.

Regulation 3 inserts new regulation 21.2 of the Regulations to provide that, for the purposes of subsection 209(1) of the Act, a prescribed employee to whom the powers and functions of the Commissioner of Patents (the Commissioner) under the Act may be delegated, other than the Commissioner's powers and functions under paragraphs 210(a) and (c) of the Act, is a person specified in new Schedule 6A to the Regulations (see regulation 5). The term "employee" is defined in Schedule 1 to the Act (as amended by the Portfolio Act) and includes an officer or employee within the meaning of the *Public Service Act 1922* employed in the Patent Office.

Regulation 4 amends Part 1 of Schedule 4 to the Regulations to insert Bosnia and Herzegovina, El Salvador, Georgia, Honduras, Kyrgyzstan, Lithuania, Paraguay, Taiwan, Tajikistan, and The former Yugoslav Republic of Macedonia in the list of Convention countries, with the effect that, under subregulation 8.5(1) of the Regulations, each of those countries is declared to be a Convention country for the purposes of the definition of "Convention country" in the Act.

Regulation 5 inserts new Schedule 6A to the Regulations for the purposes of new regulation 21.2 of the Regulations (see regulation 3).