Patents Amendment Regulations 1999 (No. 3)

Statutory Rules 1999 No. 261

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Patents Act 1990.


WILLIAM DEANE
Governor-General

By His Excellency's Command,

WARREN ENTSCH
Parliamentary Secretary to the Minister for Industry, Science and Resources
for the Minister for Industry, Science and Resources
Patents Amendment Regulations 1999 (No. \(\ell\))

Statutory Rules 1999 No. \(\ell\) made under the

*Patents Act 1990*

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1 Name of Regulations
These Regulations are the Patents Amendment Regulations 1999 (No. 7).

2 Commencement
These Regulations commence as follows:
(a) on gazetted — regulations 1 to 4 and Schedule 1;
(b) on 1 January 2000 — Schedule 2.

3 Amendment of Patents Regulations 1991
Schedules 1 and 2 amend the Patents Regulations 1991.

4 Transitional
Paragraphs 6.3 (ea) and (eb) as substituted by these Regulations do not apply to a patent or patent application for which, before the commencement of these Regulations, the Commissioner extended the time for making an application under section 38 or 94 of the Act.
Schedule 1

Amendments commencing on gazettal
(regulation 3)

[1] Paragraph 4.3 (2) (b)

substitute

(b) a document required to be produced under paragraph 210 (c) of the Act, if the Commissioner has reasonable grounds for believing that the document or information in the document should not be open to public inspection;

(c) a document that contains information from a document to which paragraph (b) applies.

[2] After paragraph 6.3 (e)

insert

(ea) if, under section 223 of the Act, the Commissioner has extended the time for making, under section 38 of the Act, a complete application associated with a provisional application — the date 12 months after the date of making the first provisional application with which the complete application is associated;

(eb) if, under section 223 of the Act, the Commissioner has extended the time for making, under section 94 of the Act, a Convention application in relation to a basic application — the date 12 months after the date of making the first basic application to which the Convention application relates;
[3] **Subregulation 8.3 (1)**

*substitute*

(1) For paragraph 228 (2) (t) of the Act, the Act is modified under this regulation for PCT applications that are treated as patent applications under the Act.

[4] **Schedule 7, after item 32**

*insert*

33 On filing, within 3 weeks before the due date for publication under section 54 of the Act of a notice about a complete specification, a request under subsection 37 (1) of the Act that the complete application be treated as a provisional application

34 On lodging, within 3 weeks before the due date for publication under section 54 of the Act of a notice about a complete specification, a notice of withdrawal of the patent application under section 141 of the Act

$1,000

$1,000
Schedule 2  Amendments commencing on 1 January 2000
(regulation 3)

[1] Regulation 6.3

omit

For the purposes of

insert

(1) For

[2] Paragraph 6.3 (f)

substitute

(f) for a patent granted on a divisional application made under subsection 39 (1) of the Act, the earlier of:

(i) the date of the patent of the first-mentioned application referred to in subsection 39 (1) of the Act; or

(ii) the date that would be the date of the patent if a patent had been granted on that first-mentioned application; or

(iii) if that first-mentioned application was itself a divisional application or was amended to be a divisional application before filing the later application — the date that would be the date of the patent if a patent had been granted on the divisional application;
(g) for a patent granted on a divisional application made under subsection 39 (2) of the Act — the date of the first-mentioned petty patent referred to in that subsection.


insert

(2) However, for paragraphs (1) (f) and (g), if:
   (a) the date of the patent was recorded in the Register before 1 January 2000; or
   (b) for a divisional application, the Commissioner determined a different date of the patent and told the applicant in writing before 1 January 2000;

the date of the patent is that date.

Notes
