



# MEDIA RELEASE

## Bob Baldwin, MP

Parliamentary Secretary to the  
Minister for Industry, Tourism and Resources

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### Trade Marks System to be Strengthened

The Trade Marks Amendment Bill 2006 was tabled in Parliament today, making a number of incremental improvements to the *Trade Marks Act 1995* that will provide greater certainty for Australian business.

"The improvements will strengthen trade mark rights and reduce the administrative burden on trade mark applicants," said the Parliamentary Secretary to the Minister for Industry, Tourism and Resources, Bob Baldwin. The improvements will also increase certainty of trade mark rights and further align the trade marks system with other intellectual property (IP) legislation.

The improvements to the Trade Marks Act have come about through a review conducted by IP Australia, the Australian Government agency responsible for administering patents, trade marks, designs and plant breeder's rights.

"The current Trade Marks Act came into force ten years ago and these changes ensure the system changes with the needs of the market," said Mr Baldwin.

"A strong trade mark is a potentially valuable business asset that can help establish a strong market position. Owners of a registered trade mark have the exclusive right to use their trade mark for the goods or services identified in their application. Owners can also prevent the importation of goods that infringe their trade mark by asking Customs to seize counterfeit goods at the border," he said.

A number of improvements will directly benefit small-to-medium sized businesses (SMEs). SMEs file more than half the trade mark applications received by IP Australia every year. Key improvements include:

- the ability to conduct simple trade mark transactions over the phone;
- increased certainty that ownership of and interests in a trade mark have been recorded accurately on the Register of Trade Marks; and
- removal of significant cost barriers that stop SMEs asking Customs to seize counterfeit goods.

Prior to the *Trade Marks Act 1995*, The Registrar of Trade Marks had the power to initiate court proceedings where it was in the public interest. The Bill will be amended to reinstate those powers.

"This power could be used in circumstances where the Registrar believes that a registered trade mark has become generic and the enforcement of the mark is not in the public interest" said Mr Baldwin. "Without correction such a situation could result in an unfair burden falling to an industry sector".

Mr Baldwin added, "Strengthening the trade mark system, will allow consumers to be confident they are buying genuine goods that have the quality they have come to expect from that brand."

More information on trade marks can be found on IP Australia's web site at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).

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