

CHAPTER 7**APPLICANTS****INDEX**

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INTRODUCTION

7.1 This chapter of the manual is about who may apply for registration of a design.

Section 20 of the act provides that the owner of a design is entitled to apply for registration of the design.

Normally the author of the design is the owner. Chapter 9 explains how a person or persons may become the owner(s) of an unregistered design.

The terms "person" or "persons" used in sections 19 and 20 of the act must be read in the light of the Acts Interpretation Act.

WHO IS A PERSON

7.2 The term "person" is defined in the Acts Interpretation Act as including "a body politic or corporate as well as an individual".

A body politic may be:

- a nation or a state, e.g. the Commonwealth of Australia, the State of New South Wales

- a Minister of the Crown, as distinct from the individual who, for the time being, is holding the portfolio.

Examples of a body corporate are:

- Australian and overseas universities

- companies incorporated under the companies codes of the Australian States.

BODIES CORPORATE

7.3 The following types of companies are recognized as bodies corporate:

- Australia - Limited (Ltd.)

- Proprietary Limited (Pty. Ltd.)

and other countries with similar company laws eg.

- Great Britain - also in GB "Public Liability Company" (PLC)

- Canada

- Eire

- Hong Kong

- India

- New Zealand

- Pakistan

- Zimbabwe
South Africa
- Belgium - Societe Anonyme (S.A.)
- Personenvennootschap met beperkte aansprakelijkheid (P.V.B.A.)
- Naamloose Venootschap (N.V.)
- Czechoslovakia - Narodni Podnik
- Denmark - Actie (or Aktie) Selskab (A/S)
- France - Societe Anonyme (S.A.)
- Societe a responsabilite limitee (S.a.r.l.)
- Societe en Commandite par Actions
- Finland - Osakeyhtio (OY)
- Germany - (and other countries with similiar company laws eg. Austria, Switzerland, Liechtenstein)
- Aktiengesellschaft (A.G.)
- Kommanditgesellschaft auf Aktien (K.G.a.A.)
- Gesellschaft mit beschrackter Haftung (G.m.b.H.)
- Versicherungsverein auf Genenseitigkeit
- Eingetragene Genossenschaft
- Volkseigenen Betriebe (V.E.B.)
- Indonesia - Perusahaan Terbatas (P.T.)
- Italy - Societa per Azioni (S.p.A.)
- Societa Anonima (S.A.)
- Societa a reponsibilita limitata (S.R.L.)
- Japan - Kabushiki Kaisha (K.K.)
- Malaysia - Sendirian Berhad (SDN. BHD.)
- Netherlands - (and Belgium)
- Naamloose Venootschap (N.V.)
- Beslotene Venootschap (B.V.)
- Norway - Aktie (or Aksje) Selskab (A/S)
- Portugal - (and Spain, and South American countries).
- Sociedad Anonima (S.A.)
- Sociedad Limitada

Sweden - Aktiebolag or Aktiebolaget (A.B.)

Switzerland - Aktiengesellschaft
- Societa per Azioni (S.p.A.)
- Societe Anonyme (S.A.)

United States - Corporation (Corp.)
- Incorporated (Inc.)
- Company (Co.)

N.B. The type of company, the abbreviation, or sometimes both, may appear before, after, or within the actual name of the company.

Should the name of the applicant be described by any of the above, then the applicant is a person as required by the act and acceptable.

NOT A PERSON

7.4 If it is not clear that the applicant is a person or legal person, then an objection should be taken. Good examples of this are firms and business names. But, basically it means if the applicant is not described by the above the status of the applicant should be queried.

"TRADING AS"

7.5 Some applicant names are referred to as "A" trading as "B". This is satisfactory as long as "A" meets the requirements of a person as referred to above. There is no requirement for "B" to meet the requirements of a person.

CHANGE OF NAME OF APPLICANT

7.6 The procedure for changing the name of an applicant is given at paragraph 17.4 of Chapter 17.

