

MEDIA RELEASE



Warren Entsch, MP
Parliamentary Secretary to the
Minister for Industry, Tourism and Resources

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A new Designs Act for a new era

Designers will have an easier and more effective way of protecting their industrial designs, with the new *Designs Act 2003* coming into effect from today.

“This is a new Designs Act for a new era,” Federal Industry Parliamentary Secretary Warren Entsch MP said in welcoming the new system.

“The *Designs Act 2003* replaces the *Designs Act 1906*, introducing a new system for industrial designs in Australia. This is the first major overhaul of the designs legislation in almost 100 years,” Mr Entsch said.

“The old Act had reached the point where the Australian Government was concerned it no longer provided effective protection for designs, registrations were too easy to obtain, and the infringement of rights too difficult to prove. The new *Designs Act 2003* which comes into effect today will provide a more streamlined registration system, better enforcement and dispute resolution procedures, and stricter eligibility and infringement tests.

“The Australian Government wants to give designers a much better chance of protecting their creations from copying, and changes to the Act which come in to force today will deliver that,” Mr Entsch said.

A design is the overall appearance of a product with one or more distinctive visual features. Visual features include shape, configuration, pattern and ornamentation of a product but not the feel of the product nor what the product is made from or how the product works.

IP Australia’s Deputy Registrar of Designs, Victor Portelli, said a significant change to the Act was that applicants would be given the choice of whether they wish to register or publish their design.

“Other significant changes include clearer definitions, a reduced registration period from 16 years to 10 years and substantive examination will only occur after registration and only upon request,” Mr Portelli said.

There are provisions for applications lodged before 17 June 2004 to be converted to the new Act. In these cases applications lodged under the old Act that have not been completed, will continue to be handled under the *Designs Act 1906*, unless the applicant chooses to 'convert' their application to an application under the new Act. Requests for conversion must be made before the old Act application is registered or the application lapses, is refused or withdrawn — whichever is first.

Mr Entsch said the improvements to the Act should considerably assist designers in obtaining design registration and in turn, allow greater protection.

“I think it is fitting that we welcome in these significant changes, the first to the Designs Act in almost 100 years, in what is IP Australia’s centennial year.”

For further details on the new Act, visit the IP Australia website, www.ipaustralia.gov.au. The Act itself can be viewed in full at www.ipaustralia.gov.au/new_designs/index.shtml

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