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Published online on 25 June 2009

### Official Notice

## **PCT Rule Changes and Other Patents Regulation Changes**

On 24 June 2009, the Federal Executive Council made the Intellectual Property Law Amendment Regulations 2009 (No.1) (the IP Regulations). The IP Regulations will shortly be registered on the Federal Register of Legislative Instruments and copies will be available from the ComLaw website ([www.comlaw.gov.au](http://www.comlaw.gov.au)).

Amongst other matters, the IP Regulations will amend the Patents Regulations 1991 and update the English text of the Regulations under the Patent Cooperation Treaty (PCT Rules) to reflect the changes which were agreed to at the PCT Union meeting of September 2008. They will also align the various requirements for declarations in the designs, patents and trade marks legislation in accordance with current government recommendations and make a number of minor typographical corrections.

In detail the IP Regulations will amend the Patents Regulations by:

- Updating the English text of the PCT Rules set out in Schedule 2A to include the changes to the PCT Rules due to take effect on 1 July 2009—specifically:
  - clarifying the procedures for withdrawal of an international application under Article 14(4) of the PCT
  - introducing a requirement for the applicant to submit a complete set of claims when any of the claims are amended under Articles 19 or 34 of the PCT.
- Amending regulation 22.13 to make the requirements for declarations under the patents legislation ('patents declarations') simpler and clearer by:
  - having general matters required of all patents declarations set out in new subregulation (2)
  - having additional requirements for certain patents declarations—those made on behalf of another person, or for the purposes of a business whose details are set out in the declaration—set out in new subregulations (2A) and (2B)
  - substituting replacement paragraph 22.13 (3) (f) for the existing provision so that any person who can witness a Commonwealth statutory declaration (that is, under the *Statutory Declarations Act 1959* (Cth)) can witness a declaration for the purpose of the patents legislation
  - omitting subregulation 22.13 (4) since the requirements in this provision are set out in new paragraphs 22.13 (2) (d) and (e).
- Making a number of minor typographical corrections to Chapter 20.

The amendments to the Patents Regulations will commence on 1 July 2009.

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For publication in the Australian Official Journal of Patents on 25 June 2009.

