

PATENTS BILL 1990

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government

NOTES ON INDIVIDUAL AMENDMENTS

(Circulated by authority of the
Minister for Industry, Technology and Commerce,
Senator the Hon John N Button)

Amendment (1)

1. This amendment of subclause 27(1) avoids an unintended effect. The revised subclause ensures that the only grounds on which a person can assert that an invention, which is the subject of an application for a standard patent, is not a patentable invention will be lack of novelty and lack of inventive step.

Amendment (2)

2. This amendment of clause 43 makes it clear that different claims in a specification may have different priority dates.

Amendment (3)

3. This amendment of subclause 69(4) avoids an unintended effect. The amended subclause has the effect of requiring the Commissioner not to refuse a patent unless the Commissioner has, where appropriate, given the applicant a reasonable opportunity to amend the patent request or complete specification.

Amendment (4)

4. This amendment corrects a typographical error in paragraph 142(2)(b).

Amendment (5)

5. This amendment of subclause 200(2) ensures that communications, and any records or documents made for the purposes of such communications, between patent attorney and client are privileged to the same extent as communications between solicitor and client.



