

# Amendments to the Australian Designs Act

15 November 2019

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Worthwhile read for: Entrepreneur, Inventor, Business Owner, Designer, Creative

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IP Australia is currently seeking public feedback on proposed amendments to the Australian *Designs Act 2003*. The proposed amendments aim to address issues identified in the Advisory Council on Intellectual Property's (**ACIP**) "*Review of the Designs System*" 2015 report.

Significantly, IP Australia is considering allowing for the protection of partial designs, that is, designs which relate to the visual appearance for parts of products. This would align Australia's designs system with key trading partners, such as the United States and Europe in which partial designs have been registrable for some time. Providing protection for partial designs will not only provide Australian applicants with a broader scope of protection for their designs but will allow Australian applicants to seek protection for partial designs in other countries based on their Australian design application.

IP Australia has acknowledged that technology has moved on substantially since its practice regarding what constitutes a registrable design was initially developed. As a result, IP Australia is also seeking submissions on the treatment of virtual or non-physical designs (such as graphical user interfaces, or GUIs, on a computer screen).

Many of the issues identified in the ACIP report relate to encouraging international harmonisation, including whether Australia should join the *Hague Agreement Concerning the International Registration of Industrial Designs* (**Hague Agreement**). Whilst not considered in the current public consultation process, the Australian Government accepts ACIP's recommendations and will continue encouraging international harmonisation and investigating the implications of Australia joining the Hague Agreement.

[You can provide submissions to IP Australia through this online survey.](#)

The deadline to provide submissions is **20 December 2019**.

For more information or discussion, please contact HopgoodGanim Lawyers' [Intellectual Property team](#).

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