

House of Representatives

Supplementary Order Paper

Tuesday, 18 September 2012

Patents Bill

Proposed amendment

Hon Craig Foss, in Committee, to move the following amendment:

Clause 298A

After *clause 298A(2)* (after line 15 on page 158), insert:

- (3) Nothing in **subsection (2)** affects a claim to priority by an application that is the subject of a proceeding commenced in a court before 30 March 2010.
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Explanatory note

This Supplementary Order Paper deals with the effect of the validation of priority dates for Treaty applications in *clause 298A* of the Patents Bill on existing court proceedings. That clause was recommended by the Commerce Select Committee in response to submissions that a retrospective validation on this point was needed. However, the general validation should not override any court proceedings on particular Treaty applications brought before the date on which the Commerce Select Committee reported the Bill back to the House of Representatives (30 March 2010). Accordingly, the proposed amendment ensures that any court proceedings already commenced before that date may be completed on the basis of the former law.
