
**Council for Trade-Related Aspects
of Intellectual Property Rights**

**Original: English/
anglais/
inglés**

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

AUSTRALIA

The present document reproduces the text¹ of Schedule 1 of the Agriculture, Fisheries and Forestry Legislation Amendment Act (No.1) 1999, amending the Agricultural and Veterinary Chemicals (Administration) Act 1992, as notified by Australia under Article 63.2 of the Agreement, by means of a communication from its Permanent Mission, dated 12 August 1999.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA PROPRIÉTÉ
INTELLECTUELLE NOTIFIÉES AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

AUSTRALIE

Le présent document contient le texte¹ de l'annexe 1 à la Loi (No.1) de 1999 portant modification de la Loi relative à la législation relative à l'agriculture, la pêche et la sylviculture qui modifie la Loi de 1992 sur l'administration des produits chimiques agricoles et vétérinaires, notifiée par l'Australie au titre de l'article 63:2 de l'Accord dans une communication de la Mission permanente de ce pays, datée du 12 août 1999.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD INTELECTUAL
NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

AUSTRALIA

En el presente documento se reproduce el texto¹ del 1º anexo de la Ley de Modificación de la Ley sobre la legislación sobre agricultura, pesca y silvicultura (No.1) de 1999 por la que se modifica la Ley sobre la administración de los productos químicos agrícolas y veterinarios de 1992, notificada por Australia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo, mediante una comunicación de su Misión Permanente, de fecha 12 de agosto de 1999.

¹ In English only/En anglais seulement/En inglés solamente.

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT ACT (NO. 1) 1999
No. 4, 1999

Schedule 1--Amendment of the Agricultural and Veterinary Chemicals
(Administration) Act 1992

1 After Part 7A

Insert:

Part 7B--Modification of the Agvet Codes for the purpose of giving effect to paragraph 3 of Article 39 of the TRIPS Agreement

- SECT 69EV Definitions (1) In this Part:

current application has the meaning given by section 69EX.

information includes, but is not limited to, information obtained from trials or laboratory experiments.

previous application has the meaning given by section 69EX.

relevant information has the meaning given by section 69EX.

(2) Expressions used in this Part that are defined or otherwise used in the Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 have the same meanings as in that Code.

SECT 69EW Modification of Agvet Codes (1) This Part modifies the Agvet Codes for the purpose of giving effect to Australia's obligations under paragraph 3 of Article 39 of the Agreement on Trade-Related Aspects of Intellectual Property Rights set out in Annex 1C to the Marrakesh Agreement establishing the World Trade Organization, done at Marrakesh on 15 April 1994.

Note: The English text of the Marrakesh Agreement establishing the World Trade Organization is set out in Australian Treaty Series 1995 No. 8.

(2) The Agvet Codes have effect subject to this Part.

SECT 69EX Application of Part This Part applies to an application (the *current application*) made to the NRA after the commencement of this Part for approval of an active constituent for a proposed or existing chemical product where:

(a) the NRA cannot grant the application without using information (the *relevant information*) given to the NRA in connection with a previous application (the *previous application*) made to the NRA (other than a previous application made before the commencement of this Part) for approval of an active constituent for a proposed or existing chemical product; and

(b) the relevant information has not been made publicly available in Australia; and

(c) at the time immediately before the previous application was made, no application had been made to the NRA for approval of the active constituent to which that application related.

SECT 69EY NRA not to grant current application except in certain circumstances The NRA must not grant the current application unless:

(a) the person who made that application:

(i) has given to the NRA information that makes it unnecessary for the NRA to use the relevant information in connection with that application; or

(ii) has given to the NRA evidence that satisfies the NRA that the person who made the previous application has consented to the NRA using the relevant information in connection with the current application; or

(b) at least 5 years have elapsed since the previous application was determined by the NRA or was withdrawn, as the case may be.

SECT 69EZ Approval given in contravention of section 69EY is not invalid but is to be cancelled (1) If:

(a) the NRA approves an active constituent for a proposed or existing chemical product; and

(b) the NRA was prohibited by section 69EY from giving the approval;

the approval is not invalid.

(2) However, the NRA must cancel the approval when it finds out that the giving of the approval was prohibited by section 69EY.

SECT 69EZA Power of NRA to grant multiple approvals to be subject to section 69EY The power of the NRA under subsection 16(1) of the Agvet Codes to approve the same active constituent for a proposed or existing chemical product on applications made by different persons is subject to section 69EY.

SECT 69EZB Power of NRA to use information obtained by it for other purposes not to be affected Except as provided by section 69EY, the power of the NRA under subsection 58(1) of the Agvet Codes to use information obtained by it from any source for the purpose of performing any of its functions or exercising any of its powers under those Codes is not affected.
