

# New Parallel Importation Laws in Australia

K&L GATES

Article By

[Chris Round](#)

[Olivia Coburn](#)

[K&L Gates](#)

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## ***Intellectual Property Laws Amendment (Productivity Commission Response Part 1 and Other Measures) Act 2018* receives Royal Assent on 24 August 2018**

The proposed changes to parallel importation law that we blogged about in [January 2018](#) and [May 2018](#) have become law.

The [Intellectual Property Laws Amendment \(Productivity Commission Response Part 1 and Other Measures\) Act 2018](#) (**the Act**) received Royal Assent on 24 August 2018.

Part 1 of the Act amends the *Trade Marks Act 1995* (Cth) (**Trade Marks Act**) to clarify the circumstances in which the parallel importation of trade marked goods does not infringe a registered trade mark. Part 1 of the Act commenced on 25 August 2018.

Trade mark owners will now find it much more difficult to prevent parallel imports coming into Australia.

The Act also includes the following measures in response to the Productivity Commission's inquiry into Australia's IP system:

- amendments to the Trade Marks Act to change the period that must elapse

before non-use actions can be made against registered trade marks, from five years to three years;

- amendments to the *Plant Breeder's Rights Act 1994* (Cth) with respect of plant breeder's rights in essentially derived varieties; and
- amendments to the *Patents Act 1990* (Cth) such that patentees of pharmaceutical patents with an extended term are no longer required to provide the Secretary of the Department of Health with certain data.

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