

Report 90

Treaties tabled on 12 March 2008

Singapore Treaty on the Law of Trademarks, Regulations and a Supplementary Resolution by the Diplomatic Conference (Singapore, 27 March 2006)

Patent Law Treaty (Geneva, 1 June 2000)

Agreement between the Government of Australia and the Government of the Kingdom of Tonga relating to Air Services, done at Neiafu, Tonga on 23 August 2003

Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001

Constitutional amendments to the Convention Establishing the World Intellectual Property Organization and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003

© Commonwealth of Australia 2008

ISBN 978-0-642-79055-2 (printed version)

ISBN 978-0-642-79056-9 (HTML version)



Contents

Membership of the Committee	vi
Resolution of appointment.....	viii
List of abbreviations	ix
List of recommendations	x
1 Introduction	1
Purpose of the Report	1
Briefing documents	2
Conduct of the Committee's Review	2
2 Patent Law Treaty.....	5
Introduction	5
Reasons for Australia to take treaty action	5
Provisions of the PLT	7
Future treaty action.....	9
Implementation and Costs	10
Entry into force and withdrawal.....	10
Consultation	11
Conclusion and Recommendation	11
3 Singapore Treaty on the Law of Trademarks	13
Introduction	13
Background.....	13

	The Singapore Treaty	14
	Implementation and costs	15
	Entry into Force.....	16
	Consultation	16
	Conclusion and recommendation	17
4	Constitutional amendments to the Convention Establishing the World Intellectual Property Organization (WIPO).....	19
	Introduction	19
	The Amendments	19
	Consultation and entry into force.....	20
	Implementation and costs	21
	Recommendation	21
5	Tonga Air Services Agreement.....	23
	Introduction	23
	Background	23
	The Agreement	24
	Costs and implementation	26
	Consultation	26
	Conclusion and recommendation	26
6	Australia's withdrawal of the exemption for the use of mirex under the Stockholm Convention	29
	Introduction	29
	Background	29
	Reasons for Australia to take the treaty action.....	31
	Obligations	31
	Implementation and costs	32
	Consultation	32
	Australia's National Implementation Plan (NIP).....	32
	Elimination of mirex from Australia	33
	Entry into force and withdrawal.....	34
	Conclusion and Recommendation	34

Appendix A- Submissions.....37

Appendix B - Witnesses39

Monday, 17 September 2007 – Canberra 39



Membership of the Committee

42nd Parliament

Chair Mr Kelvin Thomson MP

Deputy Chair Senator the Hon Sandy Macdonald

Members	Hon Kevin Andrews MP	Senator Andrew Bartlett
	Mr John Forrest MP	Senator Simon Birmingham
	Ms Jill Hall MP	Senator David Bushby
	Ms Belinda Neal MP	Senator Gavin Marshall
	Ms Melissa Parke MP	Senator Glenn Sterle
	Mr Luke Simpkins MP	Senator Dana Wortley
	Mr Chris Trevor MP	
	Ms Maria Vamvakinou MP	

Committee Secretariat

Secretary James Rees

Inquiry Secretary Sonya Fladun

Julia Searle

Administrative Officers Heidi Luschtinetz

Dorota Cooley

41st Parliament

Chair	Dr Andrew Southcott MP	
Deputy Chair	Mr Kim Wilkie MP	
Members	Hon Dick Adams MP	Senator Andrew Bartlett
	Mr Michael Johnson MP	Senator Simon Birmingham
	Mr Michael Keenan MP	Senator Carol Brown
	Mr Andrew Laming MP	Senator The Hon Ian Macdonald
	Mrs Margaret May MP	Senator Julian McGauran
	Mr Bernie Ripoll MP	Senator Glenn Sterle
	Hon Bruce Scott MP	Senator Dana Wortley

Committee Secretariat

Secretary	James Rees
Inquiry Secretary	Serica Mackay
Research Officers	Sonya Fladun
	Clare James
Administrative Officers	Heidi Luschtinetz
	Dorota Cooley



Resolution of appointment

The Resolution of Appointment of the Joint Standing Committee on Treaties allows it to inquire into and report on:

- a) matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements presented or deemed to be presented to the Parliament;
- b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
 - (i) either House of the Parliament, or
 - (ii) a Minister; and

such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.



List of abbreviations

APVMA Australian Pesticides and Veterinary Medicines Authority

DAFF Department of Agriculture, Fisheries and Forestry

DOTARS Department of Transport and Regional Services

NIA National Interest Analysis

NIP National Implementation Plan

PCT Patent Cooperation Treaty

PLT Patent Law Treaty

POPs Persistent Organic Pollutants

WIPO World Intellectual Property Organization



List of recommendations

2 Patent Law Treaty

Recommendation 1

The Committee supports the *Patent Law Treaty* and recommends that binding treaty action be taken.

3 Singapore Treaty on the Law of Trademarks

Recommendation 2

The Committee supports the *Singapore Treaty on the Law of Trademarks* and recommends that binding treaty action be taken.

4 Constitutional amendments to the Convention Establishing the World Intellectual Property Organization (WIPO)

Recommendation 3

The Committee supports the *Constitutional amendments to the Convention establishing the World Intellectual Property Organization* and recommends that binding treaty action be taken.

5 Tonga Air Services Agreement

Recommendation 4

The Committee supports the *Tonga Air Services Agreement* and recommends that binding treaty action be taken.

6 Australia's withdrawal of the exemption for the use of mirex under the Stockholm Convention

Recommendation 5

The Committee supports the *Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants* and recommends that binding treaty action be taken.

