

Extension of the Agreement

between the Government of Australia
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Australian Patent Office
as an International Searching Authority
and International Preliminary Examining Authority
under the Patent Cooperation Treaty

Preamble

The Government of Australia and the International Bureau of the World Intellectual Property Organization,

Considering that the Agreement of December 7, 1997, under Articles 16(3)(b) and 32(3) of the Patent Cooperation Treaty in relation to the functioning of the Australian Patent Office as an International Searching Authorization and International Preliminary Examining Authority under the Patent Cooperation Treaty was concluded for a period of 10 years from January 1, 1998 to December 31, 2007,

Considering that the said Agreement has been amended several times in 2001, 2002, 2003 and 2007, all these amendments having been published in the PCT Gazettes No. 04/2001, 33/2002, 49/2003 and 1 February 2007, respectively,

Considering that the Government of Australia and the International Bureau of WIPO have already started negotiations for the renewal of a new Agreement as provided under Article 10 therein,

Aware that the Government of Australia will not be able to complete the necessary domestic procedures to ratify a new Agreement in relation to the functioning of the Australian Patent Office as an International Searching Authorization and International Preliminary Examining Authority under the Patent Cooperation Treaty, as from January 1, 2008,

Hereby agree as follows:

Article 1 **Extension of the Agreement**

(1) The Agreement between the Government of Australia and the International Bureau of the World Intellectual Property Organization signed on December 4, 1997, including its amendments and Annexes, in relation to the functioning of the Australian Patent Office as an International Searching Authorization and International Preliminary Examining Authority under the Patent Cooperation Treaty, is hereby extended until December 31, 2008 or until the day before the entry into force of a new Agreement on the same subject matter in accordance with PCT Articles 16(3)(b) and 32(3) and with the domestic legal and constitutional procedures of Australia, whichever is sooner.

(2) Consequently, reference made to "December 31, 2007" under Articles 10 and 12 of the Agreement referred to above are amended, accordingly.

Article 2
Approval and entry into force

- (1) According to Article 11 of the Agreement referred to above, this amendment shall be subject to the approval of the Assembly of the International Patent Cooperation Union.
- (2) Without prejudice to the above, this amendment shall take effect on December 31, 2007.

In witness whereof the parties hereto have executed this Agreement.

Done in Geneva, this ... day of ... 2007, in two originals in the English language

For the Government of Australia by:

For the International Bureau by:

[representative of the
Government of Australia]

Kamil Idris
Director General
World Intellectual Property Organization