

Leaflet Designs in Australia

Territory

Australian design registrations are effective throughout the Commonwealth of Australia and in all external Australian Territories, including the Australian Antarctic Territory, the Cocos (Keeling) Islands, Christmas Island, Norfolk Island, the Heard and McDonald Islands, the Territory of Coral Sea Islands, the Australian continental shelf, the waters above the Australian continental shelf, and the airspace above these territories.

Duration

Registered designs are initially in force for 5 years from the filing date. This period can be extended for an additional 5 years, resulting in a maximum term of 10 years.

Enforcement

Design applications in Australia are registered without substantive examination. However, they are not enforceable until they undergo examination, which is optional and occurs post-registration.

Compulsory use

For designs filed after 17 June 2004, a person may apply for a compulsory licence at any time after the design has been certified, on the grounds that products made according to the design have not been manufactured in Australia to a reasonable extent. Any compulsory licence granted must be non-exclusive.

Marking

Marking is not compulsory, but it is recommended to reduce the risk of a successful claim of innocent infringement. Failure to mark may limit the ability to recover damages from an infringer. Recommended marking: "AUS DSN NO...".