

Your Ref: Draft Intellectual Property Laws Amendment (Raising the Bar) Bill 2011

Quote in reply: Advocacy - TIPS

12 July 2011

IP Australia
PO Box 200
Woden ACT 2606

By email: MDB-Reform@ipaaustralia.gov.au

Dear Director

DRAFT INTELLECTUAL PROPERTY LAWS AMENDMENT (RAISING THE BAR) BILL 2011

I write on behalf of the Queensland Law Society Technology and Intellectual Property Sub-Committee ("TIPS") in relation to the draft *Intellectual Property Laws Amendment (Raising the Bar) Bill 2011* ("the Bill"). I refer to my letter of 5 April 2011.

The TIPS Committee has brought to my attention that Schedule 5 Part 3 of the Bill refers to the proposed power to grant additional damages under the *Trade Marks Act 1995* (Cth). The relevant item however, item 29, proposes to be added to s 126 of the *Trade Marks Act* provisions including (2)(c)(ii). This proposed sub-section includes a reference to "patent" instead of "trade mark." The Society recommends that all references to "patent" under the new section 126 be replaced with "trade mark."

Thank you for the opportunity to provide further submissions to the proposed legislation.

Please do not hesitate to contact either myself or have a member of your staff contact our Policy Solicitor, Louise Pennisi on 3842 5872 or l.pennisi@qls.com.au if you wish to discuss these concepts further.

Yours faithfully

Bruce Doyle
President