Article on the Enforcement of Foreign Registered IP Rights in Australia

Richard Baddeley has written an article entitled "Out of Africa: The *Moçambique* Rule and Obstacles to Suits for Enforcement of Foreign Registered Intellectual Property Rights in Australia" in the June 2007 edition of *The Intellectual Property Forum* (pp 36-47). The introduction reads, in part:

> *This article challenges the prevailing view that registered intellectual property rights may only be protected through local actions. An Australian court cannot entertain an action for infringement of a foreign registered intellectual property right because it lacks "subject matter jurisdiction" even though it may exercise personal jurisdiction under relevant court rules. What barriers prevent subject matter jurisdiction? The Moçambique rule, based on respect for international comity and sovereignty, has been a major barrier preventing such actions. Another obstructive rule has been the "double actionability" (or lex fori rule). However, the basis for the Moçambique and "double actionability" rules seems to be eroding to the point where it now seems possible that Australian courts could decide actions involving the infringement of foreign registered intellectual property rights.*

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