



Intellectual Property Act 2014

2014 CHAPTER 18

PART 1

DESIGN

Registered designs

VALID FROM 01/10/2014

11 Opinions service

- (1) Before section 29 of the Registered Designs Act 1949 (and the preceding cross-heading) insert—

“Opinions service

28A Opinions on designs

- (1) The Secretary of State may by regulations make provision about the making of requests to the registrar for an opinion on specified matters relating to—
- designs registered under this Act;
 - designs of such other description as may be specified.
- (2) The regulations must require the registrar to give an opinion in response to a request made under the regulations, except—
- in specified cases or circumstances, or
 - where for any reason the registrar considers it inappropriate in all the circumstances to do so.
- (3) The regulations may provide that a request made under the regulations must be accompanied by—
- a fee of a specified amount;

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Changes to legislation: There are currently no known outstanding effects for the Intellectual Property Act 2014, Section 11. (See end of Document for details)

- (b) specified information.
- (4) The regulations must provide that an opinion given by the registrar under the regulations is not binding for any purposes.
- (5) The regulations must provide that neither the registrar nor any examiner or other officer of the Patent Office is to incur any liability by reason of or in connection with—
 - (a) any opinion given under the regulations, or
 - (b) any examination or investigation undertaken for the purpose of giving such an opinion.
- (6) An opinion given by the registrar under the regulations is not to be treated as a decision of the registrar for the purposes of section 27A.
- (7) But the regulations must provide for an appeal relating to an opinion given under the regulations to be made to a person appointed under section 27A; and the regulations may make further provision in relation to such appeals.
- (8) The regulations may confer discretion on the registrar.
- (9) Regulations under this section—
 - (a) may make different provision for different purposes;
 - (b) may include consequential, incidental, supplementary, transitional, transitory or saving provision.
- (10) In this section, “specified” means specified in regulations under this section.”
- (2) In Chapter 4 of Part 3 of the Copyright, Designs and Patents Act 1988 (jurisdiction of the comptroller etc.), after section 249 insert—

“249A Opinions service

The descriptions of designs which may be specified in regulations under subsection (1)(b) of section 28A of the Registered Designs Act 1949 (requests to the comptroller for opinions on designs) include, in particular—

- (a) designs in which design right subsists in accordance with this Part, and
- (b) designs in relation to which there is a question whether design right so subsists.”
- (3) In section 37 of the Registered Designs Act 1949 (the title to which becomes “Provisions as to rules, regulations and orders”)—
 - (a) in subsection (3), after “an order under section 15ZA” (inserted by section 8(2)(a)), insert “ and the power to make regulations under section 28A ”,
 - (b) in subsection (4), after “under this Act” insert “ or regulations under section 28A ”, and
 - (c) after subsection (4) insert—

“(4A) Subsection (4) does not apply to the first regulations to be made under section 28A, but the Secretary of State may not make those regulations unless a draft of the statutory instrument containing them

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has been laid before, and approved by a resolution of, each House of Parliament.”

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