



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Effect of registration, etc.

[^{F1}7 **Right given by registration.**

- (1) The registration of a design under this Act gives the registered proprietor the exclusive right to use the design and any design which does not produce on the informed user a different overall impression.
- (2) For the purposes of subsection (1) above and section 7A of this Act any reference to the use of a design includes a reference to—
 - (a) the making, offering, putting on the market, importing, exporting or using of a product in which the design is incorporated or to which it is applied; or
 - (b) stocking such a product for those purposes.
- (3) In determining for the purposes of subsection (1) above whether a design produces a different overall impression on the informed user, the degree of freedom of the author in creating his design shall be taken into consideration.
- (4) The right conferred by subsection (1) above is subject to any limitation attaching to the registration in question (including, in particular, any partial disclaimer or any declaration by the registrar or a court of partial invalidity).]

Textual Amendments

- F1** Ss. 7 and 7A substituted (9.12.2001) for s. 7 by [S.I. 2001/3949](#), [reg. 5](#) (with transitional provisions in [regs. 10-14](#))

[^{F2}7A **Infringements of rights in registered designs.**

- (1) Subject as follows, the right in a registered design is infringed by a person who, without the consent of the registered proprietor, does anything which by virtue of section 7 of this Act is the exclusive right of the registered proprietor.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Registered Designs Act 1949, Cross Heading: Effect of registration, etc. is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The right in a registered design is not infringed by—
- (a) an act which is done privately and for purposes which are not commercial;
 - (b) an act which is done for experimental purposes;
 - (c) an act of reproduction for teaching purposes or for the purpose of making citations provided that the conditions mentioned in subsection (3) below are satisfied;
 - (d) the use of equipment on ships or aircraft which are registered in another country but which are temporarily in the United Kingdom;
 - (e) the importation into the United Kingdom of spare parts or accessories for the purpose of repairing such ships or aircraft; or
 - (f) the carrying out of repairs on such ships or aircraft.
- (3) The conditions mentioned in this subsection are—
- (a) the act of reproduction is compatible with fair trade practice and does not unduly prejudice the normal exploitation of the design; and
 - (b) mention is made of the source.
- (4) The right in a registered design is not infringed by an act which relates to a product in which any design protected by the registration is incorporated or to which it is applied if the product has been put on the market in [^{F3} the United Kingdom or] the European Economic Area by the registered proprietor or with his consent.
- (5) The right in a registered design of a component part which may be used for the purpose of the repair of a complex product so as to restore its original appearance is not infringed by the use for that purpose of any design protected by the registration.
- (6) No proceedings shall be taken in respect of an infringement of the right in a registered design committed before the date on which the certificate of registration of the design under this Act is granted.]

Textual Amendments

- F2** Ss. 7 and 7A substituted (9.12.2001) for s. 7 by [S.I. 2001/3949](#), [reg. 4](#) (with transitional provisions in [regs. 10-14](#))
- F3** Words in s. 7A(4) inserted (31.1.2020) by [The Intellectual Property \(Exhaustion of Rights\) \(EU Exit\) Regulations 2019 \(S.I. 2019/265\)](#), [regs. 1, 3\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

[^{F4}7B Right of prior use

- (1) A person who, before the application date, used a registered design in good faith or made serious and effective preparations to do so may continue to use the design for the purposes for which, before that date, the person had used it or made the preparations to use it.
- (2) In subsection (1), the “application date”, in relation to a registered design, means—
- (a) the date on which an application for the registration was made under section 3, or
 - (b) where an application for the registration was treated as having been made by virtue of section 14(2), the date on which it was treated as having been so made.

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- (3) Subsection (1) does not apply if the design which the person used, or made preparations to use, was copied from the design which was subsequently registered.
- (4) The right conferred on a person by subsection (1) does not include a right to licence another person to use the design.
- (5) Nor may the person on whom the right under subsection (1) is conferred assign the right, or transmit it on death (or in the case of a body corporate on its dissolution), unless—
 - (a) the design was used, or the preparations for its use were made, in the course of a business, and
 - (b) the right is assigned or transmitted with the part of the business in which the design was used or the preparations for its use were made.]

Textual Amendments

F4 S. 7B inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 7(1), 24(1)** (with s. 7(2)); [S.I. 2014/2330](#), art. 3, Sch.

[^{F5}8 Duration of right in registered design.

- (1) The right in a registered design subsists in the first instance for a period of five years from the date of the registration of the design.
- (2) The period for which the right subsists may be extended for a second, third, fourth and fifth period of five years, by applying to the registrar for an extension and paying the prescribed renewal fee.
- (3) If the first, second, third or fourth period expires without such application and payment being made, the right shall cease to have effect; and the registrar shall, in accordance with rules made by the Secretary of State, notify the proprietor of that fact.
- (4) If during the period of six months immediately following the end of that period an application for extension is made and the prescribed renewal fee and any prescribed additional fee is paid, the right shall be treated as if it had never expired, with the result that—
 - (a) anything done under or in relation to the right during that further period shall be treated as valid,
 - (b) an act which would have constituted an infringement of the right if it has not expired shall be treated as an infringement, and
 - (c) an act which would have constituted use of the design for the services of the Crown if the right had not expired shall be treated as such use.

^{F6}(5)

^{F6}(6)]

Textual Amendments

F5 Ss. 8, 8A, 8B substituted for s. 8 by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), **s. 269(1)(2)**

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F6 S. 8(5)(6) repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\), Sch. 2](#) (with transitional provisions in [regs. 10-14](#))

[^{F7}8A Restoration of lapsed right in design.

- (1) Where the right in a registered design has expired by reason of a failure to extend, in accordance with section 8(2) or (4), the period for which the right subsists, an application for the restoration of the right in the design may be made to the registrar within the prescribed period.
- (2) The application may be made by the person who was the registered proprietor of the design or by any other person who would have been entitled to the right in the design if it had not expired; and where the design was held by two or more persons jointly, the application may, with the leave of the registrar, be made by one or more of them without joining the others.
- (3) Notice of the application shall be published by the registrar in the prescribed manner.
- (4) If the registrar is satisfied that the [^{F8}failure of the proprietor] to see that the period for which the right subsisted was extended in accordance with section 8(2) or (4) [^{F9}was unintentional], he shall, on payment of any unpaid renewal fee and any prescribed additional fee, order the restoration of the right in the design.
- (5) The order may be made subject to such conditions as the registrar thinks fit, and if the proprietor of the design does not comply with any condition the registrar may revoke the order and give such consequential directions as he thinks fit.
- (6) Rules altering the period prescribed for the purposes of subsection (1) may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.]

Textual Amendments

- F7** Ss. 8, 8A, 8B substituted for s. 8 by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), [s. 269\(1\)\(2\)](#)
- F8** Words in s. 8A(4) substituted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), [arts. 1\(1\), 17\(a\)](#)
- F9** Words in s. 8A(4) inserted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), [arts. 1\(1\), 17\(b\)](#)

[^{F10}8B Effect of order for restoration of right.

- (1) The effect of an order under section 8A for the restoration of the right in a registered design is as follows.
- (2) Anything done under or in relation to the right during the period between expiry and restoration shall be treated as valid.
- (3) Anything done during that period which would have constituted an infringement if the right had not expired shall be treated as an infringement—
 - (a) if done at a time when it was possible for an application for extension to be made under section 8(4); or
 - (b) if it was a continuation or repetition of an earlier infringing act.

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- (4) If, after it was no longer possible for such an application for extension to be made and before publication of notice of the application for restoration, a person—
- (a) began in good faith to do an act which would have constituted an infringement of the right in the design if it had not expired, or
 - (b) made in good faith effective and serious preparations to do such an act, he has the right to continue to do the act or, as the case may be, to do the act, notwithstanding the restoration of the right in the design; but this does not extend to granting a licence to another person to do the act.
- (5) If the act was done, or the preparations were made, in the course of a business, the person entitled to the right conferred by subsection (4) may—
- (a) authorise the doing of that act by any partners of his for the time being in that business, and
 - (b) assign that right, or transmit it on death (or in the case of a body corporate on its dissolution), to any person who acquires that part of the business in the course of which the act was done or the preparations were made.
- (6) Where [^{F11}a product] is disposed of to another in exercise of the rights conferred by subsection (4) or subsection (5), that other and any person claiming through him may deal with [^{F11}the product] in the same way as if it had been disposed of by the registered proprietor of the design.
- (7) The above provisions apply in relation to the use of a registered design for the services of the Crown as they apply in relation to infringement of the right in the design.]

Textual Amendments

- F10** Ss. 8, 8A, 8B substituted for s. 8 by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), [s. 269\(1\)\(2\)](#)
- F11** Words in s. 8B(6) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 2\(a\)\(b\)](#) (with transitional provisions in [regs. 10-14](#))

^{F12}9 Exemption of innocent infringer from liability for damages.

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Textual Amendments

- F12** S. 9 repealed (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), [art. 1](#), [Sch. 4](#)

^{F13}10

Textual Amendments

- F13** S. 10 repealed (9.12.2001) by [S.I. 2001/3949, reg. 6\(1\)](#), [reg. 9\(2\)](#), [Sch. 2](#) (with transitional provisions in [regs. 10-14](#))

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[^{F14}11 Cancellation of registration.

The registrar may, upon a request made in the prescribed manner by the registered proprietor, cancel the registration of a design.]

Textual Amendments

F14 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

[^{F15}11ZA Grounds for invalidity of registration.

(1) The registration of a design may be declared invalid —

- [^{F16}(a) on the ground that it does not fulfil the requirements of section 1(2) of this Act;
- (b) on the ground that it does not fulfil the requirements of sections 1B to 1D of this Act; or
- (c) where any ground of refusal mentioned in Schedule A1 to this Act applies.]

[The registration of a design (“the later design”) may be declared invalid if it is not

- ^{F17}(1A) new or does not have individual character when compared to a design which—
- (a) has been made available to the public on or after the relevant date; but
 - [^{F18}(b) is protected as from a date prior to the relevant date [^{F19}by virtue of registration under this Act or an application for such registration.]]

(1B) In subsection (1A) “the relevant date” means the date on which the application for the registration of the later design was made or is treated by virtue of section 3B(2), (3) or (5) or 14(2) of this Act as having been made.]

- (2) The registration of a design may be declared invalid on the ground of the registered proprietor not being the proprietor of the design and the proprietor of the design objecting.
- (3) The registration of a design involving the use of an earlier distinctive sign may be declared invalid on the ground of an objection by the holder of rights to the sign which include the right to prohibit in the United Kingdom such use of the sign.
- (4) The registration of a design constituting an unauthorised use of a work protected by the law of copyright in the United Kingdom may be declared invalid on the ground of an objection by the owner of the copyright.
- (5) In this section and sections 11ZB, 11ZC and 11ZE of this Act (other than section 11ZE(1)) references to the registration of a design include references to the former registration of a design; and these sections shall apply, with necessary modifications, in relation to such former registrations.]

Textual Amendments

F15 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

F16 Words in s. 11ZA(1) substituted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), [arts. 1\(1\), 7\(2\)](#) (with [art. 18](#))

F17 S. 11ZA(1A)(1B) inserted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), [arts. 1\(1\), 7\(3\)](#) (with [art. 18](#))

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- F18** S. 11ZA(1A)(b) substituted (1.1.2008) by [Designs \(International Registrations Designating the European Community\) Regulations 2007 \(S.I. 2007/3378\)](#), regs. 1, 2
- F19** Words in s. 11ZA(1A)(b) substituted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 8 para. 3**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** S. 11ZA(1A)(a) modified (20.5.2016) by [The Standardised Packaging of Tobacco Products Regulations 2015 \(S.I. 2015/829\)](#), regs. 1(2), **14(3)(4)** (with regs. 14(5), 20)

[^{F20}11ZB Applications for declaration of invalidity.

- (1) Any person interested may make an application to the registrar for a declaration of invalidity [^{F21}under section 11ZA(1)(a) or (b)] of this Act.
- (2) Any person concerned by the use in question may make an application to the registrar for a declaration of invalidity [^{F22}under section 11ZA(1)(c)] of this Act.
- (3) The relevant person may make an application to the registrar for a declaration of invalidity [^{F23}under section 11ZA(1A)] of this Act.
- (4) In subsection (3) above “the relevant person” means, in relation to an earlier design protected by virtue of registration under this Act^{F24} ... or an application for such registration, the registered proprietor of the design^{F25} ... or (as the case may be) the applicant.
- (5) The person able to make an objection under subsection (2), (3) or (4) of section 11ZA of this Act may make an application to the registrar for a declaration of invalidity [^{F26}under] that subsection.
- (6) An application may be made under this section in relation to a design at any time after the design has been registered.]

Textual Amendments

- F20** Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), **reg. 7** (with transitional provisions in [regs. 10-14](#))
- F21** Words in s. 11ZB(1) substituted (1.10.2006) by [The Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **8(2)** (with art. 18)
- F22** Words in s. 11ZB(2) substituted (1.10.2006) by [The Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **8(3)** (with art. 18)
- F23** Words in s. 11ZB(3) substituted (1.10.2006) by [The Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **8(4)** (with art. 18)
- F24** Words in s. 11ZB(4) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 8 para. 4(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in s. 11ZB(4) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 8 para. 4(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Word in s. 11ZB(5) substituted (1.10.2006) by [The Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **8(5)** (with art. 18)

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[^{F27}11ZCDetermination of applications for declaration of invalidity.

- (1) This section applies where an application has been made to the registrar for a declaration of invalidity in relation to a registration.
- (2) If it appears to the registrar that the application has not been made in accordance with any rules made under this Act, he may refuse the application.
- (3) If it appears to the registrar that the application has not been made in accordance with section 11ZB of this Act, he shall refuse the application.
- (4) Subject to subsections (2) and (3) above, the registrar shall make a declaration of invalidity if it appears to him that the ground of invalidity specified in the application has been established in relation to the registration.
- (5) Otherwise the registrar shall refuse the application.
- (6) A declaration of invalidity may be a declaration of partial invalidity.]

Textual Amendments

F27 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

[^{F28}11ZDModification of registration.

- (1) Subsections (2) and (3) below apply where the registrar intends to declare the registration of a design invalid [^{F29}under section 11ZA(1)(b) or (c), (1A), (3) or (4)] of this Act.
- (2) The registrar shall inform the registered proprietor of that fact.
- (3) The registered proprietor may make an application to the registrar for the registrar to make such modifications to the registration of the design as the registered proprietor specifies in his application.
- (4) Such modifications may, in particular, include the inclusion on the register of a partial disclaimer by the registered proprietor.
- (5) If it appears to the registrar that the application has not been made in accordance with any rules made under this Act, the registrar may refuse the application.
- (6) If it appears to the registrar that the identity of the design is not retained or the modified registration would be invalid by virtue of section 11ZA of this Act, the registrar shall refuse the application.
- (7) Otherwise the registrar shall make the specified modifications.
- (8) A modification of a registration made under this section shall have effect, and be treated always to have had effect, from the grant of registration.]

Textual Amendments

F28 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

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F29 Words in s. 11ZD(1) substituted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **9** (with art. 18)

[^{F30} 11ZE Effect of cancellation or invalidation of registration.

- (1) A cancellation of registration under section 11 of this Act takes effect from the date of the registrar's decision or from such other date as the registrar may direct.
- (2) Where the registrar declares the registration of a design invalid to any extent, the registration shall to that extent be treated as having been invalid from the date of registration or from such other date as the registrar may direct.]

Textual Amendments

F30 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

[^{F31} 11ZF Appeals in relation to cancellation or invalidation.

An appeal lies from any decision of the registrar under section 11 to 11ZE of this Act.]

Textual Amendments

F31 Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), [reg. 7](#) (with transitional provisions in [regs. 10-14](#))

[^{F32} 11A Powers exercisable for protection of the public interest.

- (1) Where a report of the [^{F33}Competition and Markets Authority] has been laid before Parliament containing conclusions to the effect—
 - ^{F34}(a)
 - ^{F34}(b)
 - (c) on a competition reference, that a person was engaged in an anti—competitive practice which operated or may be expected to operate against the public interest, or
 - (d) on a reference under section 11 of the Competition Act 1980 (reference of public bodies and certain other persons), that a person is pursuing a course of conduct which operates against the public interest,the appropriate Minister or Ministers may apply to the registrar to take action under this section.
- (2) Before making an application the appropriate Minister or Ministers shall publish, in such a manner as he or they think appropriate, a notice describing the nature of the proposed application and shall consider any representations which may be made within 30 days of such publication by persons whose interests appear to him or them to be affected.
- (3) If on an application under this section it appears to the registrar that the matters specified in the [^{F35}Competition and Markets Authority's report as being those which

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in the opinion of the Competition and Markets Authority] operate or operated or may be expected to operate against the public interest include—

(a) conditions in licences granted in respect of a registered design by its proprietor restricting the use of the design by the licensee or the right of the proprietor to grant other licences, ^{F36} . . .

(b)

he may by order cancel or modify any such condition ^{F37} . . .

^{F38}(4)

^{F38}(5)

(6) An appeal lies from any order of the registrar under this section.

(7) In this section “ the appropriate Minister or Ministers ” means the Minister or Ministers to whom the report of the [^{F39}Competition and Markets Authority] was made.]

Textual Amendments

F32 Ss. 11A, 11B inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), **ss. 266(5), 270**

F33 Words in s. 11A(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 20(2)** (with art. 3)

F34 S. 11A(1)(a)(b) repealed (20.6.2003 for specified purposes otherwise, 29.12.2004 for all further purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 1(2), 26**; [S.I. 2003/1397](#), art. 2(1), **Sch.** (with arts. 3(1)812); [S.I. 2004/3233](#), art. 2, **Sch.** (with art. 3-5)

F35 Words in s. 11A(3) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 20(3)** (with art. 3)

F36 S. 11A(3)(b) and word repealed (9.12.2001) by [S.I. 2001/3949](#), regs. 6(2)(a), 9(2), **Sch. 2** (with transitional provisions in [regs. 10-14](#))

F37 Words in s. 11A(3) repealed (9.12.2001) by [S.I. 2001/3949](#), regs. 6(2)(b), 9(2), **Sch. 2** (with transitional provisions in [regs. 10-14](#))

F38 S. 11A(4)(5) repealed (9.12.2001) by [S.I. 2001/3949](#), **reg. 9(2), Sch. 2** (with transitional provisions in [regs. 10-14](#))

F39 Words in s. 11A(7) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 20(2)** (with art. 3)

[^{F40}11AB Powers exercisable following merger and market investigations

(1) Subsection (2) below applies where—

(a) section 41(2), 55(2), 66(6), 75(2), 83(2), 138(2), 147(2) [^{F41}, 147A(2)] or 160(2) of, or paragraph 5(2) or 10(2) of Schedule 7 to, the Enterprise Act 2002 (powers to take remedial action following merger or market investigations) applies;

(b) the [^{F42}Competition and Markets Authority] or (as the case may be) the Secretary of State considers that it would be appropriate to make an application under this section for the purpose of remedying, mitigating or preventing a matter which cannot be dealt with under the enactment concerned; and

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- (c) the matter concerned involves conditions in licences granted in respect of a registered design by its proprietor restricting the use of the design by the licensee or the right of the proprietor to grant other licences.
- (2) The [^{F43}Competition and Markets Authority] or (as the case may be) the Secretary of State may apply to the registrar to take action under this section.
- (3) Before making an application the [^{F43}Competition and Markets Authority] or (as the case may be) the Secretary of State shall publish, in such manner as it or he thinks appropriate, a notice describing the nature of the proposed application and shall consider any representations which may be made within 30 days of such publication by persons whose interests appear to it or him to be affected.
- (4) The registrar may, if it appears to him on an application under this section that the application is made in accordance with this section, by order cancel or modify any condition concerned of the kind mentioned in subsection (1)(c) above.
- (5) An appeal lies from any order of the registrar under this section.
- [^{F44}(6) References in this section to the Competition and Markets Authority are references to a CMA group except where—
- (a) section 75(2) of the Enterprise Act 2002 applies; or
 - (b) any other enactment mentioned in subsection (1)(a) above applies and the functions of the Competition and Markets Authority under that enactment are being performed by the CMA Board by virtue of section 34C(3) or 133A(2) of the Enterprise Act 2002.]
- (7) References in section 35, 36, 47, 63, 134 [^{F45}, 141 or 141A] of the Enterprise Act 2002 (questions to be decided by the [^{F46}Competition and Markets Authority] in its reports) to taking action under section 41(2), 55, 66, 138 [^{F47}, 147 or 147A] shall include references to taking action under subsection (2) above.
- (8) An order made by virtue of this section in consequence of action under subsection (2) above where an enactment mentioned in subsection (1)(a) above applies shall be treated, for the purposes of sections 91(3), 92(1)(a), 162(1) and 166(3) of the Enterprise Act 2002 (duties to register and keep under review enforcement orders etc.), as if it were made under the relevant power in Part 3 or (as the case may be) 4 of that Act to make an enforcement order (within the meaning of the Part concerned).]
- [^{F48}(9) In subsection (6) “CMA Board” and “CMA group” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.]

Textual Amendments

- F40** S. 11AB inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 1\(3\)](#); S.I. 2003/1397, art. 2(1), Sch. (with arts. 812)
- F41** Words in s. 11AB(1)(a) inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 21\(2\)\(a\)](#) (with art. 3)
- F42** Words in s. 11AB(1)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 21\(2\)\(b\)](#) (with art. 3)
- F43** Words in s. 11AB(2)(3) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 21\(3\)](#) (with art. 3)

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- F44** S. 11AB(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 21(4)** (with art. 3)
- F45** Words in s. 11AB(7) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 21(5)(i)** (with art. 3)
- F46** Words in s. 11AB(7) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 21(5)(ii)** (with art. 3)
- F47** Words in s. 11AB(7) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 21(5)(iii)** (with art. 3)
- F48** S. 11AB(9) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 21(6)** (with art. 3)

Modifications etc. (not altering text)

- C2** S. 11AB(1)(a) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 2(a)**
- C3** S. 11AB(1)(a) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 2(b)**
- C4** S. 11AB(7) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 2(c)**
- C5** S. 11AB(7) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 2(d)**
- C6** S. 11AB(8) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 2(e)**

^{F49}**11B**

Textual Amendments

- F49** S. 11B repealed (9.12.2001) by S.I. 2001/3949, reg. 9(2), **Sch. 2** (with transitional provisions in regs. 10-14)

12 Use for services of the Crown.

The provisions of the First Schedule to this Act shall have effect with respect to the use of registered designs for the services of the Crown and the rights of third parties in respect of such use.

Modifications etc. (not altering text)

- C7** S. 12 extended by S.I. 1965/1536, **Sch. 3**

^{F50}**12A Application of the Act to certain registered Community designs**

Schedule 1A makes provision—

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- (a) for registered Community designs (including certain designs whose registration has expired or which have been removed from the register) to be treated as registered under this Act with effect from [^{F51}IP completion day], and
- (b) about certain applications for registered Community designs made before [^{F51}IP completion day].

Textual Amendments

- F50** Ss. 12A, 12B inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 3 para. 2**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in s. 12A substituted in earlier amending provision S.I. 2019/638, Sch. 3 para. 2 (31.12.2020) by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **21(b)**

12B Application of the Act to certain international designs

Schedule 1B makes provision—

- (a) for certain designs which are registered in the international register maintained by the International Bureau of the World Intellectual Property Organization in respect of which the European Union is designated (including certain designs whose registration has expired) to be treated as registered under this Act with effect from [^{F52}IP completion day], and
- (b) about certain applications made before [^{F52}IP completion day] to register in the international register maintained by the International Bureau of the World Intellectual Property Organization a design in respect of which the European Union is designated.]

Textual Amendments

- F50** Ss. 12A, 12B inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 3 para. 2**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in s. 12B substituted in earlier amending provision S.I. 2019/638, Sch. 3 para. 2 (31.12.2020) by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **21(b)**

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