



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Offences

33 Offences under s. 5.

(1) If any person fails to comply with any direction given under section five of this Act or makes or causes to be made an application for the registration of a design in contravention of that section, he shall be guilty of an offence and liable—

[^{F1}(a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both;

(b) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both.]

(2) ^{F2}

Textual Amendments

F1 S. 33(1)(a)(b) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 22\(2\)\(4\)](#)

F2 S. 33(2) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), [Sch. 3 para. 22\(3\)\(4\)](#), [Sch. 8](#)

34 Falsification of register, etc.

If any person makes or causes to be made a false entry in the register of designs, or a writing falsely purporting to be a copy of an entry in that register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he [^{F3}shall be guilty of an offence and liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both;

(b) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both.]

Status: Point in time view as at 01/10/2005.

Changes to legislation: Registered Designs Act 1949, Cross Heading: Offences is up to date with all changes known to be in force on or before 22 May 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)

Textual Amendments

- F3** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 23\(1\)\(2\)](#)

35 Fine for falsely representing a design as registered.

- (1) If any person falsely represents that a design applied to ^{F4}, or incorporated in, any product] sold by him is registered ^{F5} . . . , he shall be liable on summary conviction to ^{F6} a fine not exceeding level 3 on the standard scale]; and for the purposes of this provision a person who sells ^{F4} a product] having stamped, engraved or impressed thereon or otherwise applied thereto the word “registered”, or any other word expressing or implying that the design applied to ^{F4}, or incorporated in, the product] is registered, shall be deemed to represent that the design applied to ^{F4}, or incorporated in, the product] is registered ^{F5}
- (2) If any person, after ^{F7} the right in a registered design] has expired, marks ^{F4} any product] to which the design has been applied ^{F8} or in which it has been incorporated] with the word “registered”, or any word or words implying that there is a ^{F9} subsisting right in the design under this Act], or causes any ^{F4} such product] to be so marked, he shall be liable on summary conviction to ^{F10} a fine not exceeding level 1 on the standard scale]
- ^{F11}(3) For the purposes of this section, the use in the United Kingdom in relation to a design—
- (a) of the word “registered”, or
 - (b) of any other word or symbol importing a reference (express or implied) to registration,
- shall be deemed to be a representation as to registration under this Act unless it is shown that the reference is to registration elsewhere than in the United Kingdom and that the design is in fact so registered.]

Textual Amendments

- F4** Words in s. 35(1)(2) substituted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), [Sch. 1 para. 10\(2\)\(a\)\(c\)\(d\)\(3\)\(a\)\(c\)](#) (with transitional provisions in [regs. 10-14](#))
- F5** Words in s. 35(1) repealed (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), [Sch. 1 para. 10\(2\)\(b\)\(e\)](#), [Sch. 2](#) (with transitional provisions in [regs. 10-14](#))
- F6** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 24\(2\)\(4\)](#)
- F7** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 24\(3\)\(a\)](#)
- F8** Words in s. 35(2) inserted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), [Sch. 1 para. 10\(3\)\(b\)](#) (with transitional provisions in [regs. 10-14](#))
- F9** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 24\(3\)\(b\)](#)
- F10** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 24\(3\)\(c\)](#)
- F11** S. 35(3) inserted (1.10.2005) by [Community Design Regulations 2005 \(S.I. 2005/2339\)](#), [regs. 1\(1\), 6](#)

Status: Point in time view as at 01/10/2005.

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[^{F12}**35A Offence by body corporate: liability of officers.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.]

Textual Amendments

F12 S. 35A inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 25\(1\)\(2\)](#)

Status:

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