



# Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

*Register of designs, etc .*

**[<sup>F1</sup>17 Register of designs etc.**

- (1) The registrar shall maintain the register of designs, in which shall be entered—
  - (a) the names and addresses of proprietors of registered designs;
  - (b) notices of assignments and of transmissions of registered designs; and
  - (c) such other matters as may be prescribed or as the registrar may think fit.
- (2) No notice of any trust, whether express, implied or constructive, shall be entered in the registrar of designs, and the registrar shall not be affected by any such notice.
- (3) The register need not be kept in documentary form.
- (4) Subject to the provisions of this Act and to rules made by the Secretary of State under it, the public shall have a right to inspect the register at the Patent Office at all convenient times.
- (5) Any person who applies for a certified copy of an entry in the register or a certified extract from the register shall be entitled to obtain such a copy or extract on payment of a fee prescribed in relation to certified copies and extracts; and rules made by the Secretary of State under this Act may provide that any person who applies for an uncertified copy or extract shall be entitled to such a copy or extract on payment of a fee prescribed in relation to uncertified copies and extracts.
- (6) Applications under subsection (5) above or rules made by virtue of that subsection shall be made in such manner as may be prescribed.
- (7) In relation to any portion of the register kept otherwise than in documentary form—
  - (a) the right of inspection conferred by subsection (4) above is a right to inspect the material on the register; and
  - (b) the right to a copy or extract conferred by subsection (5) above or rules is a right to a copy or extract in a form in which it can be taken away and in which it is visible and legible.

*Status: Point in time view as at 01/04/2003.*

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- (8) Subject to subsection (11) below, the register shall be prima facie evidence of anything required or authorised by this Act to be entered in it and in Scotland shall be sufficient evidence of any such thing.
- (9) A certificate purporting to be signed by the registrar and certifying that any entry which he is authorised by or under this Act to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence, and in Scotland shall be sufficient evidence, of the matters so certified.
- (10) Each of the following—
- (a) a copy of an entry in the register or an extract from the register which is supplied under subsection (5) above;
  - (b) a copy of any representation, specimen or document kept in the Patent Office or an extract from any such document,
- which purports to be a certified copy or certified extract shall, subject to subsection (11) below, be admitted in evidence without further proof and without production of any original; and in Scotland such evidence shall be sufficient evidence.
- <sup>F2</sup>(11) .....
- (12) In this section “certified copy” and “certified extract” mean a copy and extract certified by the registrar and sealed with the seal of the Patent Office.]

#### Textual Amendments

- F1** S. 17 substituted by [Patents, Designs and Marks Act 1986 \(c. 39, SIF 67A\)](#), s. 1, [Sch. 1 para. 3](#)
- F2** S. 17(11) repealed (14.4.2000) by [1999 c. 23, s. 67, Sch. 6](#) (with [Sch. 7 para. 5\(2\)](#)); [S.I. 2000/1034](#), art. 2(c), [Sch.](#)

## 18 Certificate of registration.

- (1) The registrar shall grant a certificate of registration in the prescribed form to the registered proprietor of a design when the design is registered.
- (2) The registrar may, in a case where he is satisfied that the certificate of registration has been lost or destroyed, or in any other case in which he thinks it expedient, furnish one or more copies of the certificate.

## 19 Registration of assignments, etc.

- (1) Where any person becomes entitled by assignment, transmission or operation of law to a registered design or to a share in a registered design, or becomes entitled as mortgagee, licensee or otherwise to any other interest in a registered design, he shall apply to the registrar in the prescribed manner for the registration of his title as proprietor or co—proprietor or, as the case may be, of notice of his interest, in the register of designs.
- (2) Without prejudice to the provisions of the foregoing subsection, an application for the registration of the title of any person becoming entitled by assignment to a registered design or a share in a registered design, or becoming entitled by virtue of a mortgage, licence or other instrument to any other interest in a registered design, may be made

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in the prescribed manner by the assignor, mortgagor, licensor or other party to that instrument, as the case may be.

- (3) Where application is made under this section for the registration of the title of any person, the registrar shall, upon proof of title to his satisfaction—
- (a) where that person is entitled to a registered design or a share in a registered design, register him in the register of designs as proprietor or co—proprietor of the design, and enter in that register particulars of the instrument or event by which he derives title; or
  - (b) where that person is entitled to any other interest in the registered design, enter in that register notice of his interest, with particulars of the instrument (if any) creating it.

[<sup>F3</sup>(3A) Where [<sup>F4</sup>national unregistered design right] subsists in a registered design, the registrar shall not register an interest under subsection (3) unless he is satisfied that the person entitled to that interest is also entitled to a corresponding interest in the [<sup>F4</sup>national unregistered design right].

(3B) Where [<sup>F4</sup>national unregistered design right] subsists in a registered design and the proprietor of the registered design is also the design right owner, an assignment of the [<sup>F4</sup>national unregistered design right] shall be taken to be also an assignment of the right in the registered design, unless a contrary intention appears.]

(4) Subject to any rights vested in any other person of which notice is entered in the register of designs, the person or persons registered as proprietor of a registered design shall have power to assign, grant licences under, or otherwise deal with the design, and to give effectual receipts for any consideration for any such assignment, licence or dealing:

Provided that any equities in respect of the design may be enforced in like manner as in respect of any other personal property.

(5) Except for the purposes of an application to rectify the register under the following provisions of this Act, a document in respect of which no entry has been made in the register of designs under subsection (3) of this section shall not be admitted in any court as evidence of the title of any person to a registered design or share of or interest in a registered design unless the court otherwise directs.

#### Textual Amendments

**F3** S. 19(3A)(3B) inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 10](#)

**F4** Words in s. 19(3A)(3B) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 6\(2\)\(3\)](#) (with transitional provisions in [regs. 10-14](#))

## 20 Rectification of register.

(1) The court may, on the application of [<sup>F5</sup>the relevant person], order the register of designs to be rectified by the making of any entry therein or the variation or deletion of any entry therein.

[<sup>F6</sup>(1A) In subsection (1) above “the relevant person” means—

- (a) in the case of an application invoking any ground referred to in section 1A(1)(c) of this Act, any person concerned by the use in question;

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- (b) in the case of an application invoking the ground mentioned in section 1A(2) of this Act, the appropriate person;
  - (c) in the case of an application invoking any ground mentioned in section 11ZA(2), (3) or (4) of this Act, the person able to make the objection;
  - (d) in any other case, any person aggrieved.
- (1B) In subsection (1A) above “the appropriate person” means, in relation to an earlier design protected by virtue of registration under this Act<sup>[F7]</sup> or the Community Design Regulation] or an application for such registration, the registered proprietor of the design<sup>[F8]</sup>, the holder of the registered Community design] or (as the case may be) the applicant.]
- (2) In proceedings under this section the court may determine any question which it may be necessary or expedient to decide in connection with the rectification of the register.
- (3) Notice of any application to the court under this section shall be given in the prescribed manner to the registrar, who shall be entitled to appear and be heard on the application, and shall appear if so directed by the court.
- (4) Any order made by the court under this section shall direct that notice of the order shall be served on the registrar in the prescribed manner; and the registrar shall, on receipt of the notice, rectify the register accordingly.
- [<sup>F9</sup>(5) A rectification of the register under this section has effect as follows—
- (a) an entry made has effect from the date on which it should have been made,
  - (b) an entry varied has effect as if it had originally been made in its varied form, and
  - (c) an entry deleted shall be deemed never to have had effect,
- unless, in any case, the court directs otherwise.]
- [<sup>F10</sup>(6) Orders which may be made by the court under this section include, in particular, declarations of partial invalidity.]

#### Textual Amendments

- F5** Words in s. 20(1) substituted (9.12.2001) by [S.I. 2001/3949, reg. 8\(2\)](#) (with transitional provisions in [regs. 10-14](#))
- F6** S. 20(1A)(1B) inserted (9.12.2001) by [S.I. 2001/3949, reg. 8\(3\)](#) (with transitional provisions in [regs. 10-14](#))
- F7** Words in s. 20(1B) inserted (1.4.2003) by [Registered Designs Regulations 2003 \(S.I. 2003/550\)](#), [regs. 1\(1\), 2\(4\)\(a\)](#) (with [regs. 3-5](#))
- F8** Words in s. 20(1B) inserted (1.4.2003) by [Registered Designs Regulations 2003 \(S.I. 2003/550\)](#), [regs. 1\(1\), 2\(4\)\(b\)](#) (with [regs. 3-5](#))
- F9** S. 20(5) added by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 11](#)
- F10** S. 20(6) added (9.12.2001) by [S.I. 2001/3949, reg. 8\(4\)](#) (with transitional provisions in [regs. 10-14](#))

## 21 Power to correct clerical errors.

- (1) The registrar may, in accordance with the provisions of this section, correct any error in an application for the registration or in the representation of a design, or any error in the register of designs.

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- (2) A correction may be made in pursuance of this section either upon a request in writing made by any person interested and accompanied by the prescribed fee, or without such a request.
- (3) Where the registrar proposes to make any such correction as aforesaid otherwise than in pursuance of a request made under this section, he shall give notice of the proposal to the registered proprietor or the applicant for registration of the design, as the case may be, and to any other person who appears to him to be concerned, and shall give them an opportunity to be heard before making the correction.

- 22 <sup>F11</sup>(1) Where a design has been registered under this Act, there shall be open to inspection at the Patent Office on and after the day on which the certificate of registration is issued—
- (a) the representation or specimen of the design, <sup>F12</sup> . . .
  - <sup>F12</sup>(b) . . . . .

This subsection has effect subject to the following provisions of this section and to any rules made under section 5(2) of this Act.]

- (2) <sup>F13</sup>Where—
- (a) a design has been registered;
  - (b) a product to which the design was intended to be applied or in which it was intended to be incorporated was specified, in accordance with rules made under section 36 of this Act, in the application for the registration of the design; and
  - (c) the product so specified falls within any class prescribed for the purposes of this subsection,

no] <sup>F14</sup>[representation, specimen or evidence] filed in pursuance of the application shall, until the expiration of such period after the day on which the certificate of registration is issued as may be prescribed in relation to <sup>F15</sup>[products] of that class, be open to inspection at the Patent Office except by the registered proprietor, a person authorised in writing by the registered proprietor, or a person authorised by the registrar or by the court:

Provided that where the registrar proposes to refuse an application for the registration of any other design on the ground that <sup>F16</sup>[, by reference to the first-mentioned design, it is not new or does not have individual character], the applicant shall be entitled to inspect the representation or specimen of the first—mentioned design filed in pursuance of the application for registration of that design.

- (3) In the case of a <sup>F17</sup>registered design and a specified product which falls within any class] prescribed for the purposes of the last foregoing subsection, the <sup>F14</sup>[representation, specimen or evidence] shall not, during the period prescribed as aforesaid, be inspected by any person by virtue of this section except in the presence of the registrar or of an officer acting under him; and except in the case of an inspection authorised by the proviso to that subsection, the person making the inspection shall not be entitled to take a copy of the <sup>F14</sup>[representation, specimen or evidence] or any part thereof.
- (4) Where an application for the registration of a design has been abandoned or refused, neither the application for registration nor any <sup>F14</sup>[representation, specimen or evidence] filed in pursuance thereof shall at any time be open to inspection at the Patent Office or be published by the registrar.

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**Textual Amendments**

- F11** S. 22(1) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 12(2)**
- F12** S. 22(1)(b) and preceding “and” repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\)](#), **Sch. 2** (with transitional provisions in [regs. 10-14](#))
- F13** S. 22(2)(a)-(c) and words substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 7(2)** (with transitional provisions in [regs. 10-14](#))
- F14** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 12(3)**
- F15** Words in s. 22(2) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 7(3)(a)** (with transitional provisions in [regs. 10-14](#))
- F16** Words in s. 22(2) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 7(3)(b)** (with transitional provisions in [regs. 10-14](#))
- F17** Words in s. 22(3) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 7(4)** (with transitional provisions in [regs. 10-14](#))

**[<sup>F18</sup>23 Information as to existence of right in registered design.**

On the request of a person furnishing such information as may enable the registrar to identify the design, and on payment of the prescribed fee, the registrar shall inform him—

- (a) whether the design is registered <sup>F19</sup> . . . , and
- (b) whether any extension of the period of the right in the registered design has been granted,

and shall state the date of registration and the name and address of the registered proprietor.]

**Textual Amendments**

- F18** S. 23 substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 13**
- F19** Words in s. 23(a) repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\)](#), **Sch. 2** (with transitional provisions in [regs. 10-14](#))

**24** ..... <sup>F20</sup>

**Textual Amendments**

- F20** S. 24 repealed by [Patents, Designs and Marks Act 1986 \(c. 39, SIF 67A\)](#), s. 3(1), **Sch. 3 Pt. I**

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