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## STATUTORY INSTRUMENTS

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# 1989 No. 1130

## The Design Right (Proceedings before Comptroller) Rules 1989

### Proceedings in respect of application to settle terms of licence of right or adjust terms of licence

**10.**—(1) Proceedings in respect of an application to the Comptroller—

- (a) under section 247 of the Act, to settle the terms of a licence available as of right by virtue of section 237 or under an order under section 238 of the Act, or
- (b) under paragraph 19(2) of Schedule 1 to the Act, to settle the terms of a licence available as of right in respect of a design recorded or embodied in a design document or model before 1st August 1989, or
- (c) brought by virtue of paragraph 19(5) of Schedule 1 to the Act, to adjust the terms of a licence granted before 1st August 1989 in respect of a design referred to in subparagraph (b) above,

shall be commenced by the service by the applicant on the Comptroller of a notice in Form 3 in Schedule 1.

(2) There shall be served with the notice a statement in duplicate setting out—

- (a) in the case of an application referred to in paragraph (1)(a) or (b) above, the terms of the licence which the applicant requires the Comptroller to settle and, unless the application is one to which rule 13 relates, the name and address of the owner of the design right or, as the case may be, the copyright owner of the design;
- (b) in the case of an application referred to in paragraph (1)(c) above, the date and terms of the licence and the grounds on which the applicant requires the Comptroller to adjust those terms and the name and address of the grantor of the licence.

(3) Within 14 days of the receipt of the notice the Comptroller shall send a copy of it, together with a copy of the applicant's statement, to the person (hereinafter in this rule referred to as the respondent) shown in the application as the design right owner, copyright owner or grantor of the licence, as appropriate.

(4) Within 6 weeks of the receipt by him of the notice sent under paragraph (3) above the respondent shall, if he does not agree to the terms of the licence required by the applicant to be settled or, as the case may be, adjusted, serve a notice of objection on the Comptroller with a statement setting out the grounds of his objection and at the same time shall serve a copy of the same on the applicant.

(5) Within 4 weeks of the receipt of the notice of objection the applicant may serve on the Comptroller a counter-statement and at the same time serve a copy of it on the respondent.

(6) No amended statement or further statement shall be served by either party except by leave or direction of the Comptroller.

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#### Commencement Information

**II** Rule 10 in force at 1.8.1989, see [rule 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Design Right (Proceedings before Comptroller) Rules 1989. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- rule. 4 words inserted by [S.I. 1999/3195](#) rule. 3
- rule. 5(1)(2) words inserted by [S.I. 1999/3195](#) rule. 4(a)
- rule. 5(7)(8) inserted by [S.I. 1999/3195](#) rule. 4(b)
- rule. 18A inserted by [S.I. 1999/3195](#) rule. 5
- rule. 20(1) substituted by [S.I. 1999/3195](#) rule. 6
- rule. 21 words inserted by [S.I. 1999/3195](#) rule. 7(c)
- rule. 21(a)(b) words substituted by [S.I. 1999/3195](#) rule. 7(a)
- rule. 21(b) words substituted by [S.I. 1999/3195](#) rule. 7(b)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- rule 18A added by [S.I. 1999/3195](#) rule 5
- rule 23(1A) inserted by [S.I. 2006/760](#) rule 3(3)
- rule 23(1A) substituted by [S.I. 2009/546](#) rule 3
- rule 23(1A) word substituted by [S.I. 2019/638](#) Sch. 8 para. 14
- rule 23(1A) word substituted by [S.I. 2020/1317](#) rule 5(2)