

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules prescribe the forms, fees and the procedure to be followed in connection with proceedings before the Comptroller in relation to—

- (a) disputes on the subsistence or term of design right or the identity of the person in whom the right first vested;
- (b) the settlement of the terms of a licence which is made available in the public interest or as of right in the last five years of design right or of copyright in respect of a design recorded or embodied in a design document or model made before 1st August 1989;
- (c) the settlement of the terms of a licence where the design right or copyright owner is unknown and for the variation of those terms if and when his identity is discovered; and
- (d) the adjustment of the terms of a licence granted before 1st August 1989 in respect of a design recorded or embodied in a design document or model before that date.

Under rule 7 provision is made for a person claiming to have a substantial interest in a dispute before the Comptroller to be made a party to the proceedings.

### **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 :**

- Sch. 1 word substituted by [S.I. 2019/638 Sch. 8 para. 15](#)
- Sch. 1 word substituted by [S.I. 2020/1317 rule 5\(3\)](#)
- Sch. 1 words substituted by [S.I. 2009/546 rule 4](#)
- rule 4 amended by [S.I. 1999/3195 rule 3](#)
- rule. 4 words inserted by [S.I. 1999/3195 rule. 3](#)
- rule 5 amended by [S.I. 1999/3195 rule 4](#)
- 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 6(1) word substituted by [S.I. 2009/3348 art. 8\(a\)](#)
- rule 6(4)(b) word substituted by [S.I. 2009/3348 art. 8\(b\)\(ii\)](#)
- rule 6(4)(b) words substituted by [S.I. 2009/3348 art. 8\(b\)\(i\)](#)
- rule 6(4)(b) words substituted by [S.I. 2009/3348 art. 8\(b\)\(iii\)](#)
- rule 6(4)(c) word substituted by [S.I. 2009/3348 art. 8\(c\)\(ii\)](#)
- rule 6(4)(c) words substituted by [S.I. 2009/3348 art. 8\(c\)\(i\)](#)
- rule 6(4)(c) words substituted by [S.I. 2009/3348 art. 8\(c\)\(iii\)](#)
- rule 6(4)(c) words substituted by [S.I. 2009/3348 art. 8\(c\)\(iv\)](#)
- rule. 18A inserted by [S.I. 1999/3195 rule. 5](#)
- rule 20 amended by [S.I. 1999/3195 rule 6](#)
- rule. 20(1) substituted by [S.I. 1999/3195 rule. 6](#)
- rule 21 amended by [S.I. 1999/3195 rule?](#)
- 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\(b\)](#)
- rule 22(2) words omitted by [S.I. 2019/638 Sch. 8 para. 13](#)
- rule 23(1) words omitted by [S.I. 2006/760 rule 3\(2\)](#)

### **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\(2\)](#)