

STATUTORY INSTRUMENTS

**2005 No. 2339**

**The Community Design Regulations 2005**

**[<sup>F1</sup>Infringement proceedings**

**1A.**—(1) This regulation and regulations 1B to 1D are without prejudice to the duties of the <sup>F2</sup>... design court under the provisions of Article 89(1)(a) to (c) of the <sup>F2</sup>... Design Regulation.

(2) [<sup>F3</sup>Subject to [<sup>F4</sup>paragraph] (5), in an action] for infringement of a [<sup>F5</sup>supplementary unregistered] design all such relief by way of damages, injunctions, accounts or otherwise is available to the holder of the [<sup>F5</sup>supplementary unregistered] design as is available in respect of the infringement of any other property right.

<sup>F6</sup>(3) .....

<sup>F7</sup>(4) .....

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<sup>F8</sup>(5) In an action for the infringement of [<sup>F9</sup>a supplementary] unregistered <sup>F10</sup>... design, damages shall not be awarded against a person who proves that at the date of the infringement that they were not aware, and had no reason to believe, that the design to which the action relates was protected as [<sup>F9</sup>a supplementary] unregistered <sup>F10</sup>... design.]]

**Textual Amendments**

- F1** Regs. 1A-1D inserted (29.4.2006) by [The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#), reg. 1, **Sch. 3 para. 9**
- F2** Word in reg. 1A(1) 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. 1 para. 55(a)** (with reg. 4, Sch. 2 Pt. 2) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 1A(2) substituted (1.10.2014) by [The Community Design \(Amendment\) Regulations 2014 \(S.I. 2014/2400\)](#), regs. 1, **3(a)**
- F4** Word in reg. 1A(2) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 55(b)(i)** (with reg. 4, Sch. 2 Pt. 2) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 1A(2) substituted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 1 para. 55(b)(ii)** (with reg. 4, Sch. 2 Pt. 2) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 1A(3) 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. 1 para. 55(c)** (with reg. 4, Sch. 2 Pt. 2) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Reg. 1A(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. 1 para. 55(c)** (with reg. 4, Sch. 2 Pt. 2) (as amended by [S.I. 2020/1050](#), regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Reg. 1A(3)-(5) inserted (1.10.2014) by [The Community Design \(Amendment\) Regulations 2014 \(S.I. 2014/2400\)](#), regs. 1, **3(b)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Community Design Regulations 2005, Section 1A. (See end of Document for details)*

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- F9** Words in reg. 1A(5) substituted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 1 para. 55(d)(i)** (with reg. 4, Sch. 2 Pt. 2) (as amended by S.I. 2020/1050, regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in reg. 1A(5) 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. 1 para. 55(d)(ii)** (with reg. 4, Sch. 2 Pt. 2) (as amended by S.I. 2020/1050, regs. 1(2), 14, 20); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Community Design Regulations 2005, Section 1A.