
STATUTORY INSTRUMENTS

2005 No. 2339

The Community Design Regulations 2005

[^{F1}Order as to disposal of infringing articles, &c

1C.—(1) An application may be made to the ^{F2}... design court for an order that an infringing article or other thing delivered up in pursuance of an order under regulation 1B shall be—

- (a) forfeited to the holder of the [^{F3}supplementary unregistered] design, or
- (b) destroyed or otherwise dealt with as the [^{F4}design] court may think fit,

or for a decision that no such order should be made.

(2) In considering what order (if any) should be made, the [^{F5}design] court shall consider whether other remedies available in an action for infringement of the right in a [^{F6}supplementary unregistered] design would be adequate to compensate the holder and to protect his interests.

(3) Where there is more than one person interested in an article or other thing, the [^{F7}design] court shall make such order as it thinks just and may (in particular) direct that the thing be sold, or otherwise dealt with, and the proceeds divided.

(4) If the [^{F8}design] court decides that no order should be made under this regulation, the person in whose possession, custody or control the article or other thing was before being delivered up is entitled to its return.

(5) References in this regulation to a person having an interest in an article or other thing include any person in whose favour an order could be made in respect of it—

- (a) under this regulation;
- (b) under section 24D of the Registered Designs Act 1949;
- (c) under section 114, 204 or 231 of the Copyright, Designs and Patents Act 1988; or
- (d) under section 19 of the Trade Marks Act 1994 ^{F9}...]

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. 1C(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. 57(a)(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)
- F3** Words in reg. 1C(1)(a) 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. 57(a)(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)
- F4** Word in reg. 1C(1)(b) inserted (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. 57(a)(iii)** (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)

Status: Point in time view as at 31/12/2020.

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

- F5** Word in reg. 1C(2) inserted (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. 57(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)
- F6** Words in reg. 1C(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. 57(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)
- F7** Word in reg. 1C(3) inserted (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. 57(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** Word in reg. 1C(4) inserted (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. 57(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)
- F9** Words in reg. 1C(5)(d) omitted (31.12.2020) by virtue of The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/269), reg. 1(1), **Sch. 5 para. 4**; 2020 c. 1, Sch. 5 para. 1(1)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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