

## SCHEDULE 2

### TRANSITIONAL PROVISIONS

#### PART 2

#### PROVISIONS RELATING TO APPLICATIONS UNDER THE OLD ACT

##### **Interpretation**

**10.** In this Part, “the old Act” means the Registered Designs Act 1949 as it had effect on 27th October 2001.

##### **Application of this Part**

**11.** This Part applies to—

- (a) transitional registrations, within the meaning of regulation 11 of the Registered Designs Regulations 2001(1);
- (b) post-1989 registrations, within the meaning of regulation 12 of those Regulations; and
- (c) pre-1989 registrations, within the meaning of regulation 13 of those Regulations.

##### **Meaning of applied industrially**

**12.** For the purposes of section 6 of the old Act, the circumstances in which a design shall be regarded as “applied industrially” are—

- (a) where the design is applied to more than fifty articles, which do not all together constitute a single set of articles (within the meaning of section 44(1) of the old Act); or
- (b) where the design is applied to goods manufactured in lengths or pieces, not being hand-made goods.

##### **Applications under section 11(2) of old Act**

**13.—(1)** Part 4 of these Rules applies to an application under section 11(2) of the old Act for the cancellation of registration as it applies to an application for a declaration of invalidity under section 11ZB of the Act.

(2) Where an application is made under section 11(2) of the old Act, any reference in rule 15(1) to an application for a declaration of invalidity under section 11ZB of the Act shall be construed as a reference to an application under the relevant provision of the old Act.

(3) For the purposes of rule 23(1), an application under section 11(2) of the old Act shall be treated as if it were mentioned in section 30(3) of the Act.

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(1) [SI 2001/3949](#).