

This Statutory Instrument has been made in consequence of a defect in S.I. 2006/2424 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2006 No. 2617

DESIGNS

The Registered Designs (Fees) (No. 2) Rules 2006

| | |
|-------------------------------|----------------------------|
| <i>Made</i> - - - - | <i>27th September 2006</i> |
| <i>Laid before Parliament</i> | <i>28th September 2006</i> |
| <i>Coming into force</i> - - | <i>1st October 2006</i> |

The Secretary of State, with the consent of the Treasury, in exercise of the powers conferred on him by sections 36 and 40 of the Registered Designs Act 1949(a) makes the following Rules.

He has had regard to the matters specified by article 6 of the Department of Trade and Industry (Fees) Order 1988(b).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Registered Designs (Fees) (No. 2) Rules 2006 and shall come into force on 1st October 2006 immediately after the Registered Designs (Fees) Rules 2006(c) come into force.

(2) In these Rules, “the Act” means the Registered Designs Act 1949 and “the Schedule” means the Schedule to these Rules.

Fees for design applications

2.—(1) The fee to be paid for an application for the registration of a design or designs is the following amount (or the sum of the following amounts).

(2) In respect of the first design included in an application the amount is—

- (a) where consent to publish is given, £60; and
- (b) where no such consent is given, £40.

(3) In respect of any subsequent design included in the application the amount is—

- (a) where consent to publish is given, £40; and
- (b) where no such consent is given, £20.

(a) 1949 c.88; the Act was last amended by S.I. 2006/1974; sections 36 and 40 were amended by section 272 of, and paragraph 26 of Schedule 3 to, the Copyright, Designs and Patents Act 1988 (c.48); section 36 was also amended by regulation 9 of, and paragraph 11 of Schedule 1 to, S.I. 2001/3949.

(b) S.I. 1988/93, as amended by S.I. 1990/1473, which was made under section 102 of the Finance (No. 2) Act 1987 (c.51). See the matters specified in Part 3 of Schedule 1 and Parts 1 and 2 of Schedule 2 to that Order.

(c) S.I. 2006/2424.

(4) For the purposes of this rule, “consent to publish” is given where consent for the publication of a representation of a design is given in accordance with rule 4(3) of the Registered Designs Rules 2006(a).

Fees to extend the period for which right in the registered design subsists

3.—(1) The fees to be paid to extend the period for which the right in a registered design subsists under section 8(2) of the Act are those specified in Part 2 of the Schedule.

(2) The additional fees prescribed for the purposes of section 8(4) of the Act are those specified in Part 3 of the Schedule.

(3) Where payment of the additional fee is made before the end of the month indicated in the first column of the table in Part 3, the fee to be paid is the amount specified in the second column.

Other fees payable

4. The fees to be paid in respect of other matters arising under the Act are those specified in Part 1 of the Schedule.

Fees to accompany forms

5. Where a form—

(a) is required to be used by the Registered Design Rules 2006; and

(b) is specified in Part 1 of the Schedule as the corresponding form in relation to any matter, that form shall be accompanied by the fee specified in respect of that matter.

Revocations

6. The Registered Designs (Fees) Rules 2006 are revoked.

21st September 2006

Jim Fitzpatrick
Parliamentary Under Secretary of State for Employment Relations,
Department of Trade and Industry

We consent to the making of these Rules.

27th September 2006

Claire Ward
Kevin Brennan
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2006/1975.

SCHEDULE

Rules 3 and 4

FEES PAYABLE

PART 1

FORMS

| <i>Number of Corresponding Form</i> | <i>Item (references to a rule in this column are to a rule in the Registered Designs Rules 2006)</i> | <i>Amount (£)</i> |
|-------------------------------------|---|--------------------------------------|
| DF1A | Change of agent or address for service (rules 36 and 42) | — |
| DF2A | Application for the registration of a design (rule 4) | See rule 2 |
| DF2B | Application for the registration of a design, which is a subsequent design for the purposes of section 3B(3) (rule 4) | See rule 2 |
| DF2C | Consent for publication | 40 for each design |
| DF9A | Application to extend period of protection | See Parts 2 and 3 of the Schedule |
| DF12A | Application to register title or a notice of interest (rule 27) | — |
| DF16A | Request to make an alteration to name, address or address for service (rule 34) | — |
| DF19A | Application for a declaration of invalidity (rule 15) | 50 |
| DF19B | Counter-statement in an application for a declaration of invalidity (rule 15) | — |
| DF19C | Notice by proprietor to cancel a registration (rule 14) | — |
| DF21 | A request for information under section 23 (rule 31) | 25 |
| DF23 | A certified copy of an entry in the register or a certified extract (rule 32) Where the certification is by way of affixing the seal of the Patent Office Where the certification is by way of rubber stamp | 22 16 |
| DF29 | Application to restore the right in a design under section 8A (rule 13) | 120 |

PART 2

RENEWAL FEES

| <i>Relevant Period</i> | <i>Amount of renewal fee (£)</i> |
|---|----------------------------------|
| In respect of the second period of five years | 130 |
| In respect of the third period of five years | 210 |
| In respect of the fourth period of five years | 310 |
| In respect of fifth period of five years | 450 |

PART 3
ADDITIONAL FEES

| <i>Month beginning with the date the right ceased to have effect in accordance with section 8(3) of the Registered Designs Act 1949</i> | <i>Amount of additional fee (£)</i> |
|---|-------------------------------------|
| 1st | 0 |
| 2nd | 24 |
| 3rd | 48 |
| 4th | 72 |
| 5th | 96 |
| 6th | 120 |

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribed the fees payable in respect of matters arising under the Registered Designs Act 1949 (c.88). They reflect the changes made by the Regulatory Reform (Registered Designs) Order 2006 (S.I. 2006/1974) and the new procedures under the Registered Designs Rules 2006 (S.I. 2006/1975).

These Rules replace and revoke the Registered Designs (Fees) Rules 2006 (S.I. 2006/2424) (the 2006 Rules). There was an error in the 2006 Rules in that they did not include the correct version of rule 2; in addition they failed to include a small clarification in the entry for Form DF2C set out in the Schedule. The only provision of the 2006 Rules to have substantive effect before the 2006 Rules are revoked by these Rules is rule 6 which revokes the Registered Designs (Fees) Rules 1998 (S.I. 1998/1777) and the Registered Designs (Fees) (Amendment) Rules 2001 (S.I. 2001/3951).

The Regulatory Impact Assessment prepared for the Registered Designs (Fees) Rules 2006 describes the impact of this Instrument.

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