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## EXPLANATORY NOTE

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

These Regulations amend section 13 of the Intellectual Property Act 2014 (“the Act”), which inserts new sections 35ZA to 35ZD into the Registered Designs Act 1949 (“RDA”). Section 13 of the Act makes the intentional copying of a UK or EU registered design in the course of business a criminal offence (new section 35ZA of the RDA). New section 35ZC of the RDA relates to forfeiture powers in England, Wales and Northern Ireland; whilst new section 35ZD deals with forfeiture powers in Scotland. The amendments relating to new section 35ZD correct errors in the wording of the Act.

The provision of criminal sanctions relates to the general obligation at Article 3(1) of the Intellectual Property Enforcement [Directive 2004/48/EC](#) for Member States to provide for the effective enforcement of intellectual property rights.

An impact assessment has not been produced for this instrument as it has a negligible effect on business.