

2014 No. 2400

DESIGNS

The Community Design (Amendment) Regulations 2014

Made - - - - *6th September 2014*

Laid before Parliament *9th September 2014*

Coming into force - - *1st October 2014*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to intellectual property (including both registered and unregistered rights).

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Community Design (Amendment) Regulations 2014 and come into force on 1st October 2014.

Amendment of the Community Design Regulations 2005

2. The Community Design Regulations 2005(c) are amended as follows.

3. In regulation 1A (Infringement proceedings)—

(a) in paragraph (2) for “In an action” substitute “Subject to paragraphs (3) to (5), in an action”;

(b) after paragraph (2) insert—

“(3) In an action for the infringement of the right in a registered Community design damages shall not be awarded against a person who proves that at the date of the infringement they were not aware, and had no reasonable ground for supposing, that the design was registered.

(4) For the purpose of paragraph (3), a person shall not be deemed to have been aware or to have had reasonable grounds for supposing that the design was registered by reason only of the marking of a product with—

(a) the word “registered” or any abbreviation of that word, or

(b) any word or words expressing or implying that the design applied to, or incorporated in, the product has been registered,

(a) S.I. 2006/608.

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part 1 of the Schedule.

(c) S.I. 2005/2339.

unless the number of the design accompanied the word or words or the abbreviation in question.

(5) In an action for the infringement of an unregistered Community 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 an unregistered Community design.”

Baroness Neville-Rolfe

Parliamentary Under Secretary of State for Business, Innovation and Skills
Department for Business, Innovation and Skills

6th September 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Design Regulations 2005 (“the 2005 Regulations”) so that unintentional infringement of a registered or unregistered Community design in the UK cannot give rise to an order to pay damages. This amendment to the 2005 Regulations will ensure that where a person innocently infringes Community designs then they are liable on the same basis as that available in relation to innocent infringement of UK designs.

The 2005 Regulations make provision for the operation of Council Regulation (6/2002/EC) on Community designs.

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

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