
STATUTORY INSTRUMENTS

2014 No. 2400

The Community Design (Amendment) Regulations 2014

Amendment of the Community Design Regulations 2005

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,

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.”