
STATUTORY INSTRUMENTS

2023 No. 1287

The Intellectual Property (Exhaustion of Rights) (Amendment) Regulations 2023

Amendment of the Community Design Regulations 2005

6. In regulation 1D of the Community Design Regulations 2005⁽¹⁾ (meaning of “infringing article”)—

(a) in subsection (5), for the words from “may be lawfully” to the end substitute—

“(a) may be lawfully imported into the United Kingdom by virtue of anything which forms part of assimilated law as a result of section 3 of the European Union (Withdrawal) Act 2018, or

(b) has been or is proposed to be imported into the United Kingdom after being put on the market in the European Economic Area by or with the consent of the holder of the supplementary unregistered design.”;

(b) after subsection (5) insert—

“(5A) In subsection (5)(a), the reference to assimilated law is to be read, until the coming into force of paragraph 2(6) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023, as a reference to retained EU law.”.