SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Chartered Associations (Protection of Names and Uniforms) Act 1926

1. In section 3 of the Chartered Associations (Protection of Names and Uniforms) Act 1926 (savings)—

(a) for the word "article", in the first place where it appears, there shall be substituted "product";

(b) for the words from "in respect of " to "1907", there shall be substituted "where a design is applied to, or incorporated in, the product and the design is protected by virtue of registration under the Registered Designs Act 1949";

(c) for the words "such registered design", in both places where they appear, there shall be substituted "the design"; and

(d) for the words "such article" there shall be substituted "the product".

Registered Designs Act 1949

2. In section 8B(6) of the Registered Designs Act 1949(**1**) (effect of order for restoration of right)—

(a) for the words "an article" there shall be substituted "a product"; and

(b) for the words "the article" there shall be substituted "the product".

3. In section 9(1) of that Act(**2**) (exemption of innocent infringer from liability for damages)—

(a) for the words "an article" there shall be substituted "a product"; and

(b) for the words "the article" there shall be substituted ", or incorporated in, the product".

4.—(1) Section 14 of that Act(**3**) (registration of design where application for protection in convention country has been made) shall be amended as follows.

(2) In subsection (2)—

(a) after the word "whether" there shall be inserted "(and to what extent)"; and

(b) after the word "new" there shall be inserted "or has individual character".

(3) In subsection (3) for the words "section 3(4)" there shall be substituted "section 3B(2) or (3)".

5. In section 15(2) of that Act (extension of time for applications under section 14 in certain cases)—

(a) in paragraph (a), for the word "articles" there shall be substituted "products"; and

(b) in paragraph (e)—

(i) for the word "articles" there shall be substituted "products"; and

(ii) after the word "applied" there shall be inserted "or in which it is incorporated".

6.—(1) Section 19 (registration of assignments etc.)(**4**) of that Act shall be amended as follows.

(**1**) Section 8B was inserted by section 269 of the 1988 Act.
(**2**) Section 9 was amended by section 272 of, and paragraph 5 of Schedule 3 to, the 1988 Act.
(**3**) Section 14(2) and (3) were substituted by section 272 of, and paragraph 7 of Schedule 3 to, the 1988 Act.
(**4**) Section 19(3A) and (3B) were inserted by section 272 of, and paragraph 10 of Schedule 3 to, the 1988 Act.

(2) In subsection (3A) for the words "design right", in both places where they appear, there shall be substituted "national unregistered design right".

(3) In subsection (3B) for the words "design right", in the first and third places where they appear, there shall be substituted "national unregistered design right".

7.—(1) Section 22 of that Act(**5**) (inspection of registered designs) shall be amended as follows.

(2) In subsection (2) for the words from the beginning to "no" there shall be substituted—

"Where—

(a) a design has been registered;

(b) a product to which the design was intended to be applied or in which it was intended to be incorporated was specified, in accordance with rules made under section 36 of this Act, in the application for the registration of the design; and

(c) the product so specified falls within any class prescribed for the purposes of this subsection,

no".

(3) Also in subsection (2)—

(a) for the word "articles" there shall be substituted "products"; and

(b) for the words from "it is the same" to "trade" there shall be substituted ", by reference to the first-mentioned design, it is not new or does not have individual character".

(4) In subsection (3) for the words from "design" to "class" there shall be substituted "registered design and a specified product which falls within any class".

8.—(1) Section 25 of that Act(**6**) (certificate of contested validity of registration) shall be amended as follows.

(2) In subsection (1) after the words "the design is" there shall be inserted ", to any extent,".

(3) In subsection (2) for the word "cancellation" there shall be substituted "invalidation".

9. In section 30(3)(a) of that Act(**7**) (costs and security for costs) for the word "cancellation" there shall be substituted "invalidation".

10.—(1) Section 35 of that Act(**8**) (fine for falsely representing a design as registered) shall be amended as follows.

(2) In subsection (1)—

(a) for the words "any article" there shall be substituted ", or incorporated in, any product";

(b) the words "in respect of that article" shall be omitted;

(c) for the words "an article" there shall be substituted "a product";

(d) for the words "the article", in the first and second places where they appear, there shall be substituted ", or incorporated in, the product"; and

(e) the words "in respect of the article" shall be omitted.

(3) In subsection (2)—

(a) for the words "any article" there shall be substituted "any product";

(**5**) Section 22(2) and (3) were amended by section 272 of, and paragraph 12 of Schedule 3 to, the 1988 Act.
(**6**) Section 25(2) was amended by section 272 of, and paragraph 14 of Schedule 3 to, the 1988 Act.
(**7**) Section 30 was substituted by section 272 of, and paragraph 19 of Schedule 3 to, the 1988 Act.
(**8**) Section 35 was amended by section 272 of, and paragraph 24 of Schedule 3 to, the 1988 Act but not, in the case of the amendment to section 35(1), in relation to offences committed before 1st August 1989.

(b) after the word "applied" there shall be inserted "or in which it has been incorporated"; and

(c) for the words "such article" there shall be substituted "such product".

11. In section 36(1A) of that Act(**9**) (general power of Secretary of State to make rules etc.), after paragraph (a), there shall be inserted—

"(ab) requiring applications for registration of designs to specify—

(i) the products to which the designs are intended to be applied or in which they are intended to be incorporated;

(ii) the classification of the designs by reference to such test as may be prescribed;".

12. In section 37(2) of that Act for the words from "section", where it first appears, to "Act", where it first appears, there shall be substituted "section 15 of this Act".

13. In section 43(2) of that Act (savings) for the word "articles" there shall be substituted "products".

14.—(1) Section 44 of that Act (interpretation) shall be amended as follows.

(2) In subsection (1), in the definition of "design"(**10**) for the words "section 1(1)" there shall be substituted "section 1(2)".

(3) In subsection (1), at the appropriate places, there shall be inserted—

""complex product" has the meaning assigned to it by section 1(3) of this Act;";

""national unregistered design right" means design right within the meaning of Part III of the Copyright, Designs and Patents Act 1988;";

""product" has the meaning assigned to it by section 1(3) of this Act;".

(4) In subsection (4) for the words from "section", where it first appears, to "Act" there shall be substituted "section 14 of this Act".

15.—(1) Schedule 1 to that Act (use of registered designs for the services of the Crown) shall be amended as follows.

(2) In paragraph 1(6)(**11**) and (7), for the word "articles", in each place where it appears, there shall be substituted "products".

(3) In paragraph 2(1)(**12**) for the words "design right" there shall be substituted "national unregistered design right".

(4) In paragraph 2A(1) and (4)(**13**)—

(a) for the word "articles" there shall be substituted "products"; and

(b) after the word "applied" there shall be inserted "or in which it is incorporated".

(5) In paragraph 3(2)(a)—

(a) after the word "proceedings" there shall be inserted "and the department are a relevant person within the meaning of section 20 of this Act";

(b) for the word "cancellation" there shall be substituted "invalidation"; and

(c) for the word "cancelled" there shall be substituted "declared invalid".

(**9**) Section 36 was amended by section 272 of, and paragraph 26 of Schedule 3 to, the 1988 Act.

(**10**) The definition of "design" was amended by section 272 of, and paragraph 31(7) of Schedule 3 to, the 1988 Act.

(**11**) Paragraph 1(6) was substituted by section 1(1) and (4) of the Defence Contracts Act 1958 (c. 38).

(**12**) The words "design right" were inserted into paragraph 2(1) by section 272 of, and paragraph 37(2) of Schedule 3 to, the 1988 Act.

(**13**) Paragraph 2A was inserted by section 271 of the 1988 Act in relation to any Crown use of a registered design after 1st August 1989 even if the terms for such use were settled before that date.

(6) In paragraph 3(2)(b)—

(a) after the word "case" there shall be inserted "and provided that the department would be the relevant person within the meaning of section 20 of this Act if they had made an application on the grounds for invalidity being raised"; and

(b) for the word "cancellation" there shall be substituted "invalidation".

Copyright, Designs and Patents Act 1988

16. In section 53(1)(b) of the Copyright, Designs and Patents Act 1988(**14**) (things done in reliance on registration of design) after the word "cancellation" there shall be inserted "or invalidation".

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
1949 c. 88.	The Registered Designs Act 1949.	In section 2(2), the words from ", or the" to "any article," and the words from "or as", where they appear for a second time, to the end of the subsection. Section 4. In section 5, in subsection (2), paragraph (b) and the word "and" immediately preceding it and, in subsection (3)(b), the words from ", or any" to "above,". Section 6. Section 8(5) and (6). Section 10. In section 11A(3), paragraph (b) and the word "or" immediately preceding it, and the words from "or may, instead" to the end of the subsection. Section 11A(4) and (5). Section 11B. Section 16.

(**14**) 1988 c. 48.

Chapter	Short title	Extent of repeal
		In section 22(1), paragraph (b) and the word "and" immediately preceding it.
		In section 23(a), the words "and, if so, in respect of what articles".
		In section 30(3), paragraph (b).
		In section 35(1), the words "in respect of that article" and the words "in respect of the article".
		Section 43(1).
		In section 44, in subsection (1), the definitions of "article", "artistic work", "corresponding design" and "set of articles" and subsections (2) and (3).
		Section 48(5).
1988 c. 48.	The Copyright, Designs and Patents Act 1988.	Section 265.
		Section 268.
		In Schedule 3, paragraphs 1, 2, 3(4), 4, 6, 9 and 31(2) and (5).
1995 c. 21.	The Merchant Shipping Act 1995.	In Schedule 13, paragraph 26.
1995 c. 32.	The Olympic Symbol etc. (Protection) Act 1995.	Section 13(1).