
DRAFT STATUTORY INSTRUMENTS

2001 No.

The Registered Designs Regulations 2001

Right given by registration under the 1949 Act

5. For section 7 of the Registered Designs Act 1949⁽¹⁾ (right given by registration) there shall be substituted—

“7 Right given by registration.

(1) The registration of a design under this Act gives the registered proprietor the exclusive right to use the design and any design which does not produce on the informed user a different overall impression.

(2) For the purposes of subsection (1) above and section 7A of this Act any reference to the use of a design includes a reference to—

- (a) the making, offering, putting on the market, importing, exporting or using of a product in which the design is incorporated or to which it is applied; or
- (b) stocking such a product for those purposes.

(3) In determining for the purposes of subsection (1) above whether a design produces a different overall impression on the informed user, the degree of freedom of the author in creating his design shall be taken into consideration.

(4) The right conferred by subsection (1) above is subject to any limitation attaching to the registration in question (including, in particular, any partial disclaimer or any declaration by the registrar or a court of partial invalidity).

7A Infringements of rights in registered designs.

(1) Subject as follows, the right in a registered design is infringed by a person who, without the consent of the registered proprietor, does anything which by virtue of section 7 of this Act is the exclusive right of the registered proprietor.

(2) The right in a registered design is not infringed by—

- (a) an act which is done privately and for purposes which are not commercial;
- (b) an act which is done for experimental purposes;
- (c) an act of reproduction for teaching purposes or for the purpose of making citations provided that the conditions mentioned in subsection (3) below are satisfied;
- (d) the use of equipment on ships or aircraft which are registered in another country but which are temporarily in the United Kingdom;
- (e) the importation into the United Kingdom of spare parts or accessories for the purpose of repairing such ships or aircraft; or
- (f) the carrying out of repairs on such ships or aircraft.

⁽¹⁾ Section 7 as originally enacted was substituted by section 268 of the 1988 Act but not in relation to a design registered in pursuance of an application made before 1st August 1989.

(3) The conditions mentioned in this subsection are—

- (a) the act of reproduction is compatible with fair trade practice and does not unduly prejudice the normal exploitation of the design; and
- (b) mention is made of the source.

(4) The right in a registered design is not infringed by an act which relates to a product in which any design protected by the registration is incorporated or to which it is applied if the product has been put on the market in the European Economic Area by the registered proprietor or with his consent.

(5) The right in a registered design of a component part which may be used for the purpose of the repair of a complex product so as to restore its original appearance is not infringed by the use for that purpose of any design protected by the registration.

(6) No proceedings shall be taken in respect of an infringement of the right in a registered design committed before the date on which the certificate of registration of the design under this Act is granted.”