

SCHEDULES

SCHEDULE 3

REGISTERED DESIGNS: MINOR AND CONSEQUENTIAL AMENDMENTS OF 1949 ACT

Section 6: provisions as to confidential disclosure, etc.

- 4 (1) Section 6 of the Registered Designs Act 1949 (provisions as to confidential disclosure, etc.) is amended as follows.
- (2) In subsection (2) (display of design at certified exhibition), in paragraph (a) for “certified by the Board of Trade” substitute “certified by the Secretary of State”.
- (3) For subsections (4) and (5) (registration of designs corresponding to copyright artistic works) substitute—
- “(4) Where an application is made by or with the consent of the owner of copyright in an artistic work for the registration of a corresponding design, the design shall not be treated for the purposes of this Act as being other than new by reason only of any use previously made of the artistic work, subject to subsection (5).
- (5) Subsection (4) does not apply if the previous use consisted of or included the sale, letting for hire or offer or exposure for sale or hire of articles to which had been applied industrially—
- (a) the design in question, or
- (b) a design differing from it only in immaterial details or in features which are variants commonly used in the trade,
- and that previous use was made by or with the consent of the copyright owner.
- (6) The Secretary of State may make provision by rules as to the circumstances in which a design is to be regarded for the purposes of this section as “applied industrially” to articles, or any description of articles.”