

Changes to legislation: Copyright, Designs and Patents Act 1988, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 February 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

THE REGISTERED DESIGNS ACT 1949 AS AMENDED ARRANGEMENT OF SECTIONS

Annotations:

Modifications etc. (not altering text)

- C1** Sch. 4 extended (with modifications) (Isle of Man) (9.12.2001) by [S.I. 2001/3678](#), art. 3, **Sch. 3**
- C1** Sch. 4 extended (Isle of Man) (with modifications) (11.11.2013) by [The Registered Designs \(Isle of Man\) Order 2013 \(S.I. 2013/2533\)](#), arts. 1, 3(2), **Sch. 2**

Supplemental

- 39 (1) Rules made by the Secretary of State under this Act may specify the hour at which the Patent Office shall be deemed to be closed on any day for purposes of the transaction by the public of business under this Act or of any class of such business, and may specify days as excluded days for any such purposes.
- (2) Any business done under this Act on any day after the hour specified as aforesaid in relation to business of that class, or on a day which is an excluded day in relation to business of that class, shall be deemed to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.
- 40 There shall be paid in respect of the registration of designs and applications therefor, and in respect of other matters relating to designs arising under this Act, such fees as may be prescribed by rules made by the Secretary of State with the consent of the Treasury.
- 41 Any notice required or authorised to be given by or under this Act, and any application or other document so authorised or required to be made or filed, may be given, made or filed by post.
- 42 The Comptroller-General of Patents, Designs and Trade Marks shall, in his annual report with respect to the execution of the Patents Act 1977, include a report with respect to the execution of this Act as if it formed a part of or was included in that Act.
- 43 (1) Nothing in this Act shall be construed as authorising or requiring the registrar to register a design the use of which would, in his opinion, be contrary to law or morality.

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- (2) Nothing in this Act shall affect the right of the Crown or of any person deriving title directly or indirectly from the Crown to sell or use articles forfeited under the laws relating to customs or excise.
- 44 (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned by them, that is to say—
- “Appeal Tribunal” means the Appeal Tribunal constituted and acting in accordance with section 28 of this Act as amended by the Administration of Justice Act 1969;
- “article” means any article of manufacture and includes any part of an article if that part is made and sold separately;
- “artistic work” has the same meaning as in Part I of the Copyright, Designs and Patents Act 1988;
- “assignee” includes the personal representative of a deceased assignee, and references to the assignee of any person include references to the assignee of the personal representative or assignee of that person;
- “author”, in relation to a design, has the meaning given by section 2(3) and (4);
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- “corresponding design”, in relation to an artistic work, means a design which if applied to an article would produce something which would be treated for the purposes of Part I of the Copyright, Designs and Patents Act 1988 as a copy of that work;
- “the court” shall be construed in accordance with section 27 of this Act;
- “design” has the meaning assigned to it by section 1(1) of this Act;
- “employee”, “employment” and “employer” refer to employment under a contract of service or of apprenticeship;
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- “prescribed” means prescribed by rules made by the Secretary of State under this Act;
- “proprietor” has the meaning assigned to it by section two of this Act;
- “registered proprietor” means the person or persons for the time being entered in the register of designs as proprietor of the design;
- “registrar” means the Comptroller-General of Patents Designs and Trade Marks;
- “set of articles” means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied.
- (2) Any reference in this Act to an article in respect of which a design is registered shall, in the case of a design registered in respect of a set of articles, be construed as a reference to any article of that set.
- (3) Any question arising under this Act whether a number of articles constitute a set of articles shall be determined by the registrar; and notwithstanding anything in this Act any determination of the registrar under this subsection shall be final.
- (4) For the purposes of subsection (1) of section 14 and of section 16 of this Act, the expression “personal representative”, in relation to a deceased person, includes the

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legal representative of the deceased appointed in any country outside the United Kingdom.

45 In the application of this Act to Scotland—

.....

(3) The expression “injunction” means “interdict”; the expression “arbitrator” means “arbiter”;
the expression “plaintiff” means “pursuer”; the expression “defendant” means “defender”.

46 In the application of this Act to Northern Ireland—

.....

- (3) References to enactments include enactments comprised in Northern Ireland legislation:
- (3A) References to the Crown include the Crown in right of Her Majesty’s Government in Northern Ireland:
- (4) References to a government department shall be construed as including references to a Northern Ireland department, and in relation to a Northern Ireland department references to the Treasury shall be construed as references to the Department of Finance and Personnel.

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47 This Act extends to the Isle of Man, subject to any modifications contained in an Order made by Her Majesty in Council, and accordingly, subject to any such Order, references in this Act to the United Kingdom shall be construed as including the Isle of Man.

47A (1) For the purposes of this Act the territorial waters of the United Kingdom shall be treated as part of the United Kingdom.

(2) This Act applies to things done in the United Kingdom sector of the continental shelf on a structure or vessel which is present there for purposes directly connected with the exploration of the sea bed or subsoil or the exploitation of their natural resources as it applies to things done in the United Kingdom.

(3) The United Kingdom sector of the continental shelf means the areas designated by order under section 1(7) of the Continental Shelf Act 1964.

48 (1)

(2) Subject to the provisions of this section, any Order in Council, rule, order, requirement, certificate, notice, decision, direction, authorisation, consent, application, request or thing made, issued, given or done under any enactment repealed by this Act shall, if in force at the commencement of this Act, and so far as it could have been made, issued, given or done under this Act, continue in force and have effect as if made, issued, given or done under the corresponding enactment of this Act.

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- (3) Any register kept under the Patents and Designs Act 1907 shall be deemed to form part of the corresponding register under this Act.
 - (4) Any design registered before the commencement of this Act shall be deemed to be registered under this Act in respect of articles of the class in which it is registered.
 - (5) Where, in relation to any design, the time for giving notice to the registrar under section 59 of the Patents and Designs Act 1907 expired before the commencement of this Act and the notice was not given, subsection (2) of section 6 of this Act shall not apply in relation to that design or any registration of that design.
 - (6) Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.
 - (7) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- 49
- (1) This Act may be cited as the Registered Designs Act 1949.
 - (2) This Act shall come into operation on the first day of January, nineteen hundred and fifty, immediately after the coming into operation of the Patents and Designs Act 1949.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A(1A)(aa) inserted by 2017 c. 30 s. 31(4)(b)
- s. 40A(1ZA) inserted by 2017 c. 30 s. 31(3)
- s. 249(1A) inserted by 2007 c. 15 s. 143(3)(b)