



Intellectual Property Act 2014

2014 CHAPTER 18

PART 1

DESIGN

Registered designs

7 Right of prior use

(1) After section 7A of the Registered Designs Act 1949 insert—

“7B Right of prior use

- (1) A person who, before the application date, used a registered design in good faith or made serious and effective preparations to do so may continue to use the design for the purposes for which, before that date, the person had used it or made the preparations to use it.
- (2) In subsection (1), the “application date”, in relation to a registered design, means—
 - (a) the date on which an application for the registration was made under section 3, or
 - (b) where an application for the registration was treated as having been made by virtue of section 14(2), the date on which it was treated as having been so made.
- (3) Subsection (1) does not apply if the design which the person used, or made preparations to use, was copied from the design which was subsequently registered.
- (4) The right conferred on a person by subsection (1) does not include a right to licence another person to use the design.

Status: This is the original version (as it was originally enacted).

- (5) Nor may the person on whom the right under subsection (1) is conferred assign the right, or transmit it on death (or in the case of a body corporate on its dissolution), unless—
- (a) the design was used, or the preparations for its use were made, in the course of a business, and
 - (b) the right is assigned or transmitted with the part of the business in which the design was used or the preparations for its use were made.”
- (2) This section applies only to designs registered under the Registered Designs Act 1949 after the commencement of this section.