



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

International Arrangements

13 Orders in Council as to convention countries.

- (1) His Majesty may, with a view to the fulfilment of a treaty, convention, arrangement or engagement, by Order in Council declare that any country specified in the Order is a convention country for the purposes of this Act:
Provided that a declaration may be made as aforesaid for the purposes either of all or of some only of the provisions of this Act, and a country in the case of which a declaration made for the purposes of some only of the provisions of this Act is in force shall be deemed to be a convention country for the purposes of those provisions only.
- (2) His Majesty may by Order in Council direct that any of the Channel Islands, any colony . . . ^{F1} shall be deemed to be a convention country for the purposes of all or any of the provisions of this Act; and an Order made under this subsection may direct that any such provisions shall have effect, in relation to the territory in question, subject to such conditions or limitations, if any, as may be specified in the Order.
- (3) For the purposes of subsection (1) of this section, every colony, protectorate, territory subject to the authority or under the suzerainty of another country, and territory administered by another country . . . ^{F2} under the trusteeship system of the United Nations, shall be deemed to be a country in the case of which a declaration may be made under that subsection.

Textual Amendments

- F1** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. VI](#)
- F2** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. VI](#)

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14 Registration of design where application for protection in convention country has been made.

- (1) An application for registration of a design^{F3} or designs] in respect of which protection has been applied for in a convention country may be made in accordance with the provisions of this Act by the person by whom the application for protection was made or his personal representative or assignee:
Provided that no application shall be made by virtue of this section after the expiration of six months from the date of the application for protection in a convention country or, where more than one such application for protection has been made, from the date of the first application.
- ^{F4}(2) Where an application for registration of a design^{F5} or designs] is made by virtue of this section, the application shall be treated, for the purpose of determining whether ^{F6}(and to what extent)] that or any other design is new ^{F7} or has individual character], as made on the date of the application for protection in the convention country or, if more than one such application was made, on the date of the first such application.
- (3) Subsection (2) shall not be construed as excluding the power to give directions under ^{F8}section 3B(2) or (3)] of this Act in relation to an application made by virtue of this section.]
- (4) Where a person has applied for protection for a design by an application which—
- in accordance with the terms of a treaty subsisting between two or more convention countries, is equivalent to an application duly made in any one of those convention countries; or
 - in accordance with the law of any convention country, is equivalent to an application duly made in that convention country,
- he shall be deemed for the purposes of this section to have applied in that convention country.

Textual Amendments

- F3** Words in s. 14(1) inserted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **14(2)**
- F4** S. 14(2)(3) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 7**
- F5** Words in s. 14(2) inserted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), arts. 1(1), **14(3)**
- F6** Words in s. 14(2) inserted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), **Sch. 1 para. 4(2)(a)** (with transitional provisions in [regs. 10-14](#))
- F7** Words in s. 14(2) inserted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), **Sch. 1 para. 4(2)(b)** (with transitional provisions in [regs. 10-14](#))
- F8** Words in s. 14(3) substituted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), **Sch. 1 para. 4(3)** (with transitional provisions in [regs. 10-14](#))

15 Extension of time for applications under s. 14 in certain cases.

- (1) If ^{F9}the Secretary of State is satisfied] that provision substantially equivalent to the provision to be made by or under this section has been or will be made under the law of any convention country, ^{F9}he] may make rules empowering the registrar to extend the time for making application under subsection (1) of section fourteen of this Act for registration of a design in respect of which protection has been applied for in that

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country in any case where the period specified in the proviso to that subsection expires during a period prescribed by the rules.

(2) Rules made under this section—

- (a) may, where any agreement or arrangement has been made between His Majesty's Government in the United Kingdom and the government of the convention country for the supply or mutual exchange of information or [^{F10}products], provide, either generally or in any class of case specified in the rules, that an extension of time shall not be granted under this section unless the design has been communicated in accordance with the agreement or arrangement;
- (b) may, either generally or in any class of case specified in the rules, fix the maximum extension which may be granted under this section;
- (c) may prescribe or allow any special procedure in connection with applications made by virtue of this section;
- (d) may empower the registrar to extend, in relation to an application made by virtue of this section, the time limited by or under the foregoing provisions of this Act for doing any act, subject to such conditions, if any, as may be imposed by or under the rules;
- (e) may provide for securing that the rights conferred by registration on an application made by virtue of this section shall be subject to such restrictions or conditions as may be specified by or under the rules and in particular to restrictions and conditions for the protection of persons (including persons acting on behalf of His Majesty) who, otherwise than as the result of a communication made in accordance with such an agreement or arrangement as is mentioned in paragraph (a) of this subsection, and before the date of the application in question or such later date as may be allowed by the rules, may have imported or made [^{F10}products] to which the design is applied [^{F11}or in which it is incorporated] or may have made an application for registration of the design.

Textual Amendments

- F9** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, [Sch. 3 para. 8](#)
- F10** Word in s. 15(2)(a)(e) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 5\(a\)\(b\)\(i\)](#) (with transitional provisions in [regs. 10-14](#))
- F11** Words in s. 15(2)(e) inserted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 5\(b\)\(ii\)](#) (with transitional provisions in [regs. 10-14](#))

[^{F12}15ZA] Accession to the Hague Agreement

- (1) The Secretary of State may by order make provision for giving effect in the United Kingdom to the provisions of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted by the Diplomatic Conference on 2 July 1999.
- (2) An order under this section may, in particular, make provision about—
 - (a) the making of applications for international registrations at the Patent Office;
 - (b) the procedures to be followed where an international registration designates the United Kingdom;

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- (c) the effect of an international registration which designates the United Kingdom;
 - (d) the communication of information to the International Bureau;
 - (e) the payment of fees.
- (3) An order under this section may—
- (a) amend this Act;
 - (b) apply specified provisions of this Act with such modifications as may be specified.
- (4) An expression used in subsection (2) and in the Agreement referred to in subsection (1) has the same meaning in that subsection as it has in the Agreement.]

Textual Amendments

F12 S. 15ZA inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **8(1)**, 24(1); S.I. 2014/2330, art. 3, Sch.

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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. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)