



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Rules, etc.

36 General power of Board of Trade to make rules, etc.

- (1) Subject to the provisions of this Act, [^{F1}the Secretary of State,] may make such rules [^{F1}as he thinks expedient] for regulating the business of the Patent Office in relation to designs and for regulating all matters by this Act placed under the direction or control of the registrar or [^{F1}the Secretary of State,] . . . ^{F2}.

[^{F3}(1A) Rules may, in particular, make provision—

- [^{F4}(a) requiring the furnishing of copies of such representations or specimens of designs or other documents as may be filed at the Patent Office;]
[requiring applications for registration of designs to specify—
^{F5}(ab) (i) the products to which the designs are intended to be applied or in which they are intended to be incorporated;
(ii) the classification of the designs by reference to such test as may be prescribed;]
(b) regulating the procedure to be followed in connection with any application or request to the registrar or in connection with any proceeding before him, and authorising the rectification of irregularities of procedure;
(c) providing for the appointment of advisers to assist the registrar in proceedings before him;
(d) regulating the keeping of the register of designs;
(e) authorising the publication and sale of copies of representations of designs and other documents in the Patent Office;
(f) prescribing anything authorised or required by this Act to be prescribed by rules.

- (1B) The remuneration of an adviser appointed to assist the registrar shall be determined by the Secretary of State with the consent of the Treasury and shall be defrayed out of money provided by Parliament.]

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- (2) Rules made under this section may provide for the establishment of branch offices for designs and may authorise any document or thing required by or under this Act to be filed or done at the Patent Office to be filed or done at the branch office at Manchester or any other branch office established in pursuance of the rules.

Subordinate Legislation Made

- P1** S. 36: for previous exercises of this power see Index to Government Orders
P2 S. 36: s. 36 (with ss. 40 and 44(1)) power exercised by [S.I. 1991/1628](#)
P3 S. 36:s. 36(1):power exercised by [S.I. 1991/675](#)

Textual Amendments

- F1** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 26(2)**
F2 Words repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 26(3)**
F3 S. 36(1A)(1B) added by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 26(3)**
F4 S. 36(1A)(a) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 12(3)**, 24(1) (with s. 12(6)); [S.I. 2014/2330](#), art. 3, Sch.
F5 S. 36(1A)(ab) inserted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), **Sch. 1 para. 11** (with transitional provisions in [regs. 10-14](#))

Modifications etc. (not altering text)

- C1** S. 36 extended by [Copyright Act 1956 \(c. 74\)](#), s. 10(5)

37 Provisions as to rules and Orders.

- (1)^{F6}
- (2) Any rules made by [^{F7}the Secretary of State] in pursuance of [^{F8}section 15 of this Act], and any order made, direction given, or other action taken under the rules by the registrar, may be made, given or taken so as to have effect as respects things done or omitted to be done on or after such date, whether before or after the coming into operation of the rules or of this Act, as may be specified in the rules.
- (3) Any power to make rules conferred by this Act on [^{F7}the Secretary of State]^{F9}... [^{F10}and the power to make an order under section 15ZA][^{F11}and the power to make regulations under section 28A] shall be exercisable by statutory instrument^{F12}....
- (4) Any statutory instrument containing rules made by [^{F7}the Secretary of State] under this Act [^{F13}or regulations under section 28A] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F14}(4A) Subsection (4) does not apply to the first regulations to be made under section 28A, but the Secretary of State may not make those regulations unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.]

[^{F15}(4B) The Secretary of State may not make an order under section 15ZA unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]

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- (5) Any Order in Council made under this Act may be revoked or varied by a subsequent Order in Council.

Textual Amendments

- F6** S. 37(1) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 27(2), **Sch. 8**
- F7** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 27(3)**
- F8** Words in s. 37(2) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 12** (with transitional provisions in [regs. 10-14](#))
- F9** Words in s. 37(3) omitted (6.4.2015) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), ss. **10(5)(a)**, 24(1); [S.I. 2015/165, art. 3](#)
- F10** Words in s. 37(3) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **8(2)(a)**, 24(1); [S.I. 2014/2330, art. 3, Sch.](#)
- F11** Words in s. 37(3) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **11(3)(a)**, 24(1); [S.I. 2014/2330, art. 3, Sch.](#)
- F12** Words in s. 37(3) omitted (6.4.2015) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), ss. **10(5)(b)**, 24(1); [S.I. 2015/165, art. 3](#)
- F13** Words in s. 37(4) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **11(3)(b)**, 24(1); [S.I. 2014/2330, art. 3, Sch.](#)
- F14** S. 37(4A) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **11(3)(c)**, 24(1); [S.I. 2014/2330, art. 3, Sch.](#)
- F15** S. 37(4B) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **8(2)(b)**, 24(1); [S.I. 2014/2330, art. 3, Sch.](#)

[^{F16}37A Use of electronic communications

- (1) The registrar may give directions as to the form and manner in which documents to be delivered to the registrar—
- in electronic form; or
 - using electronic communications,
- are to be delivered to him.
- (2) A direction under subsection (1) may provide that in order for a document to be delivered in compliance with the direction it shall be accompanied by one or more additional documents specified in the direction.
- (3) Subject to subsections (11) and (12), if a document to which a direction under subsection (1) or (2) applies is delivered to the registrar in a form or manner which does not comply with the direction the registrar may treat the document as not having been delivered.
- (4) Subsection (5) applies in relation to a case where—
- a document is delivered using electronic communications, and
 - there is a requirement for a fee to accompany the document.
- (5) The registrar may give directions specifying—
- how the fee shall be paid; and
 - when the fee shall be deemed to have been paid.

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- (6) The registrar may give directions specifying that a person who delivers a document to the registrar in electronic form or using electronic communications cannot treat the document as having been delivered unless its delivery has been acknowledged.
- (7) The registrar may give directions specifying how a time of delivery is to be accorded to a document delivered to him in electronic form or using electronic communications.
- (8) A direction under this section may be given—
- (a) generally;
 - (b) in relation to a description of cases specified in the direction;
 - (c) in relation to a particular person or persons.
- (9) A direction under this section may be varied or revoked by a subsequent direction under this section.
- (10) The delivery using electronic communications to any person by the registrar of any document is deemed to be effected, unless the registrar has otherwise specified, by transmitting an electronic communication containing the document to an address provided or made available to the registrar by that person as an address of his for the receipt of electronic communications; and unless the contrary is proved such delivery is deemed to be effected immediately upon the transmission of the communication.
- (11) A requirement of this Act that something must be done in the prescribed manner is satisfied in the case of something that is done—
- (a) using a document in electronic form, or
 - (b) using electronic communications,
- only if the directions under this section that apply to the manner in which it is done are complied with.
- (12) In the case of an application made as mentioned in subsection (11)(a) or (b) above, a reference in this Act to the application not having been made in accordance with rules under this Act includes a reference to its not having been made in accordance with any applicable directions under this section.
- (13) This section applies—
- (a) to delivery at the Patent Office as it applies to delivery to the registrar; and
 - (b) to delivery by the Patent Office as it applies to delivery by the registrar.]

Textual Amendments

F16 S. 37A inserted (1.10.2006) by [Registered Designs Act 1949 and Patents Act 1977 \(Electronic Communications\) Order 2006 \(S.I. 2006/1229\)](#), arts. 1, 2

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- (1) F17
- (2) F18
- (3) F18

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Textual Amendments

- F17** S. 38(1) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 28, **Sch. 8**
- F18** S. 38(2)(3) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 28, **Sch. 8**

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. 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\(5\)](#)