

Changes to legislation: Registered Designs Act 1949, Paragraph 3 is up to date with all changes known to be in force on or before 21 January 2024. 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) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 1B

INTERNATIONAL DESIGNS

Textual Amendments

- F1** Schs. 1A, 1B inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, Sch. 3 para. 3 (with Sch. 5 Pt. 1) (as amended by S.I. 2020/1050, regs. 1(2), 23); 2020 c. 1, Sch. 5 para. 1(1)

PART 1

EXISTING INTERNATIONAL DESIGNS

Opt out

- 3 (1) Subject to sub-paragraph (2), the holder of the international registration to which a protected international registered design (EU) is subject (“the proprietor”) may at any time on or after [^{F2}IP completion day] serve a notice on the registrar that the design is not to be treated as if it had been registered under this Act.
- (2) A notice under sub-paragraph (1) may not be served where on or after [^{F2}IP completion day]—
- (a) the re-registered international design which derives from the protected international registered design (EU) (or any interest in it)—
 - (i) has been assigned or otherwise transferred except by an assent by personal representatives, or
 - (ii) has had an interest created in it by a mortgage, licence or other instrument; or
 - (b) proceedings based on the re-registered international design have been initiated by the proprietor or with the proprietor's consent.
- (3) A notice served under sub-paragraph (1) must:
- (a) identify the protected international registered design (EU); and
 - (b) include the name and address of any person who, to the best of the proprietor's knowledge, has an interest in the protected international registered design (EU).
- (4) A notice under sub-paragraph (1) is of no effect unless the proprietor in that notice certifies that any such person—
- (a) has been given not less than three months' notice of the proprietor's intention to serve such a notice; or
 - (b) is not affected by, or if affected consents to, the notice.

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- (5) Where a notice has been served under sub-paragraph (1)—
- (a) the design ceases with effect from [^{F2}IP completion day] to be treated as if it had been registered under this Act,
 - (b) the obligation imposed on the registrar under paragraph 2 (entries to be made in the register in relation to designs treated as registered under this Act) ceases to have effect, and
 - (c) the registrar must make any necessary amendments to the register.]

Textual Amendments

- F2** Words in [Sch. 1B](#) substituted in earlier amending provision S.I. 2019/638, Sch. 3 para. 3 (31.12.2020) by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), [21\(d\)\(i\)](#)

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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\(5\)](#)