



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Effect of registration, etc.

[^{F1}11ZA Grounds for invalidity of registration.

- (1) The registration of a design may be declared invalid —
- [^{F2}(a) on the ground that it does not fulfil the requirements of section 1(2) of this Act;
 - (b) on the ground that it does not fulfil the requirements of sections 1B to 1D of this Act; or
 - (c) where any ground of refusal mentioned in Schedule A1 to this Act applies.]

[The registration of a design (“the later design”) may be declared invalid if it is not

^{F3}(1A) new or does not have individual character when compared to a design which—

- (a) has been made available to the public on or after the relevant date; but
- [^{F4}(b) is protected as from a date prior to the relevant date [^{F5}by virtue of registration under this Act or an application for such registration.]]

(1B) In subsection (1A) “the relevant date” means the date on which the application for the registration of the later design was made or is treated by virtue of section 3B(2), (3) or (5) or 14(2) of this Act as having been made.]

- (2) The registration of a design may be declared invalid on the ground of the registered proprietor not being the proprietor of the design and the proprietor of the design objecting.
- (3) The registration of a design involving the use of an earlier distinctive sign may be declared invalid on the ground of an objection by the holder of rights to the sign which include the right to prohibit in the United Kingdom such use of the sign.
- (4) The registration of a design constituting an unauthorised use of a work protected by the law of copyright in the United Kingdom may be declared invalid on the ground of an objection by the owner of the copyright.
- (5) In this section and sections 11ZB, 11ZC and 11ZE of this Act (other than section 11ZE(1)) references to the registration of a design include references to

Changes to legislation: Registered Designs Act 1949, Section 11ZA 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

the former registration of a design; and these sections shall apply, with necessary modifications, in relation to such former registrations.]

Textual Amendments

- F1** Ss. 11-11ZF substituted (9.12.2001) for s. 11 by [S.I. 2001/3949](#), **reg. 7** (with transitional provisions in [regs. 10-14](#))
- F2** Words in s. 11ZA(1) substituted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), **arts. 1(1), 7(2)** (with [art. 18](#))
- F3** S. 11ZA(1A)(1B) inserted (1.10.2006) by [Regulatory Reform \(Registered Designs\) Order 2006 \(S.I. 2006/1974\)](#), **arts. 1(1), 7(3)** (with [art. 18](#))
- F4** S. 11ZA(1A)(b) substituted (1.1.2008) by [Designs \(International Registrations Designating the European Community\) Regulations 2007 \(S.I. 2007/3378\)](#), **regs. 1, 2**
- F5** Words in s. 11ZA(1A)(b) substituted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), **reg. 1, Sch. 8 para. 3**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Modifications etc. (not altering text)

- C1** S. 11ZA(1A)(a) modified (20.5.2016) by [The Standardised Packaging of Tobacco Products Regulations 2015 \(S.I. 2015/829\)](#), **regs. 1(2), 14(3)(4)** (with [regs. 14\(5\), 20](#))

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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\(5\)](#)