



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Registrable designs and proceedings for registration

5 Provisions for secrecy of certain designs.

- (1) Where, either before or after the commencement of this Act, an application for the registration of a design has been made, and it appears to the registrar that the design is one of a class notified to him by [^{F1}the Secretary of State] as relevant for defence purposes, he may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions.
- [^{F2}(2) The Secretary of State shall by rules make provision for securing that where such directions are given—
- (a) the representation or specimen of the design, ^{F3} . . .
 - (b)
- shall not be open to public inspection at the Patent Office during the continuance in force of the directions.]
- (3) Where the registrar gives any such directions as aforesaid, he shall give notice of the application and of the directions to [^{F1}the Secretary of State], and thereupon the following provisions shall have effect, that is to say:—
- (a) [^{F1}the Secretary of State] shall, upon receipt of such notice, consider whether the publication of the design would be prejudicial to the defence of the realm and unless a notice under paragraph (c) of this subsection has previously been given by that authority to the registrar, shall reconsider that question before the expiration of nine months from the date of filing of the application for registration of the design and at least once in every subsequent year;
 - (b) for the purpose aforesaid, [^{F1}the Secretary of State] may, at any time after the design has been registered or, with the consent of the applicant, at any time before the design has been registered, inspect the representation or specimen of the design ^{F4} . . . filed in pursuance of the application;
 - (c) if upon consideration of the design at any time it appears to [^{F1}the Secretary of State] that the publication of the design would not, or would no longer, be

Changes to legislation: Registered Designs Act 1949, Section 5 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

prejudicial to the defence of the realm, [^{F5}he] shall give notice to the registrar to that effect;

- (d) on the receipt of any such notice the registrar shall revoke the directions and may, subject to such conditions, if any, as he thinks fit, extend the time for doing anything required or authorised to be done by or under this Act in connection with the application or registration, whether or not that time has previously expired.

(4) No person resident in the United Kingdom shall, except under the authority of a written permit granted by or on behalf of the registrar, make or cause to be made any application outside the United Kingdom for the registration of a design of any class prescribed for the purposes of this subsection unless—

- (a) an application for registration of the same design has been made in the United Kingdom not less than six weeks before the application outside the United Kingdom; and
- (b) either no directions have been given under subsection (1) of this section in relation to the application in the United Kingdom or all such directions have been revoked:

Provided that this subsection shall not apply in relation to a design for which an application for protection has first been filed in a country outside the United Kingdom by a person resident outside the United Kingdom.

(5) F6

Textual Amendments

- F1** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 3(2)**
- F2** S. 5(2) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 3(3)**
- F3** S. 5(2)(b) and the preceding word “and” repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\)](#), **Sch. 2** (with transitional provisions in [regs. 10-14](#))
- F4** Words in s. 5(3)(b) repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\)](#), **Sch. 2** (with transitional provisions in [regs. 10-14](#))
- F5** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 3(2)**
- F6** S. 5(5) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), [Sch. 3 para. 3\(5\)](#), **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\(5\)](#)