



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Registrable designs and proceedings for registration

6 Provisions as to confidential disclosure, etc.

- (1) An application for the registration of a design shall not be refused, and the registration of a design shall not be invalidated, by reason only of—
 - (a) the disclosure of the design by the proprietor to any other person in such circumstances as would make it contrary to good faith for that other person to use or publish the design;
 - (b) the disclosure of the design in breach of good faith by any person other than the proprietor of the design; or
 - (c) in the case of a new or original textile design intended for registration, the acceptance of a first and confidential order for goods bearing the design.
- (2) An application for the registration of a design shall not be refused and the registration of a design shall not be invalidated by reason only—
 - (a) that a representation of the design, or any article to which the design has been applied, has been displayed, with the consent of the proprietor of the design, at an exhibition [^{F1}certified by the Secretary of State] for the purposes of this subsection;
 - (b) that after any such display as aforesaid, and during the period of the exhibition, a representation of the design or any such article as aforesaid has been displayed by any person without the consent of the proprietor; or
 - (c) that a representation of the design has been published in consequence of any such display as is mentioned in paragraph (a) of this subsection,if the application for registration of the design is made not later than six months after the opening of the exhibition.
- (3) An application for the registration of a design shall not be refused, and the registration of a design shall not be invalidated, by reason only of the communication of the design by the proprietor thereof to a Government department or to any person authorised by a Government department to consider the merits of the design, or of anything done in consequence of such a communication.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Registered Designs Act 1949, Section 6 is up to date with all changes known to be in force on or before 04 June 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)

- [^{F2}(4) Where an application is made by or with the consent of the owner of copyright in an artistic work for the registration of a corresponding design, the design shall not be treated for the purposes of this Act as being other than new by reason only of any use previously made of the artistic work, subject to subsection (5).
- (5) Subsection (4) does not apply if the previous use consisted of or included the sale, letting for hire or offer or exposure for sale or hire of articles to which had been applied industrially—
- (a) the design in question, or
 - (b) a design differing from it only in immaterial details or in features which are variants commonly used in the trade,
- and that previous use was made by or with the consent of the copyright owner.
- (6) The Secretary of State may make provision by rules as to the circumstances in which a design is to be regarded for the purposes of this section as “applied industrially” to articles, or any description of articles.]

Textual Amendments

- F1** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 4(2)**
- F2** [S. 6 \(4\)–\(6\)](#) substituted for [s. 6 \(4\)\(5\)](#) by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 4(3)**

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