
STATUTORY INSTRUMENTS

1989 No. 1105

The Registered Designs Rules 1989

*APPLICATION FOR COMPULSORY LICENCE UNDER SECTION 10 OR
CANCELLATION OF REGISTRATION OF DESIGN UNDER SECTION 11(2) OR (3)*

Procedure for application

52.—(1) An application for the grant of a compulsory licence under section 10 or for the cancellation of the registration of a design under section 11(2) or (3) shall be made on Designs Form 25A. Such application shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the applicant's interest and the facts upon which he relies.

(2) A copy of the application and the statement of case shall be sent by the registrar to the registered proprietor.

Opposition by registered proprietor

53. If the registered proprietor desires to oppose the application he shall, within such time as the registrar may allow, file a counter-statement fully setting out the grounds on which the application is to be opposed and shall send to the applicant a copy thereof.

Evidence of applicant

54. The applicant may, within such time as the registrar may allow after receipt of the counter-statement, file evidence in support of his case and shall send to the registered proprietor a copy of any evidence so filed.

Evidence of registered proprietor and evidence in reply

55.—(1) Within such time as the registrar may allow, the registered proprietor may file evidence in support of his case and shall send to the applicant a copy thereof.

(2) Following receipt of the copy from the registered proprietor and within such time as the registrar may allow, the applicant may file evidence confined to matters strictly in reply and shall send to the registered proprietor a copy thereof.

Prohibition on further evidence

56. No further evidence shall be filed by either party except by leave or direction of the registrar.

Procedure for hearing

57.—(1) On completion of the evidence, if any, or at such other time as he may see fit, the registrar shall appoint a time for the hearing of the case, and shall give the parties at least fourteen days' notice of the appointment.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) If either party desires to be heard he shall give notice in writing of that fact to the registrar and the registrar may refuse to hear a party who has not given him such notice prior to the date of the hearing.

(3) The hearing before the registrar of any dispute between two or more parties relating to any matter in connection with a registered design shall be in public unless the registrar, after consultation with those parties to the dispute who appear in person or are represented at the hearing, otherwise directs.

(4) Nothing in this rule shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such.