

1990 No. 1505

DESIGNS

PATENTS

TRADE MARKS

The Copyright, Designs and Patents Act 1988 (Isle of Man) Order 1990

Made - - - - 24th July 1990

Coming into force 13th August 1990

At the Court at Buckingham Palace, the 24th day of July 1990

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 304(4) and (6) of the Copyright, Designs and Patents Act 1988(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright, Designs and Patents Act 1988 (Isle of Man) Order 1990 and shall come into force on 13th August 1990.

2. The following provisions of the Copyright, Designs and Patents Act 1988 shall extend to the Isle of Man subject to the exceptions and modifications specified in the Schedule to this Order –

- (a) section 272, so far as it relates to paragraph 21 of Schedule 3, and that paragraph (*registered designs : minor and consequential amendments*);
- (b) section 273 and Schedule 4 (*text of Registered Designs Act 1949(b) as amended*);
- (c) Part V (*patent agents and trade mark agents*);
- (d) paragraph 27 of Schedule 5 (*patents : miscellaneous amendments*).

3. Section 303(2) of and Schedule 8 to the Copyright, Designs and Patents Act 1988 shall extend to the Isle of Man so far as they relate to the repeal of –

- (a) section 32 of the Registered Designs Act 1949, and
- (b) the following provisions of the Patents Act 1977(c) –
 - (i) sections 84 and 85;
 - (ii) section 104;
 - (iii) in section 105, the words “within the meaning of section 104 above”;

- (iv) sections 114 and 115;
- (v) section 123(2) (k), and
- (vi) in section 130(1), the definition of "patent agent".

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

EXCEPTIONS AND MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988 TO THE ISLE OF MAN

1. Any reference to an Act of Parliament or to a provision of such an Act shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

2. Schedule 4 shall have effect as if the text of the Registered Designs Act 1949 contained therein were the text of that Act as modified by the Registered Designs Act 1949 (Isle of Man) Order 1989(a).

3.—(1) Part V shall have effect subject to the following provisions of this paragraph.

(2) In section 278 –

- (a) in subsection (1), for "solicitor" and "solicitors" there shall be substituted respectively "advocate" and "advocates";
- (b) in subsection (2), for the words from "the enactments" to the end there shall be substituted "section 1 of the Legal Practitioners Registration Act 1986 (an Act of Tynwald) (which restricts the use of certain expressions in reference to persons not qualified to act as advocates)", and
- (c) subsection (3) shall be omitted.

(3) In section 280 –

- (a) in subsection (2), for "England, Wales or Northern Ireland" and "solicitor" there shall be substituted respectively "the Isle of Man" and "advocate", and
- (b) subsection (4) shall be omitted.

(4) In section 284 –

- (a) in subsection (2), for "England, Wales or Northern Ireland" and "solicitor" there shall be substituted respectively "the Isle of Man" and "advocate", and
- (b) subsection (4) shall be omitted.

(5) Section 285 (2)(b) shall be omitted.

(a) S.I. 1989/982.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man, subject to exceptions and modifications, certain of the provisions of the Copyright, Designs and Patents Act 1988 relating to registered designs, patents and trademarks which have not already been extended there by the Copyright, Designs and Patents Act 1988 (Isle of Man) (No. 2) Order 1989 (S.I. 1989/1292); those provisions are section 272 and Schedule 3 (so far as not already extended), section 273 and Schedule 4 and Part V of that Act, together with associated amendments and repeals in the Registered Designs Act 1949 and the Patents Act 1977 made by Schedules 5 and 8 to that Act.

There remain to be extended certain provisions effecting amendments and repeals in the Patents Act 1949 (c.87) and the Patents Act 1977 which are not yet in force.