
STATUTORY INSTRUMENTS

2001 No. 3949

The Registered Designs Regulations 2001

Transitional provisions: post-1989 registrations

12.—(1) This Regulation applies to—

- (a) any registration under the Registered Designs Act 1949 which—
 - (i) has resulted from an application made on or after 1st August 1989 and before the coming into force of these Regulations; and
 - (ii) has given rise to a right in a registered design which is in force at the coming into force of these Regulations;
- (b) any registration under the Act of 1949 which—
 - (i) has resulted from an application made on or after 1st August 1989 and before the coming into force of these Regulations; and
 - (ii) has given rise to a right in a registered design which is not in force at the coming into force of these Regulations but which is capable of being treated as never having ceased to be in force by virtue of section 8(4) of the Act of 1949 or of being restored by virtue of sections 8A and 8B of that Act; and
- (c) any registration which subsequently ceases to fall within sub-paragraph (b) because the right in the registered design has been treated or restored as mentioned in paragraph (ii) of that sub-paragraph.

(2) The Act of 1949 as it has effect immediately before the coming into force of these Regulations shall continue to apply in relation to registrations to which this Regulation applies (“post-1989 registrations”) so far as the Act relates to the cancellation or invalidation of such registrations (other than cancellation by virtue of section 11(3) of that Act and by reference to an expiry of copyright occurring on or after the coming into force of these Regulations).

(3) Accordingly the amendments and repeals made by these Regulations shall, so far as they relate to the cancellation or invalidation of registrations, not apply in relation to post-1989 registrations.

(4) The amendments and repeals made by these Regulations shall otherwise apply (subject to paragraphs (5) to (9) and Regulation 14) in relation to post-1989 registrations.

(5) In the application by virtue of paragraph (4) of the amendments made by Regulation 5, the fact that post-1989 registrations are in respect of any articles, or sets of articles, shall be disregarded.

(6) The amendments made by Regulation 4 shall not operate so as to alter the dates of registration of designs to which post-1989 registrations apply.

(7) Where—

- (a) any such date of registration for the purposes of calculating the period for which the right in a registered design subsists, or any extension of that period, under section 8 of the Act of 1949 was determined by virtue of section 14(2) of that Act; and
- (b) that date is earlier than the date which would otherwise have been the date of registration for those purposes;

the difference between the two dates shall be added to any period of five years which is current on the coming into force of these Regulations or, if no such period is current but a subsequent extension or restoration is effected under section 8, or sections 8A and 8B, of the Act of 1949, to the period resulting from that extension or restoration.

(8) Any reference in section 8 of the Act of 1949 to a period of five years shall, in the case of any such period which is extended by virtue of paragraph (7), be treated as a reference to the extended period.

(9) The repeal by these Regulations of the proviso in section 4(1) of the Act of 1949 and the reference to it in section 8 of that Act shall not apply to the right in a design to which a post-1989 registration applies.