
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Regulatory Reform Act 2001 (c. 6). It amends the Registered Designs Act 1949 (c. 88) (“the 1949 Act”).

Article 3 repeals section 1A of the 1949 Act, which set out the substantive grounds for refusing to register a design.

Article 4 repeals section 3(4) of the 1949 Act, which gave the registrar the power to make searches for determining whether a design was new or had individual character.

Article 5 substitutes a new section 3A(4) for that in the 1949 Act. The new provision sets out the remaining substantive grounds for refusing to register a design (those grounds, other than novelty and individual character, found in section 1A of the 1949 Act before its repeal by article 3).

Articles 6 to 10 make consequential amendments to sections 3B, 11ZA, 11ZB, 11ZD and 20 of the 1949 Act as a result of the repeal of section 1A.

Articles 11 to 14 amend sections 3, 3A, 3B and 14 of the 1949 Act so as to permit an application to include multiple designs.

Article 15 makes a consequential amendment to section 22(4) of the 1949 Act related to multiple designs.

Article 16 repeals section 22(2) and (3) of the 1949 Act, thereby removing restrictions on inspecting certain registered designs. It also makes minor amendments to section 22(1) of the 1949 Act.

Article 17 amends section 8A of the 1949 Act. This amendment will mean that an applicant will only have to show that their failure to pay the renewal fee on time was unintentional, instead of having to prove that they exercised reasonable care to see that the renewal fee was paid on time.

Articles 18 and 19 provide transitional provisions.

A Regulatory Impact Assessment together with a more detailed explanation of the changes made by this Order, in particular the impact the changes have on certain burdens, on any necessary protection and on the maintenance of rights and freedoms, is available either from the Patent Office website (www.patent.gov.uk) or by contacting the Trade Marks and Designs Directorate, The Patent Office, Concept House, Cardiff Road, Newport, NP10 8QQ.