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STATUTORY INSTRUMENTS

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**2006 No. 1975**

**The Registered Designs Rules 2006**

**PART 6**

**MISCELLANEOUS**

*Agents and advisers*

**Agents**

**36.**—(1) Any act required or authorised by the Act to be done by or to any person in connection with the registration of a design, or any procedure relating to a registered design, may be done by or to an agent authorised by that person orally or in writing.

(2) But an agent shall only be treated as authorised under paragraph (1) where—

(a) he was nominated by the applicant at the time of—

(i) making his application for registration;

(ii) making his application for a declaration of invalidity under section 11ZB; or

(iii) making his application under section 19(1) or (2); or

(b) he has filed Form DF1A.

(3) Where an agent has been authorised under paragraph (1), the registrar may, if he thinks fit in any particular case, require the signature or presence of his principal.

**Appointing advisers**

**37.**—(1) The registrar may appoint an adviser to assist him in any proceedings before him.

(2) The registrar shall settle any question or instructions to be submitted or given to the adviser.

*Correction of irregularities and extensions of time*

**Correction of irregularities**

**38.** Where the registrar thinks fit, he may rectify any irregularity of procedure—

(a) after giving the parties such notice, and

(b) subject to such conditions,

as he may direct.

**Extension of times or periods prescribed by Rules**

**39.**—(1) The registrar may, if he thinks fit, extend (or further extend) any time or period prescribed by these Rules, except the periods prescribed by—

(a) rule 10(1) (period prescribed for the purposes of section 3(5)); and

(b) rule 13(2) (period for making an application for restoration),

(but those periods may be extended under rules 38, 40 and 41).

(2) Any extension under paragraph (1) shall be made—

- (a) after giving the parties such notice, and
- (b) subject to such conditions,

as the registrar may direct.

(3) An extension may be granted under paragraph (1) notwithstanding that the time or period prescribed by the relevant rule has expired.

### **Interrupted days**

**40.**—(1) The registrar may certify any day as an interrupted day where—

- (a) there is an event or circumstance causing an interruption in the normal operation of the Patent Office; or
- (b) there is a general interruption or subsequent dislocation in the postal services of the United Kingdom.

(2) Any certificate of the registrar made under paragraph (1) shall be posted in the Patent Office and advertised in the journal.

(3) The registrar shall, where the time for doing anything under these Rules expires on an interrupted day, extend that time to the next following day not being an interrupted day (or an excluded day).

(4) In this rule—

- “interrupted day” means a day which has been certified as such under paragraph (1); and
- “excluded day” means a day specified as such by rule 46.

### **Delays in communication services**

**41.**—(1) The registrar shall extend any time or period in these Rules where he is satisfied that the failure to do something under these Rules was wholly or mainly attributed to a delay in, or failure of, a communication service.

(2) Any extension under paragraph (1) shall be—

- (a) made after giving the parties such notice; and
- (b) subject to such conditions,

as the registrar may direct.

(3) In this rule “communication service” means a service by which documents may be sent and delivered and includes post, electronic communications and courier.

### *Address for service*

### **Address for service**

**42.**—(1) For the purposes of any proceedings under the Act, an address for service shall be furnished by—

- (a) an applicant for the registration of a design;
- (b) a person who makes an application under section 11ZB for a declaration of invalidity of a registered design;
- (c) the registered proprietor of the design who opposes such an application.

(2) The proprietor of a registered design, or any person who has registered any interest in a registered design, may furnish an address for service on Form DF1A.

(3) Where a person has furnished an address for service under paragraph (1) or (2), he may substitute a new address for service by notifying the registrar on Form DF1A.

(4) An address for service furnished under paragraph (1)(a) or (2) shall be an address in the United Kingdom, another EEA State or the Channel Islands.

(5) An address for service furnished under paragraph (1)(b) or (c) shall be an address in the United Kingdom, unless in a particular case the registrar otherwise directs.

(6) In this rule “EEA State” means a member State, Iceland, Liechtenstein or Norway.

### **Failure to furnish an address for service**

**43.**—(1) Where—

- (a) a person has failed to furnish an address for service under rule 42(1); and
- (b) the registrar has sufficient information enabling him to contact that person,

the registrar shall direct that person to furnish an address for service.

(2) Where a direction has been given under paragraph (1), the person directed shall, before the end of the period of 2 months beginning with the date of the direction, furnish an address for service.

(3) Paragraph (4) applies where—

- (a) a direction was given under paragraph (1) and the period prescribed by paragraph (2) has expired; or
- (b) the registrar had insufficient information to give a direction under paragraph (1),

and the person has failed to furnish an address for service.

(4) Where this paragraph applies—

- (a) in the case of an applicant for the registration of a design, the application shall be treated as withdrawn;
- (b) in the case of a person applying under section 11ZB for a declaration of invalidity, his application shall be treated as withdrawn; and
- (c) in the case of the proprietor who is opposing an application under section 11ZB, he shall be deemed to have withdrawn from the proceedings.

(5) In this rule an “address for service” means an address which complies with the requirements of rule 42(4) or (5).

### *Miscellaneous*

### **The journal**

**44.**—(1) The registrar shall publish a journal which shall contain—

- (a) everything which is required by the Act or these Rules to be published; and
- (b) any other information that the registrar may consider to be generally useful or important.

(2) In these Rules “the journal” means the journal published under paragraph (1).

### **Hours of business**

**45.**—(1) For the transaction of relevant business by the public the Patent Office shall be open—

- (a) on Monday to Friday between 9.00am and midnight; and

(b) on Saturday between 9.00am and 1.00pm.

(2) For the transaction of all other business by the public under the Act the Patent Office shall be open between 9.00am and 5.00pm.

(3) In this Part “relevant business” means the filing of any application or other document except—

(a) an application for an extension under section 8; or

(b) an application for the registration of a design or designs made by virtue of section 14.

### **Excluded days**

**46.**—(1) The following shall be excluded days for the transaction by the public of business under the Act—

(a) a Sunday;

(b) Good Friday;

(c) Christmas day; or

(d) a day which is specified or proclaimed to be a bank holiday by or under section 1 of the Banking and Financial Dealings Act 1971<sup>(1)</sup>.

(2) A Saturday shall be an excluded day for the transaction by the public of business under the Act, except relevant business (see rule 45(1)).

### **Transitional provisions and revocation**

**47.**—(1) Schedule 2 (transitional provisions) shall have effect.

(2) The instruments set out in Schedule 3 (revocations) are revoked to the extent specified.

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<sup>(1)</sup> 1971 c. 80.