
STATUTORY INSTRUMENTS

2018 No. 23

**The Designs (International Registration
of Industrial Designs) Order 2018**

Citation, commencement and extent

1.—(1) This Order may be cited as the Designs (International Registration of Industrial Designs) Order 2018.

(2) This Order comes into force on the date on which the United Kingdom becomes bound by the Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs(1) pursuant to article 28(3)(b) of that Act.

(3) This Order extends to England and Wales, Scotland, Northern Ireland and the Isle of Man.

Interpretation

2. In this Order—

“the 2006 Rules” means the Registered Design Rules 2006(2);

“the Act” means the Registered Designs Act 1949 and “section” means a section of that Act;

“Common Regulations” means the regulations adopted under Article 24 of the Geneva Act with effect from 1st January 2017;

“Geneva Act” means the Geneva Act of the Hague Agreement concerning the international registration of industrial designs adopted by the diplomatic conference on 2nd July 1999(3);

“holder”, in relation to an international registration, means the person in whose name an international registration is recorded in the International Register;

“International Bureau” means the International Bureau of the World Intellectual Property Organisation;

“International Register” means the register of industrial designs maintained by the International Bureau for the purposes of the Geneva Act;

“international registration” means a registration of a design in the International Register for the purpose of the Geneva Act and the Common Regulations;

“protected international registration (UK)” means a grant of protection under Rule 18bis of the Common Regulations for a design which is the subject of a request for international registration (UK), and references to “protection” and “protected” are construed accordingly;

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- (1) Article 28(3) of the Geneva Act of the Hague Agreement provides that “(a) Any State or intergovernmental organisation that has deposited its instrument of ratification or accession three months or so before the date of entry into force of this Act shall become bound by this Act on the date of entry into force of this Act. (b) Any other State or intergovernmental organisation shall become bound by this Act three months after the date on which it has deposited its instruments of ratification or accession or at any later date indicated in that instrument.” The date will be notified in the London, Edinburgh and Belfast Gazettes. It will also be possible to find out the date on which the Geneva Act comes into force in the United Kingdom by referring to the relevant page on Gov.UK. The link to that page is <https://www.gov.uk/government/collections/treaty-series-2013>.
- (2) [S.I. 2006/1975](#), amended by [S.I. 2008/2683](#), [S.I. 2009/546](#), [S.I. 2013/444](#).
- (3) The National Archive Reference for the Geneva Act of the Hague Agreement is FO 949/1049/0: 0. The text of the Geneva Act of the Hague Agreement is also available at <http://www.wipo.int/wipolex/en/details.jsp?id=12531>.

“request for international registration (UK)” means a request for international registration made in pursuance of Article 5(1) of the Geneva Act in respect of which the United Kingdom is a designated Contracting Party.

International registration

3. The provisions of the Act (except those listed in Part 1 of Schedule 1) and the 2006 Rules (except those listed in Part 2 of Schedule 1) apply to a design which is the subject of a protected international registration (UK) and a request for international registration (UK) with the following modifications—

- (a) references to a registered design are to include references to a design which is the subject of a protected international registration (UK);
- (b) references to a registered proprietor are to include references to a holder of an international registration in respect of which a protected international registration (UK) applies;
- (c) references to an application for registration of a design are to include references to a request for international registration (UK);
- (d) references to an applicant for registration are to include references to the holder of an international registration making a request for an international registration (UK);
- (e) references to registration of a design are to include the conferring of protection for a design so that it becomes a protected international registration (UK) and include any changes to the registration;
- (f) references to the register are to the International Register;
- (g) the modifications to the Act and the 2006 Rules set out in Schedule 2; and
- (h) such further modifications as the context requires for the purpose of giving effect to those provisions as applied by this Order.

Communication of information to the International Bureau

4. Notwithstanding any other enactment or rule of law, the registrar may communicate to the International Bureau any information which the registrar is required to communicate under the Act (as it has effect by virtue of this Order) or pursuant to the Geneva Act or Common Regulations.

Sam Gyimah
Minister of State for Universities, Science and
Innovation
Department for Business, Energy & Industrial
Strategy

11th January 2018