



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART IV

REGISTERED DESIGNS

Amendments of the Registered Designs Act 1949

265 Registrable designs

- (1) For section 1 of the Registered Designs Act 1949 (designs registrable under that Act) substitute—

“1 Designs registrable under Act

- (1) In this Act “design” means features of shape, configuration, pattern or ornament applied to an article by any industrial process, being features which in the finished article appeal to and are judged by the eye, but does not include—
- (a) a method or principle of construction, or
 - (b) features of shape or configuration of an article which—
 - (i) are dictated solely by the function which the article has to perform, or
 - (ii) are dependent upon the appearance of another article of which the article is intended by the author of the design to form an integral part.
- (2) A design which is new may, upon application by the person claiming to be the proprietor, be registered under this Act in respect of any article, or set of articles, specified in the application.
- (3) A design shall not be registered in respect of an article if the appearance of the article is not material, that is, if aesthetic considerations are not normally taken into account to a material extent by persons acquiring or using articles

Status: This is the original version (as it was originally enacted).

of that description, and would not be so taken into account if the design were to be applied to the article.

- (4) A design shall not be regarded as new for the purposes of this Act if it is the same as a design—
- (a) registered in respect of the same or any other article in pursuance of a prior application, or
 - (b) published in the United Kingdom in respect of the same or any other article before the date of the application,

or if it differs from such a design only in immaterial details or in features which are variants commonly used in the trade.

This subsection has effect subject to the provisions of sections 4, 6 and 16 of this Act.

- (5) The Secretary of State may by rules provide for excluding from registration under this Act designs for such articles of a primarily literary or artistic character as the Secretary of State thinks fit.”

- (2) The above amendment does not apply in relation to applications for registration made before the commencement of this Part; but the provisions of section 266 apply with respect to the right in certain designs registered in pursuance of such an application.