
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

FIRST SCHEDULE

Section 10.

FALSE REGISTRATION OF INDUSTRIAL DESIGNS

- 1 The provisions of this Schedule shall have effect where—
 - (a) copyright subsists in an artistic work, and proceedings are brought under this Act relating to that work;
 - (b) a corresponding design has been registered under the Act of 1949, and the copyright in the design subsisting by virtue of that registration has not expired by effluxion of time before the commencement of those proceedings; and
 - (c) it is proved or admitted in the proceedings that the person registered as the proprietor of the design was not the proprietor thereof for the purposes of the Act of 1949, and was so registered without the knowledge of the owner of the copyright in the artistic work.
- 2 For the purposes of those proceedings (but subject to the next following paragraph) the registration shall be treated as never having been effected, and accordingly, in relation to that registration, subsection (1) of section ten of this Act shall not apply, and nothing in section seven of the Act of 1949 shall be construed as affording any defence in those proceedings.
- 3 Notwithstanding anything in the last preceding paragraph, if in the proceedings it is proved or admitted that any act to which the proceedings relate—
 - (a) was done in pursuance of an assignment or licence made or granted by the person registered as proprietor of the design, and
 - (b) was so done in good faith in reliance upon the registration, and without notice of any proceedings for the cancellation of the registration or for rectifying the entry in the register of designs relating thereto,subsection (1) of section ten of this Act shall apply in relation to that act for the purposes of the first-mentioned proceedings.
- 4 In this Schedule “the Act of 1949” means the Registered Designs Act, 1949, and “corresponding design” has the meaning assigned to it by subsection (7) of section ten of this Act.