

SCHEDULE 1

Amendments to the Design Regulation and 2005 Regulations relating to the creation and application of the supplementary unregistered design right etc.

PART 1

Design Regulation and supplementary unregistered designs

Substitution of Article 81 (The “design court” – jurisdiction over infringement and validity)

33. For Article 81, substitute—

“Article 81

The “design court” – Jurisdiction over infringement and validity

- 1.** In this Regulation, “design court” means—
 - (a) in England and Wales, the High Court;
 - (b) in Scotland, the sheriff court and the Court of Session; and
 - (c) in Northern Ireland, the county court and the High Court.
- 2.** The design court has exclusive jurisdiction—
 - (a) for infringement actions and actions in respect of threatened infringement of supplementary unregistered designs;
 - (b) for actions for declaration of non-infringement of supplementary unregistered designs;
 - (c) for actions for a declaration of invalidity of a supplementary unregistered design;
 - (d) for counterclaims for a declaration of invalidity of a continuing a supplementary unregistered design raised in connection with actions under (a).”