

## SCHEDULE 2

### Continuing unregistered Community designs

## PART 2

### 2005 Regulations and continuing unregistered Community designs

**48.** The 2005 Regulations apply to continuing unregistered community designs subject to the following modification.

#### **Regulation 1: interpretation**

**49.** In regulation 1—

(a) for the definitions in paragraph (2), substitute—

““design court” has the meaning given by Article 81 of the Design Regulation;

“Design Regulation” means Council Regulation (EC) No 6/2002 of 12th December 2001 on Community Designs as amended by regulation 5 of, and Part 1 of Schedule 2 to, the Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2018; and

“continuing unregistered Community design” has the meaning given by Article 1 of the Design Regulation.”;

(b) omit paragraph (3).

#### **Regulation 1A: infringement proceedings**

**50.** In regulation 1A—

(a) in paragraph (1) omit “Community”, in both places where it appears;

(b) in paragraph (2)—

(i) for “paragraphs (3) to”, substitute “paragraph”;

(ii) before “Community”, in both places where it appears, insert “continuing unregistered”;

(c) omit paragraphs (3) and (4); and

(d) in paragraph (5), for “an”, in both places where it appears, substitute “a continuing”.

#### **Regulation 1B: order for delivery up**

**51.** In regulation 1B—

(a) in paragraph (1)(b)—

(i) before “Community”, in the first and second places where it appears, insert “continuing unregistered”;

(ii) omit “Community”, in the third place where it appears;

(iii) before “court”, in the second place where it appears, insert “design”;

(b) in paragraph (2), before “court”, in both places where it appears, insert “design”;

(c) in paragraph (4), before “Community”, insert “continuing unregistered”;

(d) in paragraph (8), before “court”, insert “design”.

### **Regulation 1C: order for disposal**

**52.** In regulation 1C—

- (a) in paragraph (1)—
  - (i) in the words before paragraph (a), omit “Community”;
  - (ii) in paragraph (a), before “Community”, insert “continuing unregistered”;
  - (iii) in sub-paragraph (b), before “court”, insert “design”;
- (b) in paragraph (2)—
  - (i) before “court, insert “design”;
  - (ii) before “Community”, insert “continuing unregistered”;
- (c) in paragraphs (3) and (4), before “court”, in each place where it appears, insert “design”.

### **Regulation 1D: meaning of “infringing article”**

**53.** In regulation 1D—

- (a) in paragraph (2), before “Community”, insert “continuing unregistered”;
- (b) in paragraph (3)(b)—
  - (i) before “Community”, in the first place where it appears, insert “continuing unregistered”;
  - (ii) omit “Community”, in the second place where it appears;
- (c) in paragraph (4), before “Community, in both places where it appears, insert “continuing unregistered”;
- (d) in paragraph (5), for “an enforceable” to the end of the sentence, insert “anything which forms part of retained EU law as a result of section 3 or 4 of the European Union (Withdrawal) Act 2018(1).”.

### **Regulation 2: unjustified threats: threats of infringement proceedings**

**54.** In regulation 2(1), before “Community”, in both places where it appears, insert “continuing unregistered”.

### **Regulation 2B: unjustified threats: permitted communications**

**55.** In regulation 2B—

- (a) in paragraph (2), before “Community”, in each place where it appears, insert “continuing unregistered”;
- (b) in paragraph (3), before “court”, insert “design”;
- (c) in paragraph (5)—
  - (i) omit sub-paragraphs (a)(i) and (ii);
  - (ii) in sub-paragraph (b), before “Community”, in both places where it appears, insert “continuing unregistered”.

### **Regulation 2C, 2E and 2F: unjustified threats: general**

**56.**—(1) In regulation 2C(2), before “Community”, insert “continuing unregistered”.

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(1) 2018 c.16.

(2) Omit regulation 2E.

(3) In regulation 2F, before “Community”, insert “continuing unregistered”.

### **Regulation 3: false representation**

57. Omit regulation 3.

### **Regulation 4: privileged communications**

58. In regulation 4—

(a) in paragraph (1), for “any”, in the second place where it appears, substitute “a continuing unregistered Community”;

(b) for paragraph (3), substitute—

“(3) In paragraph (2) “professional designs representative” means a person whose name appears on—

(a) the special list of professional representatives for design matters maintained by the European Union Intellectual Property Office referred to in Article 78(4) of Council Regulation (EC) 6/2002 of 12th December 2001 on Community designs as it had effect immediately before exit day.”.

### **Regulation 5 and the Schedule: services of the Crown**

59.—(1) In regulation 5—

(a) in the heading, before “Community”, insert “continuing unregistered”;

(b) for “registered Community designs and” substitute “continuing”.

(2) In the Schedule—

(a) before “Community”, in each place where it appears, insert “continuing unregistered”;

(b) before “court”, in each place where it appears, insert “design”;

(c) omit paragraph 5(6).