

# Copyright, Designs and Patents Act 1988

#### **CHAPTER 48**

## COPYRIGHT, DESIGNS AND PATENTS ACT 1988

#### PART I

#### COPYRIGHT

#### CHAPTER I

SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

#### Introductory

- 1 Copyright and copyright works
- 2 Rights subsisting in copyright works

#### Descriptions of work and related provisions

- 3 Literary, dramatic and musical works
- 4 Artistic works
- 5 Sound recordings and films
- 6 Broadcasts
- 7 Cable programmes
- 8 Published editions

#### Authorship and ownership of copyright

- 9 Authorship of work
- 10 Works of joint authorship
- 11 First ownership of copyright

#### Duration of copyright

- 12 Duration of copyright in literary, dramatic, musical or artistic works
- 13 Duration of copyright in sound recordings and films
- 14 Duration of copyright in broadcasts and cable programmes
- 15 Duration of copyright in typographical arrangement of published editions

#### CHAPTER II

#### RIGHTS OF COPYRIGHT OWNER

#### The acts restricted by copyright

- 16 The acts restricted by copyright in a work
- 17 Infringement of copyright by copying
- 18 Infringement by issue of copies to the public
- 19 Infringement by performance, showing or playing of work in public
- 20 Infringement by broadcasting or inclusion in a cable programme service
- 21 Infringement by making adaptation or act done in relation to adaptation

#### Secondary infringement of copyright

- 22 Secondary infringement: importing infringing copy
- 23 Secondary infringement: possessing or dealing with infringing copy
- 24 Secondary infringement: providing means for making infringing copies
- 25 Secondary infringement: permitting use of premises for infringing performance
- Secondary infringement: provision of apparatus for infringing performance, &c

#### Infringing copies

27 Meaning of "infringing copy"

#### **CHAPTER III**

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

#### Introductory

28 Introductory provisions

#### General

- 29 Research and private study
- 30 Criticism, review and news reporting
- 31 Incidental inclusion of copyright material

#### Education

- 32 Things done for purposes of instruction or examination
- 33 Anthologies for educational use
- 34 Performing, playing or showing work in course of activities of educational establishment

- 35 Recording by educational establishments of broadcasts and cable programmes
- 36 Reprographic copying by educational establishments of passages from published works

#### Libraries and archives

- 37 Libraries and archives: introductory
- 38 Copying by librarians: articles in periodicals
- 39 Copying by librarians: parts of published works
- 40 Restriction on production of multiple copies of the same material
- 41 Copying by librarians: supply of copies to other libraries
- 42 Copying by librarians or archivists: replacement copies of works
- 43 Copying by librarians or archivists: certain unpublished works
- 44 Copy of work required to be made as condition of export

#### Public administration

- 45 Parliamentary and judicial proceedings
- 46 Royal Commissions and statutory inquiries
- 47 Material open to public inspection or on official register
- 48 Material communicated to the Crown in the course of public business
- 49 Public records
- 50 Acts done under statutory authority

#### Designs

- 51 Design documents and models
- 52 Effect of exploitation of design derived from artistic work
- 53 Things done in reliance on registration of design

#### **Typefaces**

- 54 Use of typeface in ordinary course of printing
- 55 Articles for producing material in particular typeface

#### Works in electronic form

56 Transfers of copies of works in electronic form

Miscellaneous: literary, dramatic, musical and artistic works

- 57 Anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author
- 58 Use of notes or recordings of spoken words in certain cases
- 59 Public reading or recitation
- 60 Abstracts of scientific or technical articles
- 61 Recordings of folksongs
- Representation of certain artistic works on public display
- 63 Advertisement of sale of artistic work
- 64 Making of subsequent works by same artist
- 65 Reconstruction of buildings

Miscellaneous: sound recordings, films and computer programs

66 Rental of sound recordings, films and computer programs

67 Playing of sound recordings for purposes of club, society, &c

Miscellaneous: broadcasts and cable programmes

- 68 Incidental recording for purposes of broadcast or cable programme
- 69 Recording for purposes of supervision and control of broadcasts and cable programmes
- 70 Recording for purposes of time-shifting
- 71 Photographs of television broadcasts or cable programmes
- 72 Free public showing or playing of broadcast or cable programme
- 73 Reception and re-transmission of broadcast in cable programme service
- 74 Provision of sub-titled copies of broadcast or cable programme
- 75 Recording for archival purposes

#### Adaptations

76 Adaptations

#### **CHAPTER IV**

#### MORAL RIGHTS

Right to be identified as author or director

- 77 Right to be identified as author or director
- 78 Requirement that right be asserted
- 79 Exceptions to right

#### Right to object to derogatory treatment of work

- 80 Right to object to derogatory treatment of work
- 81 Exceptions to right
- 82 Qualification of right in certain cases
- 83 Infringement of right by possessing or dealing with infringing article

#### False attribution of work

84 False attribution of work

Right to privacy of certain photographs and films

85 Right to privacy of certain photographs and films

#### **Supplementary**

- 86 Duration of rights
- 87 Consent and waiver of rights
- 88 Application of provisions to joint works
- 89 Application of provisions to parts of works

#### CHAPTER V

#### DEALINGS WITH RIGHTS IN COPYRIGHT WORKS

#### Copyright

90 Assignment and licences

91 92	Prospective ownership of copyright Exclusive licences
93	Copyright to pass under will with unpublished work
	Moral rights
94 95	Moral rights not assignable Transmission of moral rights on death
	CHAPTER VI
	REMEDIES FOR INFRINGEMENT
	Rights and remedies of copyright owner
96 97 98 99 100	Infringement actionable by copyright owner Provisions as to damages in infringement action Undertaking to take licence of right in infringement proceedings Order for delivery up Right to seize infringing copies and other articles
	Rights and remedies of exclusive licensee
101 102	Rights and remedies of exclusive licensee Exercise of concurrent rights
	Remedies for infringement of moral rights
103	Remedies for infringement of moral rights
	Presumptions
104 105 106	Presumptions relevant to literary, dramatic, musical and artistic works Presumptions relevant to sound recordings and films Presumptions relevant to works subject to Crown copyright
	Offences
107 108 109 110	Criminal liability for making or dealing with infringing articles, &c Order for delivery up in criminal proceedings Search warrants Offence by body corporate: liability of officers
	Provision for preventing importation of infringing copies
111 112	Infringing copies may be treated as prohibited goods Power of Commissioners of Customs and Excise to make regulations
	Supplementary
113 114 115	Period after which remedy of delivery up not available Order as to disposal of infringing copy or other article Jurisdiction of county court and sheriff court
	C

#### CHAPTER VII

#### Licensing schemes and licensing bodies

#### 116 Licensing schemes and licensing bodies

#### References and applications with respect to licensing schemes

- 117 Licensing schemes to which ss. 118 to 123 apply
- 118 Reference of proposed licensing scheme to tribunal
- 119 Reference of licensing scheme to tribunal
- 120 Further reference of scheme to tribunal
- 121 Application for grant of licence in connection with licensing scheme
- 122 Application for review of order as to entitlement to licence
- 123 Effect of order of tribunal as to licensing scheme

#### References and applications with respect to licensing by licensing bodies

- 124 Licences to which ss. 125 to 128 apply
- 125 Reference to tribunal of proposed licence
- 126 Reference to tribunal of expiring licence
- 127 Application for review of order as to licence
- 128 Effect of order of tribunal as to licence

#### Factors to be taken into account in certain classes of case

- 129 General considerations: unreasonable discrimination
- 130 Licences for reprographic copying
- 131 Licences for educational establishments in respect of works included in broadcasts or cable programmes
- 132 Licences to reflect conditions imposed by promoters of events
- 133 Licences to reflect payments in respect of underlying rights
- Licences in respect of works included in re-transmissions
- 135 Mention of specific matters not to exclude other relevant considerations

#### Implied indemnity in schemes or licences for reprographic copying

136 Implied indemnity in certain schemes and licences for reprographic copying

#### Reprographic copying by educational establishments

- 137 Power to extend coverage of scheme or licence
- 138 Variation or discharge of order extending scheme or licence
- 139 Appeals against orders
- 140 Inquiry whether new scheme or general licence required
- 141 Statutory licence where recommendation not implemented

#### Royalty or other sum payable for rental of certain works

Royalty or other sum payable for rental of sound recording, film or computer program

#### Certification of licensing schemes

143 Certification of licensing schemes

#### Powers exercisable in consequence of competition report

144 Powers exercisable in consequence of report of Monopolies and Mergers Commission

#### **CHAPTER VIII**

#### THE COPYRIGHT TRIBUNAL

#### The Tribunal

145	The Copyright Tribunal
146	Membership of the Tribunal
147	Financial provisions
148	Constitution for purposes of proceedings
	Jurisdiction and procedure
149	Jurisdiction of the Tribunal

## Appeals

152 Appeal to the court on point of law

General power to make rules

Costs, proof of orders, &c

150

151

#### CHAPTER IX

#### QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

#### Qualification for copyright protection

153	Qualification for copyright protection
154	Qualification by reference to author
155	Qualification by reference to country of first publication
156	Oualification by reference to place of transmission

#### Extent and application of this Part

- 157 Countries to which this Part extends
- 158 Countries ceasing to be colonies
- 159 Application of this Part to countries to which it does not extend
- Denial of copyright protection to citizens of countries not giving adequate protection to British works

#### Supplementary

- 161 Territorial waters and the continental shelf
- 162 British ships, aircraft and hovercraft

#### CHAPTER X

#### MISCELLANEOUS AND GENERAL

Crown and Parliamentary copyright

163 Crown copyright

164	Copyright in Acts and Measures
165	Parliamentary copyright
166	Copyright in Parliamentary Bills
167	Houses of Parliament: supplementary provisions with respect to
	copyright
	Other miscellaneous provisions
168	Copyright vesting in certain international organisations
169	Folklore, &c.: anonymous unpublished works
	Transitional provisions and savings
170	-
170	Transitional provisions and savings
171	Rights and privileges under other enactments or the common law
	Interpretation
172	General provisions as to construction
173	Construction of references to copyright owner
174	Meaning of "educational establishment" and related expressions
175	Meaning of publication and commercial publication
176	Requirement of signature: application in relation to body corporate
177	Adaptation of expressions for Scotland
178	Minor definitions
179	Index of defined expressions
	PART II
	RIGHTS IN PERFORMANCES
	Introductory
180	Rights conferred on performersw and persons having recording rights
	Performers' rights
181	Qualifying performances
182	Consent required for recording or live transmission of performance
183	Infringement of performer's rights by use of recording made without consent
184	Infringement of performer's rights by importing, possessing or dealing
10.	with illicit recording
	Rights of person having recording rights
185	Exclusive recording contracts and persons having recording rights
186	Consent required for recording of performance subject to exclusive
107	contract
187	Infringement of recording rights by use of recording made without consent
188	Infringement of recording rights by importing, possessing or dealing
100	with illicit recording

## Exceptions to rights conferred

189 Acts permitted notwithstanding rights conferred by this Part

190	Power of tribunal to give consent on behalf of performer in certain cases
	Duration and transmission of rights; consent
191 192 193	Duration of rights Transmission of rights Consent
	Remedies for infringement
194 195 196 197	Infringement actionable as breach of statutory duty Order for delivery up Right to seize illicit recordings Meaning of "illicit recording"
	Offences
198 199 200 201 202	Criminal liability for making, dealing with or using illicit recordings Order for delivery up in criminal proceedings Search warrants False representation of authority to give consent Offence by body corporate: liability of officers
	Supplementary provisions with respect to delivery up and seizure
203 204 205	Period after which remedy of delivery up not available Order as to disposal of illicit recording Jurisdiction of county court and sheriff court
	Qualification for protection and extent
206 207 208 209 210	Qualifying countries, individuals and persons Countries to which this Part extends Countries enjoying reciprocal protection Territorial waters and the continental shelf British ships, aircraft and hovercraft
	Interpretation
211 212	Expressions having same meaning as in copyright provisions Index of defined expressions
	PART III
	DESIGN RIGHT
	CHAPTER I

DESIGN RIGHT IN ORIGINAL DESIGNS

Introductory

## Design right The designer 213

- 214
- Ownership of design right Duration of design right 215
- 216

	Qualification for design right protection
217 218 219 220 221	Qualifying individuals and qualifying persons Qualification by reference to designer Qualification by reference to commissioner or employer Qualification by reference to first marketing Power to make further provision as to qualification
	Dealings with design right
222 223 224	Assignment and licences Prospective ownership of design right Assignment of right in registered design presumed to carry with it design right
225	Exclusive licences
	CHAPTER II
	RIGHTS OF DESIGN RIGHT OWNER AND REMEDIES
	Infringement of design right
226 227 228	Primary infringement of design right Secondary infringement: importing or dealing with infringing article Meaning of "infringing article"
	Remedies for infringement
229 230 231 232 233 234 235	Rights and remedies of design right owner Order for delivery up Order as to disposal of infringing articles, &c Jurisdiction of county court and sheriff court Innocent infringement Rights and remedies of exclusive licensee Exercise of concurrent rights
	CHAPTER III
	EXCEPTIONS TO RIGHTS OF DESIGN RIGHT OWNERS
	Infringement of copyright
236	Infringement of copyright
	Availability of licences of right
237 238 239	Licences available in last five years of design right Powers exercisable for protection of the public interest Undertaking to take licence of right in infringement proceedings
	Crown use of designs
240 241 242 243	Crown use of designs Settlement of terms for Crown use Rights of third parties in case of Crown use Crown use: compensation for loss of profit

244	Special provision for Crown use during emergency
	General
245	Power to provide for further exceptions
	CHAPTER IV
	JURISDICTION OF THE COMPTROLLER AND THE COURT
	Jurisdiction of the comptroller
246 247 248 249 250	Jurisdiction to decide matters relating to design right Application to settle terms of licence of right Settlement of terms where design right owner unknown Appeals as to terms of licence of right Rules
	Jurisdiction of the court
251 252	References and appeals on design right matters Reference of disputes relating to Crown use
	CHAPTER V
	MISCELLANEOUS AND GENERAL
	Miscellaneous
253 254	Remedy for groundless threats of infringement proceedings Licensee under licence of right not to claim connection with design right owner
	Extent of operation of this Part
255 256 257	Countries to which this Part extends Countries enjoying reciprocal protection Territorial waters and the continental shelf
	Interpretation
258 259 260 261 262 263 264	Construction of references to design right owner Joint designs Application of provisions to articles in kit form Requirement of signature: application in relation to body corporate Adaptation of expressions in relation to Scotland Minor definitions Index of defined expressions

## PART IV

### REGISTERED DESIGNS

Amendments of the Registered Designs Act 1949

265 Registrable designs

266	Provisions with respect to certain designs registered in pursuance of application made before commencement
267	Authorship and first ownership of designs
<ul><li>268</li><li>269</li></ul>	Right given by registration of design Duration of right in registered design
270	Powers exercisable for protection of the public interest
271	Crown use: compensation for loss of profit
272	Minor and consequential amendments
	Supplementary
273	Text of Registered Designs Act 1949 as amended
	PART V
	PATENT AGENTS AND TRADE MARK AGENTS
	Patent agents
274	Persons permitted to carry on business of a patent agent
275	The register of patent agents Persons entitled to describe themselves as patent agents
<ul><li>276</li><li>277</li></ul>	Persons entitled to describe themselves as European patent attorneys,
211	&c
278	Use of the term "patent attorney": supplementary provisions
279	Power to prescribe conditions, &c. for mixed partnerships and bodies
• • • •	corporate
280 281	Privilege for communications with patent agents Power of comptroller to refuse to deal with certain agents
	Trade mark agents
282	The register of trade mark agents
283	Unregistered persons not to be described as registered trade mark agents
284	Privilege for communications with registered trade mark agents
	Supplementary
285	Offences committed by partnerships and bodies corporate
286	Interpretation
	PART VI
	PATENTS
	Patents county courts
287	Patents county courts: special jurisdiction
288	Financial limits in relation to proceedings within special jurisdiction of
200	patents county court
289 290	Transfer of proceedings between High Court and patents county court Limitation of costs where pecuniary claim could have been brought in
<i>2)</i> 0	patents county court
291	Proceedings in patents county court
292	Rights and duties of registered patent agents in relation to proceedings
	in patents county court

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

Licences of right in respect of certain patents

293 294	Restriction of acts authorised by certain licences When application may be made for settlement of terms of licence
	Patents: miscellaneous amendments
295	Patents: miscellaneous amendments
	PART VII
	MISCELLANEOUS AND GENERAL
	Devices designed to circumvent copy-protection
296	Devices designed to circumvent copy-protection
	Fraudulent reception of transmissions
297 298	Offence of fraudulently receiving programmes Rights and remedies in respect of apparatus, &c. for unauthorised reception of transmissions
299	Supplementary provisions as to fraudulent reception
	Fraudulent application or use of trade mark
300	Fraudulent application or use of trade mark an offence
	Provisions for the benefit of the Hospital for Sick Children
301	Provisions for the benefit of the Hospital for Sick Children
	Financial assistance for certain international bodies
302	Financial assistance for certain international bodies
	General
303 304 305 306	Consequential amendments and repeals Extent Commencement Short title
-	
SC	SCHEDULES CHEDULE 1 — Copyright: transitional provisions and savings

# General principles: continuity of the law

Introductory

3 The new copyright provisions apply in relation to things existing...

(1) In this Schedule— "the 1911 Act" means the Copyright...

(1) In relation to the 1956 Act, references in this...

4 (1) The provisions of this paragraph have effect for securing...

#### Subsistence of copyright

- 5 (1) Copyright subsists in an existing work after commencement only...
- 6 (1) Copyright shall not subsist by virtue of this Act...
- 7 (1) No copyright subsists in a film, as such, made...
- 8 (1) A film sound-track to which section 13(9) of the...
- 9 No copyright subsists in— (a) a broadcast made before 1st...

#### Authorship of work

10 The question who was the author of an existing work...

#### First ownership of copyright

11 (1) The question who was first owner of copyright in...

#### Duration of copyright in existing works

12 (1) The following provisions have effect with respect to the...

#### Perpetual copyright under the Copyright Act 1775

13 (1) The rights conferred on universities and colleges by the...

#### Acts infringing copyright

- 14 (1) The provisions of Chapters II and III of Part...
- 15 (1) Section 57 (anonymous or pseudonymous works: acts permitted on...
- 16 The following provisions of section 7 of the 1956 Act...
- 17 Where in the case of a dramatic or musical work...
- 18 Where a work made before 1st July 1912 consists of...

#### Designs

- 19 (1) Section 51 (exclusion of copyright protection in relation to...
- 20 (1) Where section 10 of the 1956 Act (effect of...

#### Abolition of statutory recording licence

21 Section 8 of the 1956 Act (statutory licence to copy...

#### Moral rights

- 22 (1) No act done before commencement is actionable by virtue...
- 23 (1) The following provisions have effect with respect to the...
- 24 The right conferred by section 85 (right to privacy of...

#### Assignments and licences

- 25 (1) Any document made or event occurring before commencement which...
- 26 (1) Section 91(1) of this Act (assignment of future copyright:...
- 27 (1) Where the author of a literary, dramatic, musical or...
- 28 (1) This paragraph applies where copyright subsists in a literary,...
- 29 Section 92(2) of this Act (rights of exclusive licensee against...

#### Bequests

30 (1) Section 93 of this Act (copyright to pass under...

#### Remedies for infringement

- 31 (1) Sections 96 and 97 of this Act (remedies for...
- 32 Sections 101 and 102 of this Act (rights and remedies...
- 33 (1) The provisions of section 107 of this Act (criminal...

#### Copyright Tribunal: proceedings pending on commencement

34 (1) The Lord Chancellor may, after consultation with the Lord...

#### Qualification for copyright protection

35 Every work in which copyright subsisted under the 1956 Act...

#### Dependent territories

- 36 (1) The 1911 Act shall remain in force as part...
- 37 (1) This paragraph applies to a country which immediately before...

#### Territorial waters and the continental shelf

38 Section 161 of this Act (application of Part I to...

#### British ships, aircraft and hovercraft

39 Section 162 (British ships, aircraft and hovercraft) does not apply...

#### Crown copyright

- 40 (1) Section 163 of this Act (general provisions as to...
- 41 (1) The following provisions have effect with respect to the...
- 42 (1) Section 164 (copyright in Acts and Measures) applies to...

#### Parliamentary copyright

43 (1) Section 165 of this Act (general provisions as to...

#### Copyright vesting in certain international organisations

44 (1) Any work in which immediately before commencement copyright subsisted...

#### Meaning of "publication"

45 Section 175(3) (construction of building treated as equivalent to publication)...

#### Meaning of "unauthorised"

46 For the purposes of the application of the definition in...

#### SCHEDULE 2 — Rights in performances: permitted acts

#### Introductory

1 (1) The provisions of this Schedule specify acts which may...

Criticism, reviews and news reporting

2 (1) Fair dealing with a performance or recording—

Incidental inclusion of performance or recording

3 (1) The rights conferred by Part II are not infringed...

Things done for purposes of instruction or examination

4 (1) The rights conferred by Part II are not infringed...

Playing or showing sound recording, film, broadcast or cable programme at educational establishment

5 (1) The playing or showing of a sound recording, film,...

Recording of broadcasts and cable programmes by educational establishments

6 (1) A recording of a broadcast or cable programme, or...

Copy of work required to be made as condition of export

7 (1) If an article of cultural or historical importance or...

Parliamentary and judicial proceedings

8 (1) The rights conferred by Part II are not infringed...

Royal Commissions and statutory inquiries

9 (1) The rights conferred by Part II are not infringed...

#### Public records

10 (1) Material which is comprised in public records within the...

Acts done under statutory authority

11 (1) Where the doing of a particular act is specifically...

Transfer of copies of works in electronic form

12 (1) This paragraph applies where a recording of a performance...

Use of recordings of spoken works in certain cases

13 (1) Where a recording of the reading or recitation of...

#### Recordings of folksongs

14 (1) A recording of a performance of a song may...

Playing of sound recordings for purposes of club, society, &c

15 (1) It is not an infringement of any right conferred...

Incidental recording for purposes of broadcast or cable programme

16 (1) A person who proposes to broadcast a recording of...

Recordings for purposes of supervision and control of broadcasts and cable programmes

17 (1) The rights conferred by Part II are not infringed...

Free public showing or playing of broadcast or cable programme

18 (1) The showing or playing in public of a broadcast...

Reception and re-transmission of broadcast in cable programme service

19 (1) This paragraph applies where a broadcast made from a...

Provision of sub-titled copies of broadcast or cable programme

20 (1) A designated body may, for the purpose of providing...

Recording of broadcast or cable programme for archival purposes

21 (1) A recording of a broadcast or cable programme of...

SCHEDULE 3 — Registered designs: minor and consequential amendments of 1949 Act

Section 3: proceedings for registration

1 In section 3 of the Registered Designs Act 1949 (proceedings...

Section 4: registration of same design in respect of other articles, etc.

2 In section 4 of the Registered Designs Act 1949 (registration...

Section 5: provisions for secrecy of certain designs

3 (1) Section 5 of the Registered Designs Act 1949 is...

Section 6: provisions as to confidential disclosure, etc.

4 (1) Section 6 of the Registered Designs Act 1949 (provisions...

Section 9: exemption of innocent infringer from liability for damages

5 In section 9 of the Registered Designs Act 1949 (exemption...

Section 11: cancellation of registration

6 (1) Section 11 of the Registered Designs Act 1949 (cancellation...

Section 14: registration where application has been made in convention country

7 In section 14 of the Registered Designs Act 1949 (registration...

Section 15: extension of time for application under s.14 in certain cases

8 In section 15(1) of the Registered Designs Act 1949 (power...

14

Section 16: protection of designs communicated under international agreements

9 In section 16 of the Registered Designs Act 1949 (protection...

Section 19: registration of assignments, &c.

10 In section 19 of the Registered Designs Act 1949 (registration...

Section 20: rectification of the register

11 In section 20 of the Registered Designs Act 1949 (rectification...

Section 22: inspection of registered designs

12 (1) Section 22 of the Registered Designs Act 1949 (inspection...

Section 23: information as to existence of right in registered design

13 For section 23 of the Registered Designs Act 1949 (information...

Section 25: certificate of contested validity of registration

In section 25 of the Registered Designs Act 1949 (certificate...

Section 26: remedy for groundless threats of infringement proceedings

15 (1) Section 26 of the Registered Designs Act 1949 (remedy...

Section 27: the court

16 For section 27 of the Registered Designs Act 1949 (the...

Section 28: the Appeal Tribunal

17 (1) Section 28 of the Registered Designs Act 1949 (the...

Section 29: exercise of discretionary powers of registrar

18 In section 29 of the Registered Designs Act 1949 (exercise...

Section 30: costs and security for costs

19 For section 30 of the Registered Designs Act 1949 (costs...

Section 31: evidence before registrar

20 For section 31 of the Registered Designs Act 1949 (evidence...

Section 32: power of registrar to refuse to deal with certain agents

21 Section 32 of the Registered Designs Act 1949 (power of...

Section 33: offences under s.5 (secrecy of certain designs)

22 (1) Section 33 of the Registered Designs Act 1949 (offences...

Section 34: falsification of register, &c.

23 (1) In section 34 of the Registered Designs Act 1949...

Section 35: fine for falsely representing a design as registered

24 (1) Section 35 of the Registered Designs Act 1949 (fine...

Section 35A: offence by body corporate -liability of officers

25 (1) In the Registered Designs Act 1949 after section 35...

Section 36: general power to make rules, &c.

26 (1) Section 36 of the Registered Designs Act 1949 (general...

Section 37: provisions as to rules and Orders

27 (1) Section 37 of the Registered Designs Act 1949 (provisions...

Section 38: proceedings of the Board of Trade

28 Section 38 of the Registered Designs Act 1949 (proceedings of...

Section 39: hours of business and excluded days

29 In section 39 of the Registered Designs Act 1949 (hours...

Section 40: fees

30 In section 40 of the Registered Designs Act 1949 (fees)...

Section 44: interpretation

31 (1) In section 44 of the Registered Designs Act 1949...

Section 45: application to Scotland

32 In section 45 of the Registered Designs Act 1949 (application...

Section 46: application to Northern Ireland

33 (1) Section 46 of the Registered Designs Act 1949 (application...

Section 47: application to Isle of Man

34 For section 47 of the Registered Designs Act 1949 (application...

Section 47A: territorial waters and the continental shelf

35 In the Registered Designs Act 1949, after section 47 insert—...

Section 48: repeals, savings and transitional provisions

36 In section 48 of the Registered Designs Act 1949 (repeals,...

Schedule 1: provisions as to Crown use of registered designs

37 (1) The First Schedule to the Registered Designs Act 1949...

Schedule 2: enactments repealed

38 Schedule 2 to the Registered Designs Act 1949 (enactments repealed)...

SCHEDULE 4 — The Registered Designs Act 1949 as amended Arrangement of Sections

SCHEDULE 5 — Patents: miscellaneous amendments

Withdrawal of application before publication of specification

1 In section 13(2) of the Patents Act 1949 (duty of...

Correction of clerical errors

2 (1) In section 15 of the Patents Act 1977 (filing...

#### Supplementary searches

- 3 (1) Section 17 of the Patents Act 1977 (preliminary examination...
- 4 In section 18 of the Patents Act 1977 (substantive examination...
- 5 In section 130(1) of the Patents Act 1977 (interpretation), in...

Application for restoration of lapsed patent

- 6 (1) Section 28 of the Patents Act 1977 (restoration of...
- 7 After that section insert— Effect of order for restoration of...
- 8 In consequence of the above amendments— (a) in section 60(6)(b)...

Determination of right to patent after grant

- 9 (1) Section 37 of the Patents Act 1977 (determination of...
- 10 In section 74(6) (meaning of "entitlement proceedings"), for "section 37(1)(a)...

Employees' inventions

11 (1) In section 39 of the Patents Act 1977 (right...

Undertaking to take licence in infringement proceedings

12 (1) Section 46 of the Patents Act 1977 (licences of...

Power of comptroller on grant of compulsory licence

13 In section 49 of the Patents Act 1977 (supplementary provisions...

Powers exercisable in consequence of report of Monopolies and Mergers Commission

14 For section 51 of the Patents Act 1977 (licences of...

Compulsory licensing: reliance on statements in competition report

15 In section 53(2) of the Patents Act 1977 (compulsory licensing:...

Crown use: compensation for loss of profit

16 (1) In the Patents Act 1977, after section 57 insert—...

Right to continue use begun before priority date

17 For section 64 of the Patents Act 1977 (right to...

#### Revocation on grounds of grant to wrong person

18 In section 72(1) of the Patents Act 1977 (grounds for...

Revocation where two patents granted for same invention

19 In section 73 of the Patents Act 1977 (revocation on...

Applications and amendments not to include additional matter

20 For section 76 of the Patents Act 1977 (amendments of...

Effect of European patent (UK)

21 (1) Section 77 of the Patents Act 1977 (effect of...

The state of the art: material contained in patent applications

22 In section 78 of the Patents Act 1977 (effect of...

Jurisdiction in certain proceedings

23 Section 88 of the Patents Act 1977 (jurisdiction in legal...

Effect of filing international application for patent

- 24 (1) Section 89 of the Patents Act 1977 (effect of...
- 25 For section 89 of the Patents Act 1977 (effect of...

Proceedings before the court or the comptroller

- 26 In the Patents Act 1977, after section 99 (general powers...
- 27 For section 102 of the Patents Act 1977 (right of...

Provision of information

28 In section 118 of the Patents Act 1977 (information about...

Power to extend time limits

29 In section 123 of the Patents Act 1977 (rules), after...

Availability of samples of micro-organisms

30 In the Patents Act 1977 after section 125 insert—Disclosure...

SCHEDULE 6 — Provisions for the Benefit of the Hospital for Sick Children

#### *Interpretation*

1 (1) In this Schedule— "the Hospital" means The Hospital for...

Entitlement to royalty

2 (1) The trustees are entitled, subject to the following provisions...

#### **Exceptions**

3 No royalty is payable in respect of—

#### Saving

4 No royalty is payable in respect of anything done in...

Procedure for determining amount payable

5 (1) In default of agreement application may be made to...

Sums received to be held on trust

6 The sums received by the trustees by virtue of this...

Right only for the benefit of the Hospital

7 (1) The right of the trustees under this Schedule may...

SCHEDULE 7 — Consequential amendments: general

British Mercantile Marine Uniform Act 1919 (c. 62)

1 For section 2 of the British Mercantile Marine Uniform Act...

Chartered Associations (Protection of Names and Uniforms) Act 1926 (c. 26)

2 In section 1(5) of the Chartered Associations (Protection of Names...

Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939 (c. 107)

3 (1) The Patents, Designs, Copyright and Trade Marks (Emergency) Act...

Crown Proceedings Act 1947 (c. 44)

4 (1) In the Crown Proceedings Act 1947 for section 3...

Patents Act 1949 (c. 87)

5 In section 47 of the Patents Act 1949 (rights of...

Public Libraries (Scotland) Act 1955 (c. 27)

6 In section 4 of the Public Libraries (Scotland) Act 1955...

London County Council (General Powers) Act 1958 (c.xxi)

7 In section 36 of the London County Council (General Powers)...

Public Libraries and Museums Act 1964 (c. 75)

8 In section 8 of the Public Libraries and Museums Act...

Marine, &c., Broadcasting (Offences) Act 1967 (c. 41)

9 In section 5 of the Marine, &c., Broadcasting (Offences) Act...

Medicines Act 1968 (c. 67)

10 (1) Section 92 of the Medicines Act 1968 (scope of...

#### Post Office Act 1969 (c. 48)

11 In Schedule 10 to the Post Office Act 1969 (special...

Merchant Shipping Act 1970 (c. 36)

12 In section 87 of the Merchant Shipping Act 1970 (merchant...

Taxes Management Act 1970 (c. 9)

13 In section 16 of the Taxes Management Act 1970 (returns...

Tribunals and Inquiries Act 1971 (c. 62)

14 In Part I of Schedule 1 to the Tribunals and...

Fair Trading Act 1973 (c. 41)

15 In Schedule 4 to the Fair Trading Act 1973 (excluded...

House of Commons Disqualification Act 1975 (c. 24)

16 In Part II of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

17 In Part II of Schedule 1 to the Northern Ireland...

Restrictive Trade Practices Act 1976 (c. 34)

18 (1) The Restrictive Trade Practices Act 1976 is amended as...

Resale Prices Act 1976 (c. 53)

19 In section 10(4) of the Resale Prices Act 1976 (patented...

#### Patents Act 1977 (c. 37)

- 20 In section 57 of the Patents Act 1977 (rights of...
- 21 In section 105 of the Patents Act 1977 (privilege in...
- 22 In section 123(7) of the Patents Act 1977 (publication of...
- 23 In section 130(1) of the Patents Act 1977 (interpretation), in...

Unfair Contract Terms Act 1977 (c. 50)

24 In paragraph 1 of Schedule 1 to the Unfair Contract...

Judicature (Northern Ireland) Act 1978 (c. 23)

25 In section 94A of the Judicature (Northern Ireland) Act 1978...

Capital Gains Tax Act 1979 (c. 14)

26 In section 18(4) of the Capital Gains Tax Act 1979...

British Telecommunications Act 1981 (c. 38)

27 In Schedule 5 to the British Telecommunications Act 1981 (special...

#### Supreme Court Act 1981 (c. 54)

28 (1) The Supreme Court Act 1981 is amended as follows....

Broadcasting Act 1981 (c. 68)

29 (1) The Broadcasting Act 1981 is amended as follows.

Cable and Broadcasting Act 1984 (c. 46)

30 (1) The Cable and Broadcasting Act 1984 is amended as...

Companies Act 1985 (c. 6)

31 (1) Part XII of the Companies Act 1985 (registration of...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

32 In section 15 of the Law Reform (Miscellaneous Provisions) (Scotland)...

Atomic Energy Authority Act 1986 (c. 3)

33 In section 8(2) of the Atomic Energy Authority Act 1986...

Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I.3))

34 In Article 77 of the Education and Libraries (Northern Ireland)...

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

35 In Article 403 of the Companies (Northern Ireland) Order 1986...

Income and Corporation Taxes Act 1988 (c. 1)

36 (1) The Income and Corporation Taxes Act 1988 is amended...

SCHEDULE 8 — Repeals