Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART V

PATENT AGENTS AND TRADE MARK AGENTS

Supplementary

285 Offences committed by partnerships and bodies corporate.

(1) Proceedings for an offence under this Part alleged to have been committed by a partnership shall be brought in the name of the partnership and not in that of the partners; but without prejudice to any liability of theirs under subsection (4) below.

(2) The following provisions apply for the purposes of such proceedings as in relation to a body corporate—

(a) any rules of court relating to the service of documents;

(b) in England, Wales or Northern Ireland, Schedule 3 to the [M1]Magistrates' Courts Act 1980 or Schedule 4 to the [M2]Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence).

(3) A fine imposed on a partnership on its conviction in such proceedings shall be paid out of the partnership assets.

(4) Where a partnership is guilty of an offence under this Part, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

Marginal Citations

M1 1980 c. 43.

M2 S.I. 1981/1675 (N.I. 26).

286 Interpretation.

In this Part—

"the comptroller" means the Comptroller-General of Patents, Designs and Trade Marks;

"director", in relation to a body corporate whose affairs are managed by its members, means any member of the body corporate;

"the European list" means the list of professional representatives maintained by the European Patent Office in pursuance of the European Patent Convention;

"registered patent **[**[F1]attorney"**]** has the meaning given by section 275 **[**[F2](2)**]**;

[F3] . . . . . .

Textual Amendments

F1 Words in s. 286 substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 211, **Sch. 21 para. 79(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)

F2 Word in s. 286 substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 211, **Sch. 21 para. 79(b)** (with ss. 29, 192, 193); S.I. 2009/2350, **art. 2(h)** (with art. 9)

F3 Definition in s. 286 repealed (31.10.1994) by 1994 c. 26, s. 106(2), **Sch. 5**; S.I. 1994/2550, **art. 2**

Status:
Point in time view as at 01/01/2010.

Changes to legislation:
There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Supplementary.