

SCHEDULES

SCHEDULE 3

REGISTERED DESIGNS: MINOR AND CONSEQUENTIAL AMENDMENTS OF 1949 ACT

Section 11: cancellation of registration

- 6 (1) Section 11 of the Registered Designs Act 1949 (cancellation of registration) is amended as follows.
- (2) In subsection (2) omit “or original”.
- (3) For subsections (2A) and (3) substitute—
- “(3) At any time after a design has been registered, any person interested may apply to the registrar for the cancellation of the registration on the ground that—
- (a) the design was at the time it was registered a corresponding design in relation to an artistic work in which copyright subsisted, and
 - (b) the right in the registered design has expired in accordance with section 8(4) of this Act (expiry of right in registered design on expiry of copyright in artistic work);
- and the registrar may make such order on the application as he thinks fit.
- (4) A cancellation under this section takes effect—
- (a) in the case of cancellation under subsection (1), from the date of the registrar’s decision,
 - (b) in the case of cancellation under subsection (2), from the date of registration,
 - (c) in the case of cancellation under subsection (3), from the date on which the right in the registered design expired, or, in any case, from such other date as the registrar may direct.
- (5) An appeal lies from any order of the registrar under this section.”.