

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Restrictive Trade Practices Act 1976 (c.34). (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 7

CONSEQUENTIAL AMENDMENTS: GENERAL

Textual Amendments

- F1** Sch. 5A inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 24(2), [Sch. 3](#) (with regs. 31-40)

Restrictive Trade Practices Act 1976 (c.34)

- 18 (1) The Restrictive Trade Practices Act 1976 is amended as follows.
- (2) In Schedule 1 (excluded services) for paragraph 10 (services of patent agents) substitute—
- “10 The services of registered patent agents (within the meaning of Part V of the Copyright, Designs and Patents Act 1988) in their capacity as such.”;
- and in paragraph 10A (services of European patent attorneys) for “section 84(7) of the Patents Act 1977” substitute “Part V of the Copyright, Designs and Patents Act 1988”.
- (3) In Schedule 3 (excepted agreements), after paragraph 5A insert—

“ Design right

- 5B (1) This Act does not apply to—
- a licence granted by the owner or a licensee of any design right,
 - an assignment of design right, or
 - an agreement for such a licence or assignment,
- if the licence, assignment or agreement is one under which no such restrictions as are described in section 6(1) above are accepted, or no such information provisions as are described in section 7(1) above are made, except in respect of articles made to the design; but subject to the following provisions.
- (2) Sub-paragraph (1) does not exclude a licence, assignment or agreement which is a design pooling agreement or is granted or made (directly or indirectly) in pursuance of a design pooling agreement.
- (3) In this paragraph a “ design pooling agreement ” means an agreement—
- to which the parties are or include at least three persons (the “principal parties”) each of whom has an interest in one or more design rights, and

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- (b) by which each principal party agrees, in respect of design right in which he has, or may during the currency of the agreement acquire, an interest to grant an interest (directly or indirectly) to one or more of the other principal parties, or to one or more of those parties and to other persons.
- (4) In this paragraph—
 - “ assignment ”, in Scotland, means assignation; and
 - “ interest ” means an interest as owner or licensee of design right.
 - (5) This paragraph applies to an interest held by or granted to more than one person jointly as if they were one person.
 - (6) References in this paragraph to the granting of an interest to a person indirectly are to its being granted to a third person for the purpose of enabling him to make a grant to the person in question.”.]

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