



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART IV

REGISTERED DESIGNS

Amendments of the Registered Designs Act 1949

266 Provisions with respect to certain designs registered in pursuance of application made before commencement.

- (1) Where a design is registered under the Registered Designs Act 1949 in pursuance of an application made after 12th January 1988 and before the commencement of this part which could not have been registered under section 1 of that Act as substituted by section 265 above—
 - (a) the right in the registered design expires ten years after the commencement of this part, if it does not expire earlier in accordance with the 1949 Act, and
 - (b) any person is, after the commencement of this Part, entitled as of right to a licence to do anything which would otherwise infringe the right in the registered design.
- (2) The terms of a licence available by virtue of this section shall, in default of agreement, be settled by the registrar on an application by the person requiring the licence; and the terms so settled shall authorise the licensee to do everything which would be an infringement of the right in the registered design in the absence of a licence.
- (3) In settling the terms of a licence the registrar shall have regard to such factors as may be prescribed by the Secretary of State by order made by statutory instrument.

No such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (4) Where the terms of a licence are settled by the registrar, the licence has effect from the date on which the application to the registrar was made.

Changes to legislation: There are currently no known outstanding effects for the
Copyright, Designs and Patents Act 1988, Section 266. (See end of Document for details)

- (5) Section 11B of the 1949 Act (undertaking to take licence of right in infringement proceedings), as inserted by section 270 below, applies where a licence is available as of right under this section, as it applies where a licence is available as of right under section 11A of that Act.
- (6) Where a licence is available as of right under this section, a person to whom a licence was granted before the commencement of this part may apply to the registrar for an order adjusting the terms of that licence.
- (7) an appeal lies from any decision of the registrar under this section.
- (8) This section shall be construed as one with the Registered Designs Act 1949.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 266.