



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART V

PATENT AGENTS AND TRADE MARK AGENTS

Patent agents

281 Power of comptroller to refuse to deal with certain agents.

- (1) This section applies to business under the ^{M1}Patents Act 1949, the ^{M2}Registered Designs Act 1949 or the ^{M3}Patents Act 1977.
- (2) The Secretary of State may make rules authorising the comptroller to refuse to recognise as agent in respect of any business to which this section applies—
 - (a) a person who has been convicted of an offence under section 88 of the Patents Act 1949, section 114 of the Patents Act 1977 or section 276 of this Act;
 - (b) [^{F1}a person] whose name has been erased from and not restored to, or who is suspended from, the register of patent [^{F2}attorneys] on the ground of misconduct;
 - (c) a person who is found by the Secretary of State to have been guilty of such conduct as would, in the case of [^{F3}a person] registered in the register of patent [^{F2}attorneys], render [^{F4}the person] liable to have [^{F5}the person's] name erased from the register on the ground of misconduct;
 - (d) a partnership or body corporate of which one of the partners or directors is a person whom the comptroller could refuse to recognise under paragraph (a), (b) or (c) above.
- (3) The rules may contain such incidental and supplementary provisions as appear to the Secretary of State to be appropriate and may, in particular, prescribe circumstances in which a person is or is not to be taken to have been guilty of misconduct.
- (4) Rules made under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 281. (See end of Document for details)

- (5) The comptroller shall refuse to recognise as agent in respect of any business to which this section applies a person who neither resides nor has a place of business in the United Kingdom, the Isle of Man or [^{F6}a member State].

Textual Amendments

- F1** Words in s. 281(2)(b) substituted (1.1.2010) by [The Legal Services Act 2007 \(Consequential Amendments\) Order 2009 \(S.I. 2009/3348\)](#), arts. 2(1), **3(2)**; S.I. 2009/3250, art. 2(b)(i)
- F2** Words in s. 281(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208(1), 211, **Sch. 21 para. 78** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F3** Words in s. 281(2)(c) substituted (1.1.2010) by [The Legal Services Act 2007 \(Consequential Amendments\) Order 2009 \(S.I. 2009/3348\)](#), arts. 2(1), **3(3)(a)**; S.I. 2009/3250, art. 2(b)(i)
- F4** Words in s. 281(2)(c) substituted (1.1.2010) by [The Legal Services Act 2007 \(Consequential Amendments\) Order 2009 \(S.I. 2009/3348\)](#), arts. 2(1), **3(3)(b)**; S.I. 2009/3250, art. 2(b)(i)
- F5** Words in s. 281(2)(c) substituted (1.1.2010) by [The Legal Services Act 2007 \(Consequential Amendments\) Order 2009 \(S.I. 2009/3348\)](#), arts. 2(1), **3(3)(c)**; S.I. 2009/3250, art. 2(b)(i)
- F6** Words in s. 281(5) substituted (31.12.2020) by [The Patents \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/801\)](#), regs. 1, **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 1949 c. 88.
- M2** 1949 c. 87.
- M3** 1977 c. 37.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 281.