



Olympic Symbol etc. (Protection) Act 1995

1995 CHAPTER 32

Restrictions on acquisition of competing rights

13 Registration of designs and trade marks

(1) In section 1 of the Registered Designs Act 1949 (designs registrable under Act) there shall be inserted at the end—

“(6) A design shall not be registered if it consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995 unless it appears to the registrar—

- (a) that the application is made by the person for the time being appointed under section 1(2) of the Olympic Symbol etc. (Protection) Act 1995 (power of Secretary of State to appoint a person as the proprietor of the Olympics association right), or
- (b) that consent has been given by or on behalf of the person mentioned in paragraph (a) of this subsection.”

(2) In section 4 of the Trade Marks Act 1994 (which specifies cases where a trade mark shall not be registered) there shall be inserted at the end—

“(5) A trade mark which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995 shall not be registered unless it appears to the registrar—

- (a) that the application is made by the person for the time being appointed under section 1(2) of the Olympic Symbol etc. (Protection) Act 1995 (power of Secretary of State to appoint a person as the proprietor of the Olympics association right), or
- (b) that consent has been given by or on behalf of the person mentioned in paragraph (a) above.”

(3) This section has effect in relation to applications for registration made on or after the day on which this Act comes into force.

14 Acquisition of design right

- (1) In section 213 of the Copyright, Designs and Patents Act 1988 (design right in original designs) after subsection (5) there shall be inserted—

“(5A) Design right does not subsist in a design which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995.”

- (2) Subsection (1) above has effect in relation to designs created on or after the day on which this Act comes into force.

- (3) For the purposes of subsection (2) above, a design is created on the first day on which—

- (a) it is recorded in a design document, or
- (b) an article is made to it.