

INTELLECTUAL PROPERTY ACT 2014

EXPLANATORY NOTES

COMMENTARY

Part 1: DESIGNS

Section 4: Infringement of unregistered designs: exceptions

20. These exceptions to infringement of unregistered design right mirror those in the RDA and harmonise with the EU Regulation.
21. New section 244A introduces protection from infringement for private acts, experiments and teaching. The intention is that acts done privately and for no commercial purpose, or (where certain conditions are met) acts done for teaching purposes, should not infringe unregistered design right. For example, a school teacher in carpentry will be able to demonstrate how to produce design protected features without infringing the design right (provided that the specified conditions are met). Similarly, the exception for acts done for experimental purposes is to allow inspiration from existing designs to encourage innovation. These defences are similar to those found in relation to copyright (see for example section 32 of the CDPA).
22. New section 244B creates exceptions relating to overseas ships and aircrafts. This provision mirrors an equivalent exception in section 7A(2)(d) of the RDA and Article 20(2)(a) of the EU Regulation.