



# Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

## PART VI

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 44 Amendments of Registered Designs Act, 1949

(1) In section six of the Registered Designs Act, 1949, (under which the disclosure of a design in certain circumstances is not to be a reason, for refusing registration), the following subsections shall be inserted after subsection (3):—

“(4) Where copyright under the Copyright Act, 1956, subsists in an artistic work, and an application is made by, or with the consent of, the owner of that copyright for the registration of a corresponding design, that design shall not be treated for the purposes of this Act as being other than new or original by reason only of any use previously made of the artistic work, unless—

- (a) the previous use consisted of or included the sale, letting for hire, or offer for sale or hire of articles to which the design in question (or a design differing from it only as mentioned in subsection (2) of section one of this Act) had been applied industrially, other than articles of a description specified in rules made under subsection (4) of section one of this Act, and
- (b) that previous use was made by, or with the consent of, the owner of the copyright in the artistic work.

(5) Any rules made by virtue of subsection (5) of section ten of the Copyright Act, 1956 (which relates to rules for determining the circumstances in which a design is to be taken to be applied industrially) shall apply for the purposes of the last foregoing subsection.”

(2) The following subsection shall be added at the end of section eight of the said Act of 1949 (which relates to the period of copyright in registered designs):—

“(3) Where in the case of a registered design it is shown—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956 ;
  - (b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act; and
  - (c) that the copyright in that work under the Copyright Act, 1956, expired before the date of expiry of the copyright in the design,
- the copyright in the design shall, notwithstanding anything in this section, be deemed to have expired at the same time as the copyright in the artistic work, and shall not be renewable after that time.”
- (3) In section eleven of the said Act of 1949 (which relates to cancellation of the registration of designs), the following subsection shall be inserted after subsection (2):
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- “(2A) At any time after a design has been registered, any person interested may apply to the registrar for the cancellation of the registration of the design on the grounds—
- (a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956;
  - (b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act; and
  - (c) that the copyright in that work under the Copyright Act, 1956, has expired ;
- and the registrar may make such order on the application as he thinks fit.”
- (4) In subsection (3) of the said section eleven, for the words “the last foregoing subsection ” there shall be substituted the words “either of the two last foregoing subsections ”.
- (5) In subsection (1) of section forty-four of the said Act of 1949 (which relates to the interpretation of that Act)—
- (a) after the definition of “article ” there shall be inserted the words " ' artistic work ' has the same meaning as in the Copyright Act, 1956 "; and
  - (b) after the definition of “copyright” there shall be inserted the words " ' corresponding design ' has the same meaning as in section ten of the Copyright Act, 1956 ".