



# Registered Designs Act 1949

## 1949 CHAPTER 88

*Effect of registration, etc.*

### **7 Right given by registration.**

- (1) The registration of a design under this Act shall give to the registered proprietor the copyright in the registered design, that is to say, the exclusive right in the United Kingdom and the Isle of Man to make or import for sale or for use for the purposes of any trade or business, or to sell, hire or offer for sale or hire, any article in respect of which the design is registered, being an article to which the registered design or a design not substantially different from the registered design has been applied, and to make anything for enabling any such article to be made as aforesaid, whether in the United Kingdom or the Isle of Man or elsewhere.
- (2) Subject to the provisions of this Act and of subsection (3) of section three of the Crown Proceedings Act, 1947, the registration of a design shall have the same effect against the Crown as it has against a subject.

### **8 Period of copyright.**

- (1) Copyright in a registered design shall, subject to the provisions of this Act, subsist for a period of five years from the date of registration.
- (2) The registrar shall extend the period of copyright for a second period of five years from the expiration of the original period and for a third period of five years from the expiration of the second period if an application for extension of the period of copyright for the second or third period is made in the prescribed form before the expiration of the original period or the second period, as the case may be, and if the prescribed fee is paid before the expiration of the relevant period or within such further period (not exceeding three months) as may be specified in a request made to the registrar and accompanied by the prescribed additional fee.

**9 Exemption of innocent infringer from liability for damages.**

- (1) In proceedings for the infringement of copyright in a registered design damages shall not be awarded against a defendant who proves that at the date of the infringement he was not aware, and had no reasonable ground for supposing, that the design was registered ; and a person shall not be deemed to have been aware or to have had reasonable grounds for supposing as aforesaid by reason only of the marking of an article with the word " registered" or any abbreviation thereof, or any word or words expressing or implying that the design applied to the article has been registered, unless the number of the design accompanied the word or words or the abbreviation in question.
- (2) Nothing in this section shall affect the power of the court to grant an injunction in any proceedings for infringement of copyright in a registered design.

**10 Compulsory licence in respect of registered design.**

- (1) At any time after a design has been registered any person interested may apply to the registrar for the grant of a compulsory licence in respect of the design on the ground that the design is not applied in the United Kingdom by any industrial process or means to the article in respect of which it is registered to such an extent as is reasonable in the circumstances of the case; and the registrar may make such order on the application as he thinks fit.
- (2) An order for the grant of a licence shall, without prejudice to any other method of enforcement, have effect as if it were a deed executed by the registered proprietor and all other necessary parties, granting a licence in accordance with the order.
- (3) No order shall be made under this section which would be at variance with any treaty, convention, arrangement or engagement applying to the United Kingdom and any convention country.
- (4) An appeal shall lie from any order of the registrar under this section.

**11 Cancellation of registration.**

- (1) The registrar may, upon a request made in the prescribed manner by the registered proprietor, cancel the registration of a design.
- (2) 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 ground that the design was not, at the date of the registration thereof, new or original, or on any other ground on which the registrar could have refused to register the design; and the registrar may make such order on the application as he thinks fit.
- (3) An appeal shall lie from any order of the registrar under the last foregoing subsection.

**12 Use for services of Crown.**

The provisions of the First Schedule to this Act shall have effect with respect to the use of registered designs for the services of the Crown and the rights of third parties in respect of such use.