

Changes to legislation: Registered Designs Act 1949, PART 3 is up to date with all changes known to be in force on or before 21 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 1A

EUROPEAN COMMUNITY REGISTERED DESIGNS

Textual Amendments

- F1** Schs. 1A, 1B inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 3 para. 3** (with Sch. 5 Pt. 1) (as amended by [S.I. 2020/1050](#), regs. 1(2), 23); 2020 c. 1, Sch. 5 para. 1(1)

PART 3

REGISTERED COMMUNITY DESIGNS WHERE PUBLICATION IS DEFERRED AT [^{F2}IP COMPLETION DAY]

Textual Amendments

- F2** Words in [Sch. 1A](#) substituted in earlier amending provision [S.I. 2019/638](#), Sch. 3 para. 3 (31.12.2020) by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **21(c)(i)**

Designs registered at the EUIPO immediately before [^{F2}IP completion day] where publication is deferred

- 13 (1) In this Part references to a deferred design are to a design registered under the Community Design Regulation in respect of which the conditions in sub-paragraph (2) are satisfied.
- (2) The conditions referred to in sub-paragraph (1) are that immediately before [^{F2}IP completion day]—
- the design is entered in the RCD register, and
 - publication of the design is deferred under Article 50.
- 14 (1) This paragraph applies where the proprietor of a deferred design or a successor in title of that person applies for registration of the same design under this Act within a period beginning with [^{F2}IP completion day] and ending with the end of the relevant period.
- (2) Sections 3A(4) and 3B do not apply in relation to the application.
- (3) The relevant date for the purposes of establishing whether (or to what extent) the design which is the same as the deferred design is new or has individual character is the earliest of—

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- (a) the filing date accorded pursuant to Article 38 to the application for the deferred design;
 - (b) the date of priority (if any) claimed under Article 42 in respect of the application for the deferred design.
- (4) If the registrar registers a design which is the subject of an application of the type referred to in sub-paragraph (1) which is made within the period referred to in that sub-paragraph, the date of registration of the design is the date on which the deferred design which is the same as that design was treated as registered under the Community Design Regulation.
- (5) Accordingly section 3C does not apply in relation to the design.
- (6) In sub-paragraph (1), the “relevant period” means, the period of nine months beginning with the day after that on which [F²IP completion day] falls.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)