

Changes to legislation: Registered Designs Act 1949, PART 4 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 4

TREATMENT OF REGISTERED COMMUNITY DESIGNS WHOSE REGISTRATIONS EXPIRE DURING THE PERIOD OF SIX MONTHS ENDING ON [^{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)**

Application of Part

- 15 (1) This Part applies to a design in respect of which the conditions in sub-paragraph (2) are satisfied (an “expired Community design”).
- (2) The conditions referred to in sub-paragraph (1) are that—
- immediately before the transitional period, the design was the subject of a registration under the Community Design Regulation,
 - the registration of the design expired during the transitional period (such that the design did not fall within paragraph 1(1)), and
 - the registration of the design would have been capable of being renewed under Article 13 for at least one further period of five years had a request for renewal been made under Article 13 prior to that expiry.
- (3) An expired Community design is to be treated as if it were an existing registered Community design.
- (4) The provisions of Part 1 of this Schedule apply to an expired Community design as they apply to an existing Community design subject to the provisions of this Part of the Schedule.
- (5) Notwithstanding the entry in the register of designs (under paragraph 2, as applied by sub-paragraph (4)) of a re-registered design which derives from an expired

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Community design, the right in the re-registered design is expired until the period for which it subsists is extended in accordance with paragraph 16 (or the re-registered design is removed from the register in accordance with paragraph 16(3)).

- (6) In this paragraph, “transitional period” means the period of six months ending with [F²IP completion day].

Renewal of registration of an expired Community design

- 16 (1) Where the registration of an expired Community design is renewed in accordance with Article 13(3) of the Continuing Community Design Regulation the registrar must, as soon as reasonably practicable after the date of such renewal, record in the register of designs the extension of the period for which subsists the right in the re-registered design which derives from the expired Community design.
- (2) Where the period for which the right in a re-registered design subsists is extended under sub-paragraph (1), the right is to be treated as if it had never expired, with the result that—
- (a) anything done under or in relation to the right in the period beginning with [F²IP completion day] and ending with the extension under sub-paragraph (1) is to be treated as valid,
 - (b) an act which would have constituted an infringement of the right if it had not expired is to be treated as an infringement, and
 - (c) an act which would have constituted use of the design for the services of the Crown if the right had not expired is to be treated as such use.
- (3) If the registration of an expired Community design is not renewed within the time period permitted by Article 13(3) of the Continuing Community Design Regulation—
- (a) the registrar must remove from the register of designs the re-registered design which derives from the expired Community design; and
 - (b) the re-registered design ceases with effect from [F²IP completion day] to be treated as if it had been registered under this Act.
- (4) In this Schedule “the Continuing Community Design Regulation” means the Council Regulation (EC) No 6/2002 of 12th December 2001 on Community Designs as it has effect in EU law.]

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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\(5\)](#)