

**Changes to legislation:** Registered Designs Act 1949, PART 2 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

### [<sup>F1</sup>SCHEDULE 1B

#### INTERNATIONAL 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 2

INTERNATIONAL REGISTRATIONS IN RESPECT OF WHICH THE PERIOD  
FOR REFUSAL HAS NOT EXPIRED BEFORE [<sup>F2</sup>IP COMPLETION DAY] ETC

##### Textual Amendments

- F2** Words in [Sch. 1B](#) 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(d)(i)**

- 11 (1) In this Part references to a “pending international design (EU)” are to a design which, immediately before [<sup>F2</sup>IP completion day], meets the requirements of sub-paragraph (2).
- (2) The requirements referred to in sub-paragraph (1) are—
- (a) the design is the subject of an international registration which designates the European Union;
  - (b) the design is not the subject of—
    - (i) a refusal by the European Union Intellectual Property Office pursuant to Article 106e(1) of the Community Design Regulation; or
    - (ii) a statement by the European Union Intellectual Property Office under Rule 18*bis* of the Common Regulations under the 1999 Act and the 1960 Act of the Hague Agreement to the effect that protection is granted in relation to it;
  - (c) the international registration to which the design is subject—
    - (i) has not been published by the International Bureau pursuant to Article 10(3) of the Geneva Act; or
    - (ii) has been published by the International Bureau but the period under Article 106e(1) of the Community Design Regulation for communicating to the International Bureau a notification of refusal in respect of the international registration has not expired.

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- 12 (1) Where the holder of the international registration to which a pending international design (EU) is subject, or a successor in title of that person, makes an application for registration of the same design under this Act within a period beginning with [F<sup>2</sup>IP completion day] and ending with the end of the relevant period, the relevant date for the purposes of establishing whether (or to what extent) the design which is the subject of the application under this Act is new or has individual character is the earliest of—
- (a) the date on which the international registration was treated as registered pursuant to Article 10(2) of the Geneva Act;
  - (b) the date of priority (if any) claimed under Article 41 of the Community Design Regulation as applied by Article 106a of that Regulation in respect of the pending international design (EU).
- (2) In sub-paragraph (1), the “relevant period” means the period of nine months beginning with the day after that on which [F<sup>2</sup>IP completion day] falls.
- (3) For the purposes of this Act—
- (a) where an application is made of the type referred to in sub-paragraph (1) within the period referred to in that sub-paragraph, the date of the application is the date on which the international registration to which the pending international design (EU) is subject was treated as registered pursuant to Article 10(2) of the Geneva Act, and
  - (b) where 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 international registration to which the pending international design (EU) is subject was treated as registered pursuant to Article 10(2) of the Geneva Act.
- (4) Accordingly section 3C does not apply in relation to the design.]

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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\(5\)](#)