



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Offences

[^{F1}35ZA Offence of unauthorised copying etc. of design in course of business

- (1) A person commits an offence if—
 - (a) in the course of a business, the person intentionally copies a registered design so as to make a product—
 - (i) exactly to that design, or
 - (ii) with features that differ only in immaterial details from that design, and
 - (b) the person does so—
 - (i) knowing, or having reason to believe, that the design is a registered design, and
 - (ii) without the consent of the registered proprietor of the design.
- (2) Subsection (3) applies in relation to a product where a registered design has been intentionally copied so as to make the product—
 - (a) exactly to the design, or
 - (b) with features that differ only in immaterial details from the design.
- (3) A person commits an offence if—
 - (a) in the course of a business, the person offers, puts on the market, imports, exports or uses the product, or stocks it for one or more of those purposes,
 - (b) the person does so without the consent of the registered proprietor of the design, and
 - (c) the person does so knowing, or having reason to believe, that—
 - (i) a design has been intentionally copied without the consent of the registered proprietor so as to make the product exactly to the design or with features that differ only in immaterial details from the design, and
 - (ii) the design is a registered design.

Changes to legislation: Registered Designs Act 1949, Section 35ZA 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

- (4) It is a defence for a person charged with an offence under this section to show that the person reasonably believed that the registration of the design was invalid.
- (5) It is also a defence for a person charged with an offence under this section to show that the person—
- (a) did not infringe the right in the design, or
 - (b) reasonably believed that the person did not do so.
- (6) The reference in subsection (3) to using a product in the course of a business does not include a reference to using it for a purpose which is merely incidental to the carrying on of the business.
- ^{F2}(7)
- (8) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine or to both;
 - (b) on summary conviction in England and Wales or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both.]

Textual Amendments

- F1** Ss. 35ZA-35ZD inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 13, 24(1)**; S.I. 2014/2330, **art. 3, Sch.** (as amended by [The Intellectual Property Act 2014 \(Amendment\) Regulations 2014 \(S.I. 2014/2329\)](#), **regs. 1, 3**) (as amended (1.10.2014) by [The Intellectual Property Act 2014 \(Amendment\) Regulations 2014 \(S.I. 2014/2329\)](#), **regs. 1, 3**)
- F2** S. 35ZA(7) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), **reg. 1, Sch. 8 para. 9**; 2020 c. 1, **Sch. 5 para. 1(1)**

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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\(5\)](#)