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STATUTORY INSTRUMENTS

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**1989 No. 1292**

**DESIGNSPATENTSTRADE MARKS**

**The Copyright, Designs and Patents Act  
1988 (Isle of Man) (No. 2) Order 1989**

*Made* - - - - *28th July 1989*  
*Coming into force* - - *1st August 1989*

At the Court at Windsor Castle, the 28th day of July 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 304(4) and (6) of the Copyright, Designs and Patents Act 1988<sup>(1)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright, Designs and Patents Act 1988 (Isle of Man) (No. 2) Order 1989 and shall come into force on 1st August 1989.

2.—(1) The following provisions of the Copyright, Designs and Patents Act 1988 shall extend to the Isle of Man subject to the exceptions and modifications specified in paragraphs (2) and (3) below –

- (a) Part IV (registered designs), except section 272 (so far as that section relates to paragraph 21 of Schedule 3) and section 273;
- (b) section 300 (fraudulent application or use of trade marks an offence);
- (c) Schedule 3 (registered designs: minor and consequential amendments), except paragraph 21, and
- (d) paragraphs 12 to 16 of Schedule 5 (patents: miscellaneous amendments).

(2) Any reference in any of those provisions to an Act of Parliament or to a provision of such an Act shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

(3) Without prejudice to paragraph (2) above, sections 58A to 58D of the Trade Marks Act 1938<sup>(2)</sup> inserted by section 300 shall have effect subject to the exceptions and modifications specified in the Schedule to this Order.

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(1) 1988 c. 48.

(2) 1938 c. 22.

3. The following provisions of the Copyright, Designs and Patents Act 1988 shall extend to the Isle of Man –

- (a) section 303 (consequential amendments and repeals), so far as it relates to the provisions specified in paragraphs (b) and (c) below;
- (b) paragraphs 5, 20, 22 and 23 of Schedule 7, and
- (c) Schedule 8, so far as it relates to –
  - (i) the Registered Designs Act 1949<sup>(3)</sup> (except section 32 of that Act), and
  - (ii) section 49(3) of, and paragraphs 1 and 3 of Schedule 5 to, the Patents Act 1977<sup>(4)</sup>.

4. The Copyright, Designs and Patents Act 1988 (Isle of Man) Order 1989<sup>(5)</sup> is hereby revoked.

*G.I. de Deney*  
Clerk of the Privy Council

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<sup>(3)</sup> 1949 c. 88.  
<sup>(4)</sup> 1977 c. 37.  
<sup>(5)</sup> S.I.1989/981.

## SCHEDULE

Article 2(3)

### EXCEPTIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE TRADE MARKS ACT 1938 HAVE EFFECT IN THE ISLE OF MAN

1. In section 58A(4)(b), for “indictment” substitute “information”.
- 2.—(1) In section 58B(2), for paragraphs (a) and (b) substitute “when he is orally charged or is served with a summons or information”.
  - (2) In section 58B(3), omit “(or, in Scotland, the Lord Advocate or procurator-fiscal)”.
  - (3) For section 58B(4) substitute –
    - “(4) An appeal lies from an order made under this section by a court of summary jurisdiction to Her Majesty’s High Court of Justice of the Isle of Man.”.
  - (4) Omit section 58B(6).
- 3.—(1) In section 58C(4), for the words from “or under” onwards substitute “or an order for delivery up could be made under section 21(9) of the Copyright Act 1956(6).”.
  - (2) Omit section 58C(5).
4. Omit section 58D.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order supersedes, and is in the same terms as, the Copyright, Designs and Patents Act 1988 (Isle of Man) Order 1989, which is revoked.

The Order extends to the Isle of Man, subject to exceptions and modifications, certain provisions of Part IV (registered designs) and section 300 (fraudulent use of trade marks) of the Copyright, Designs and Patents Act 1988 and certain amendments of the Patents Act 1977 made by Schedule 5 to that Act. It also extends to the Isle of Man repeals of provisions of the Registered Designs Act 1949 and the Patents Act 1977 which are consequential upon the amendment of those Acts by the Act of 1988.

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(6) 1956 c. 74, as it has effect in the Isle of Man by virtue of S.I. 1986/1299 and paragraph 36(2) of Schedule 1 to the Copyright, Designs and Patents Act 1988.