

## SCHEDULE 4

Article 6

### USE OF INTELLECTUAL PROPERTY RIGHTS

#### *Use of registered designs*

**1.—**(1) Subject to sub-paragraph (2), the power conferred by paragraph 1(1) of Schedule 1 to the Registered Designs Act 1949<sup>(1)</sup> on a government department, or person authorised in writing by a government department, in relation to the use of registered designs for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) Sub-paragraph (1) shall not have effect to authorise the doing in relation to a registered design of anything falling within paragraph 1(6) of Schedule 1 to the Registered Designs Act 1949.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), paragraphs 1(2) to (5) and (7) and 2 to 3 of Schedule 1 to the Registered Designs Act 1949 shall have effect with any reference in those provisions to Crown use of a registered design being construed as a reference to the use of such a design for the purposes of a visiting force or headquarters.

#### *Use of patented inventions*

**2.—**(1) Subject to sub-paragraph (2), the power conferred by section 55(1) of the Patents Act 1977<sup>(2)</sup> on a government department, or person authorised in writing by a government department, in relation to the use of patented inventions for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) Sub-paragraph (1) shall not have effect to authorise—

- (a) the doing of any act falling within section 55(1)(a)(ii) or (c) of the Patents Act 1977, or
- (b) the doing of anything which is for a purpose relating to the production or use of atomic energy or research into matters connected therewith.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), sections 55 to 58 of the Patents Act 1977 (apart from section 56(2) to (4)) shall have effect with any reference in those provisions to the use of a patented invention for the services of the Crown being construed as a reference to the use of such an invention for the purposes of a visiting force or headquarters.

#### *Use of articles without the licence of the design rights owner*

**3.—**(1) Subject to sub-paragraph (2), the power conferred by section 240(1) of the Copyright, Designs and Patents Act 1988<sup>(3)</sup> on a government department, or person authorised in writing by a government department, in relation to the use of articles without the licence of the design rights owner for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) Sub-paragraph (1) shall not have effect to authorise the doing of anything in relation to a design right which is for foreign defence purposes or health service purposes within the meaning of section 240(3) and (4) of the Copyright, Designs and Patents Act 1988.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), section 240(5) to (7) and sections 241 to 243 shall have effect with any reference in those provisions to Crown use

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(1) 1949 c. 88.

(2) 1977 c. 37.

(3) 1988 c. 48.

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of a design right being construed as a reference to the use of a design right for the purposes of a visiting force or headquarters.