

SCHEDULE 2

TRANSITIONAL MODIFICATIONS OF THE REGISTERED DESIGNS ACT 1949 AS IT HAS EFFECT IN THE ISLE OF MAN

Transitional registrations

2.—(1) This paragraph applies to any registration under the 1949 Act which results from the determination of a pending application (within the meaning of paragraph 1 above).

(2) This 1949 Act as it has effect in the Isle of Man immediately before the coming into force of this Order shall continue to apply in relation to registrations to which this paragraph applies (“transitional registrations”) so far as that Act relates to the cancellation or invalidation of such registrations (other than cancellation by virtue of section 11(3) of that Act).

(3) Accordingly the modifications made by Schedule 1 to this Order shall, so far as they relate to the cancellation or invalidation of registrations, not apply in relation to transitional registrations.

(4) Those modifications shall otherwise (and subject to subparagraphs (5) to (9) and paragraph 5 of this Schedule) apply in relation to transitional registrations.

(5) In the application by virtue of subparagraph (4) of sections 7 and 7A of the 1949 Act (as substituted by Schedule 1 to this Order), the fact that transitional registrations are in respect of any articles, or sets of articles, shall be disregarded.

(6) Sections 3 to 3D of the 1949 Act (as substituted by Schedule 1 to this Order) shall not operate so as to determine the dates of registration of designs to which transitional registrations apply; and these dates shall be determined by reference to the 1949 Act as it has effect in the Isle of Man immediately before the coming into force of this Order.

(7) Where—

- (a) any such date of registration for the purposes of calculating the period for which the right in a registered design subsists, or any extension of that period, under section 8 of the 1949 Act is determined by virtue of section 14(2) of that Act; and
- (b) that date is earlier than the date which would otherwise have been the date of registration for those purposes;

the difference between the two dates shall be added to the first period of five years for which the right in the registered design is to subsist.

(8) Any reference in section 8 of the 1949 Act to a period of five years shall, in the case of any such period which is extended by virtue of paragraph (7), be treated as a reference to the extended period.

(9) The omission by this Order of the proviso to section 4(1) of the 1949 Act and of the reference to it in section 8 of that Act shall not apply to the right in a design to which a transitional registration applies.