
STATUTORY INSTRUMENTS

2001 No. 3949

The Registered Designs Regulations 2001

Other transitional provisions

14.—(1) Any licence which—

- (a) permits anything which would otherwise be an infringement under the Registered Designs Act 1949 of the right in a registered design or the copyright in a registered design; and
- (b) was granted by the registered proprietor of the design, or under section 10 or 11A of the Act of 1949, before the coming into force of these Regulations,

shall continue in force, with necessary modifications, on or after the making of these Regulations.

(2) In determining the effect of any such licence on or after the coming into force of these Regulations, regard shall be had to the purpose for which the licence was granted; and, in particular, a licence granted for the full term or extent of the right in a registered design or the copyright in a registered design shall be treated as applying, subject to its other terms and conditions, to the full term or extent of that right as extended by virtue of these Regulations.

(3) The right in a registered design conferred by virtue of these Regulations in relation to registrations to which Regulation 11, 12 or 13 applies shall not enable the registered proprietor to prevent any person from continuing to carry out acts begun by him before the coming into force of these Regulations and which, at that time, the registered proprietor or, in the case of registrations to which Regulation 11 applies, a registered proprietor would have been unable to prevent.

(4) The right in a registered design conferred by virtue of these Regulations in relation to registrations to which Regulation 12 or 13 applies shall, in particular, not apply in relation to infringements committed in relation to those registrations before the coming into force of these Regulations.

(5) The repeals by these Regulations in section 5 of the Registered Designs Act 1949 shall not apply in relation to any evidence filed in support of an application made before the coming into force of these Regulations.

(6) The amendments and repeals made by these Regulations in section 22 of the Act of 1949 (other than the amendment to the proviso in subsection (2) of that section) shall not apply in relation to any registration which has resulted from an application made before the coming into force of these Regulations.

(7) The amendment to the proviso in section 22(2) of the Act of 1949 shall not apply where—

- (a) the registration of the first-mentioned design resulted from an application made before the coming into force of these Regulations; and
- (b) the application for the registration of the other design was also made before the coming into force of these Regulations.

(8) The amendments and repeals made by these Regulations in section 35 of the Act of 1949 shall not apply in relation to any offences committed before the coming into force of these Regulations.

(9) The repeal by these Regulations of provisions in section 44 of the Act of 1949 which relate to the meaning of a set of articles shall not apply so far as those provisions are required for the purposes of paragraph 6(2)(a) of Schedule 1 to the Copyright, Designs and Patents Act 1988.

Status: Point in time view as at 09/12/2001.

Changes to legislation: There are currently no known outstanding effects for the The Registered Designs Regulations 2001, Section 14. (See end of Document for details)

(10) Any amendment or repeal by these Regulations of a provision in section 44 of the Act of 1949 or in any enactment other than the Act of 1949 shall not apply so far as that provision is required for the purposes of any other transitional provision made by these Regulations.

(11) The Act of 1949 as it has effect immediately before the coming into force of these Regulations shall continue to apply in relation to former registrations, whose registration resulted from an application made before the coming into force of these Regulations, so far as the Act relates to the cancellation or invalidation of such registrations.

(12) Paragraph (13) applies in relation to any registration to which Regulation 11, 12 or 13 applies which is in respect of any features of shape, configuration, pattern or ornament which do not fall within the new definition of “design” inserted into section 1 of the Act of 1949 by Regulation 2 of these Regulations.

(13) The Act of 1949 shall, so far as it applies in relation to any such registration, apply as if the features concerned were included within the new definition of “design” in that Act.

Commencement Information

II Reg. 14 in force at 9.12.2001, see [reg. 1\(1\)](#)

Status:

Point in time view as at 09/12/2001.

Changes to legislation:

There are currently no known outstanding effects for the The Registered Designs Regulations 2001, Section 14.