
STATUTORY INSTRUMENTS

2001 No. 3949

The Registered Designs Regulations 2001

Registration of designs: general

4. For section 3 of the Registered Designs Act 1949(1) (proceedings for registration) there shall be substituted—

“3 Applications for registration.

(1) An application for the registration of a design shall be made in the prescribed form and shall be filed at the Patent Office in the prescribed manner.

(2) An application for the registration of a design shall be made by the person claiming to be the proprietor of the design.

(3) An application for the registration of a design in which national unregistered design right subsists shall be made by the person claiming to be the design right owner.

(4) For the purpose of deciding whether, and to what extent, a design is new or has individual character, the registrar may make such searches (if any) as he thinks fit.

(5) An application for the registration of a design which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within such time as may be prescribed shall be deemed to be abandoned.

3A Determination of applications for registration.

(1) Subject as follows, the registrar shall not refuse an application for the registration of a design.

(2) If it appears to the registrar that an application for the registration of a design has not been made in accordance with any rules made under this Act, he may refuse the application.

(3) If it appears to the registrar that an application for the registration of a design has not been made in accordance with sections 3(2) and (3) and 14(1) of this Act, he shall refuse the application.

(4) If it appears to the registrar that any ground for refusal of registration mentioned in section 1A of this Act applies in relation to an application for the registration of a design, he shall refuse the application.

3B Modification of applications for registration.

(1) The registrar may, at any time before an application for the registration of a design is determined, permit the applicant to make such modifications of the application as the registrar thinks fit.

(2) Where an application for the registration of a design has been modified before it has been determined in such a way that the design has been altered significantly, the registrar may, for the purpose of deciding whether and to what extent the design is new or has

individual character, direct that the application shall be treated as having been made on the date on which it was so modified.

(3) Where—

- (a) an application for the registration of a design has disclosed more than one design and has been modified before it has been determined to exclude one or more designs from the application; and
- (b) a subsequent application for the registration of a design so excluded has, within such period (if any) as has been prescribed for such applications, been made by the person who made the earlier application or his successor in title,

the registrar may, for the purpose of deciding whether and to what extent the design is new or has individual character, direct that the subsequent application shall be treated as having been made on the date on which the earlier application was, or is treated as having been, made.

(4) Where an application for the registration of a design has been refused on any ground mentioned in section 1A(1)(b) or (c) of this Act, the application may be modified by the applicant if it appears to the registrar that—

- (a) the identity of the design is retained; and
- (b) the modifications have been made in accordance with any rules made under this Act.

(5) An application modified under subsection (4) above shall be treated as the original application and, in particular, as made on the date on which the original application was made or is treated as having been made.

(6) Any modification under this section may, in particular, be effected by making a partial disclaimer in relation to the application.

3C Date of registration of designs.

(1) Subject as follows, a design, when registered, shall be registered as of the date on which the application was made or is treated as having been made.

(2) Subsection (1) above shall not apply to an application which is treated as having been made on a particular date by section 14(2) of this Act or by virtue of the operation of section 3B(3) or (5) of this Act by reference to section 14(2) of this Act.

(3) A design, when registered, shall be registered as of—

- (a) in the case of an application which is treated as having been made on a particular date by section 14(2) of this Act, the date on which the application was made;
- (b) in the case of an application which is treated as having been made on a particular date by virtue of the operation of section 3B(3) of this Act by reference to section 14(2) of this Act, the date on which the earlier application was made;
- (c) in the case of an application which is treated as having been made on a particular date by virtue of the operation of section 3B(5) of this Act by reference to section 14(2) of this Act, the date on which the original application was made.

3D Appeals in relation to applications for registration.

3D. An appeal lies from any decision of the registrar under section 3A or 3B of this Act.”

Changes to legislation: *There are currently no known outstanding effects for the The Registered Designs Regulations 2001, Section 4. (See end of Document for details)*

.....

Commencement Information

II Reg. 4 in force at 9.12.2001, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Registered Designs Regulations 2001, Section 4.