

2001 No. 3951

DESIGNS

The Registered Designs (Fees) (Amendment) Rules 2001

<i>Made - - - - -</i>	<i>8th December 2001</i>
<i>Coming into force - -</i>	<i>9th December 2001</i>
<i>Laid before Parliament</i>	<i>10th December 2001</i>

The Secretary of State, in exercise of powers conferred upon her by sections 36, 40 and 44(1) of the Registered Designs Act 1949(a), of the power conferred upon her by the Department of Trade and Industry (Fees) Order 1988(b), and of all other powers enabling her in that behalf, after consultation with the Council on Tribunals pursuant to section 8(1) of the Tribunals and Inquiries Act 1992(c), and with the consent of the Treasury pursuant to the said section 40, hereby makes the following Rules:—

1. These Rules may be cited as the Registered Designs (Fees) (Amendment) Rules 2001 and shall come into force on 9th December 2001.

2.—(1) The Schedule to the Registered Designs (Fees) Rules 1998(d) shall be amended as set out in paragraphs (2) and (3) of this rule.

(2) For the words from “2A”, where it first appears in the first column of the Schedule, to “90” in the third column of the Schedule there shall be substituted—

“2A	On application to register one design not falling within the next item	60
2A	On application to register one design intended to be applied to, or incorporated in, a product made substantially of lace or, where the design consists substantially of checks or stripes, a textile product	35”.

(3) For the words from “19A” in the first column of the Schedule to “50” the second time that it appears in the third column of the Schedule there shall be substituted—

“19A	On request by proprietor of design to cancel registration	—
	On application for cancellation of the registration other than by proprietor of the design or for a declaration of invalidity	50”.

Melanie Johnson,
Parliamentary Under-Secretary of State
for Competition, Consumers and Markets
Department of Trade and Industry

8th December 2001

(a) 1949 c. 88; section 36(1A) of the 1949 Act was inserted by, and sections 36(1), 40 and 44(1) were amended by the Copyright, Designs and Patents Act 1988 (c. 48), section 272 and Schedule 3, paragraphs 26, 30 and 31 and sections 36(1A) and 44(1) of that Act were further amended by the Registered Designs Regulations 2001 (S.I. 2001/3949), Schedule 1, paragraphs 11 and 14 and Schedule 2.
(b) S.I. 1988/93; relevant amending instrument is S.I. 1990/1473.
(c) 1992 c. 53.
(d) S.I. 1998/1777.

We consent to the making of these Rules.

*Nick Ainger
Anne McGuire*

Two of the Lords Commissioners of
Her Majesty's Treasury

6th December 2001

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Registered Designs (Fees) Rules 1998 (S.I. 1998/1777) consequent upon amendments made to the Registered Designs Act 1949 (1949 c. 88) and the Registered Designs Rules 1995 (S.I. 1995/2912 as amended by S.I. 1999/3196) in order to implement Directive 98/71/EC of the European Parliament and of the Council of 13th October 1998 on the legal protection of designs (O.J. No. L289, 28.10.98, p. 28).

In particular:

- (a) designs are presently registered in respect of a specified article or set of articles but in future designs will be registered without such specification. These Rules therefore amend the provisions for fees in respect of applications for registration of designs by omitting the provision requiring a fee for an application for registration of a design to be applied to a set of articles and by omitting references to designs applied to a single article in the remaining such provisions. There is no change in the fees payable under these remaining provisions;
- (b) in future, compulsory licences and licences of right will not be granted. These Rules therefore omit the provisions for fees in respect of the grant of compulsory licences and settlement of the terms of licences of right. They also amend the references to cancellation of registration to correspond to amendments being made to the Registered Designs Rules 1995 in respect of cancellation. The fees payable in future for applications for cancellation or invalidation of registration will be the same as the fees now payable for cancellation.

A regulatory impact assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies of the assessment are also available from the Intellectual Property Policy Directorate of the Patent Office, Room 3B38, Concept House, Cardiff Road, Newport NP10 8QQ.

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