
STATUTORY INSTRUMENTS

2006 No. 1974

The Regulatory Reform (Registered Designs) Order 2006

Substantive examination for novelty

7.—(1) Section 11ZA (grounds for invalidity of registration) shall be amended as follows.

(2) In subsection (1), for “on any of the grounds mentioned in section 1A of this Act.” there shall be substituted—

- “(a) on the ground that it does not fulfil the requirements of section 1(2) of this Act;
- (b) on the ground that it does not fulfil the requirements of sections 1B to 1D of this Act; or
- (c) where any ground of refusal mentioned in Schedule A1 to this Act applies.”.

(3) After subsection (1), there shall be inserted—

“(1A) The registration of a design (“the later design”) may be declared invalid if it is not new or does not have individual character when compared to a design which—

- (a) has been made available to the public on or after the relevant date; but
- (b) is protected as from a date prior to the relevant date by virtue of registration under this Act or the Community Design Regulation or an application for such registration.

(1B) In subsection (1A) “the relevant date” means the date on which the application for the registration of the later design was made or is treated by virtue of section 3B(2), (3) or (5) or 14(2) of this Act as having been made.”.