
STATUTORY INSTRUMENTS

2006 No. 1975

The Registered Designs Rules 2006

PART 2

APPLICATIONS FOR REGISTRATION

Examination of application, representations for publication and time limits

Substantive and formal examination of application

8.—(1) Where it appears to the registrar that he should refuse to register a design included in an application—

- (a) by reason of the application for the registration of that design not being made in accordance with any of these Rules, other than rule 9(2) (see section 3A(2)); or
- (b) by reason of section 3A(3) or (4),

he shall notify the applicant accordingly.

(2) The notification shall include a statement of why it appears to the registrar that he should refuse to register the design (for the purposes of this rule the “statement of objections”).

(3) The applicant may, before the end of the period of 2 months beginning with the date of the notification, send his written observations on the statement of objections to the registrar.

(4) The registrar shall give the applicant an opportunity to be heard.

(5) Where the registrar refuses to register a design included in an application, he shall send to the applicant the written reasons for his decision.

(6) The date on which the written reasons were sent to the applicant shall be deemed to be the date of the decision for the purposes of any appeal.

Representation of design for publication

9.—(1) Where the registrar decides that he should not refuse to register the design for the reasons mentioned in rule 8(1)(a) or (b) and—

- (a) no representation of the design has been filed; or
- (b) a representation has been filed but it is not suitable for publication,

the registrar shall direct the applicant to provide a suitable representation.

(2) Where a direction is given, the applicant shall, before the end of the period of 3 months beginning with the date of the direction, file a suitable representation (otherwise the registrar may refuse to register the design: see section 3A(2)).

(3) Where a suitable representation has been filed, the applicant shall file his consent for its publication on Form DF2C.

(4) But paragraph (3) shall not apply where the applicant consented to publication in accordance with rule 4(3).

(5) In this rule “suitable representation” means a representation of the design which is suitable for publication.

Time limits under section 3(5) and section 3B

10.—(1) The time prescribed for the purposes of section 3(5) shall be 12 months beginning with the date on which the application for registration of the design was made or treated as made (disregarding section 14).

(2) The period prescribed for the purposes of section 3B(3) shall be the period of 2 months beginning with the date on which the earlier application was modified under section 3B(3).