

**1990 No. 1400 (C.42)**  
**DESIGNS**  
**PATENTS**  
**TRADE MARKS**

The Copyright, Designs and Patents Act 1988 (Commencement No. 5) Order 1990

*Made*

*10th July 1990*

The Secretary of State, in exercise of the powers conferred upon him by section 305(3) of the Copyright, Designs and Patents Act 1988<sup>1</sup>, hereby makes the following Order:

**1.** This Order may be cited as the Copyright, Designs and Patents Act 1988 (Commencement No. 5) Order 1990.

**2.** The following provisions of the Copyright, Designs and Patents Act 1988 shall come into force on 13th August 1990—

- (a) in Part IV (registered designs)—  
section 272 in so far as it relates to paragraph 21 of Schedule 3, and section 273;
- (b) Part V (patent agents and trade mark agents) save in so far as article 3 below otherwise provides;
- (c) in Part VI (patents)—  
section 295 in so far as it relates to paragraph 27 of Schedule 5;
- (d) in Part VII (miscellaneous and general)—  
section 303(1) in so far as it relates to paragraphs 15, 18(2) and 21 of Schedule 7, and  
section 303(2) in so far as it relates to the references in Schedule 8 to—section 32 of the  
Registered Designs Act 1949<sup>2</sup>, and sections 84, 85, 104, the words “within the meaning  
of section 104 above” in section 105, sections 114 and 115, section 123(2)(k), and the  
definition of “patent agent” in section 130(1), of the Patents Act 1977<sup>3</sup>;
- (e) in Schedule 3 (minor and consequential amendments to the Registered Designs Act 1949)  
paragraph 21;
- (f) Schedule 4;
- (g) in Schedule 5 (patents: miscellaneous amendments), paragraph 27;
- (h) in Schedule 7 (consequential amendments), paragraphs 15, 18(2) and 21;
- (i) in Schedule 8 (repeals) the references to—  
section 32 of the Registered Designs Act 1949, and sections 84, 85, 104, the words “within the  
meaning of section 104 above” in section 105, sections 114 and 115, section 123(2)(k),  
and the definition of “patent agent” in section 130(1), of the Patents Act 1977.

**3.** For the purpose only of making rules expressed to come into force on or after 13th August 1990, any provision of Part V of the Copyright, Designs and Patents Act 1988 conferring power to make rules shall come into force forthwith.

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<sup>1</sup>1988 c.48.

<sup>2</sup>1949 c.88.

<sup>3</sup>1977 c.37.



*Douglas Hogg*  
Minister of State,  
Department of Trade and Industry

10th July 1990

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The majority of the provisions of the Copyright, Designs and Patents Act 1988 (the 1988 Act) were brought into force on 1st August 1989 by the Copyright, Designs and Patents Act 1988 (Commencement No. 1) Order 1989 (S.I. 1989/816 (C.21)), as amended by S.I. 1989/1303 (C.45) (the Commencement No. 4 Order).

Article 2 of this Order brings into force on 13th August 1990 the provisions of the 1988 Act relating to patent agents and trade mark agents (Part V) and certain miscellaneous and consequential amendments relating to provisions in the Patents Act 1977 and the Registered Designs Act 1949 on patent agents, their registration under the Patents Act 1977 and their recognition by the Comptroller-General of Patents, Designs and Trade Marks. This Order also brings into force Schedule 4 which contains the text of the Registered Designs Act 1949 as amended by the 1988 Act.

Article 3 brings into force forthwith any provision of Part V of the 1988 Act conferring power to make rules, for the purpose only of making rules thereunder expressed to come into force on or after 13th August 1990.

There remains to be brought into force certain of the provisions which amend the Patents Act 1949 (c.87) and the Patents Act 1977 (paragraphs 1 to 11, 17 to 23, 25, 26, 28 and 30 of Schedule 5 and parts of or part of the effect of sections 295 and 303(2) and Schedule 8).