
STATUTORY INSTRUMENTS

2001 No. 3950

DESIGNS

The Registered Designs (Amendment) Rules 2001

Made - - - - *8th December 2001*

Laid before Parliament *10th December 2001*

Coming into force - - *9th December 2001*

The Secretary of State, in exercise of the powers conferred upon her by sections 3(1) and (5), 3B(3), 5(2), 11, 18(1), 22(2), 30(1), 36(1) and (1A), 39(1) and 44(1) of the Registered Designs Act 1949⁽¹⁾ and after consultation with the Council on Tribunals pursuant to section 8(1) of the Tribunals and Inquiries Act 1992⁽²⁾, hereby makes the following Rules—

Citation and commencement

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

Amendment of the Registered Designs Rules 1995

2. The Registered Designs Rules 1995⁽³⁾ shall be amended as follows.

3. In rule 2 (interpretation), for the definitions of “specimen” and “textile article” there shall be substituted—

““specimen” means a product to which a design is applied or in which it is incorporated;

“textile product” means textile and plastics piece goods, handkerchiefs, shawls and such other classes of products of a similar character as the registrar may from time to time decide; but does not include wallpaper and similar wall covering or lace goods;”

4. Rule 13 shall be omitted.

5. For rule 14 there shall be substituted—

(1) 1949 c. 88; sections 30(1) and 36(1A) of the 1949 Act were inserted by, and sections 3(5), 5(2), 22(2), 36(1) and 44(1) of that Act were amended by, the Copyright, Designs and Patents Act 1988 (c. 48), section 272 and Schedule 3, paragraphs 1, 3, 12, 19, 26 and 31; section 3B(3) was inserted by, and sections 3(1) and (5), 5(2), 11, 22(2), 36(1A) and 44 (1) were amended by, the Registered Designs Regulations 2001 (S.I. 2001/3949), regulations 4 and 7, Schedule 1, paragraphs 7, 11 and 14 and Schedule 2.

(2) 1992 c. 53.

(3) S.I. 1995/2912 as amended by S.I. 1999/3196.

“Product to which design is intended to be applied or in which it is intended to be incorporated

14.—(1) Every application shall specify the product to which the design is intended to be applied or in which it is intended to be incorporated.

(2) If any question arises as to whether—

- (a) a design is intended to be applied to, or incorporated in, textile products, wallpaper or similar wall covering or lace; or
- (b) a product to which a design is intended to be applied or in which it is intended to be incorporated is made substantially of lace; or
- (c) a design intended to be applied to, or incorporated in, a textile product consists substantially of checks or stripes,

it shall be decided by the registrar.

(3) Nothing in paragraph (1) of this rule shall be taken to limit the scope of protection conferred by registration of a design.”

6.—(1) Rule 15 shall be amended as follows.

(2) For the heading there shall be substituted “Partial disclaimers in relation to applications”.

(3) For paragraph (1) there shall be substituted—

“(1) An application may be accompanied by a partial disclaimer, in a form satisfactory to the registrar, indicating that the design is the appearance of a part only of a product or limiting the scope or extent of protection of the design to be conferred by registration.”

(4) In paragraph (2), for the word “statement”, where it first appears, there shall be substituted “disclaimer” and the words “and it shall be separate from any other statement or disclaimer” shall be omitted.

7. Rule 16 shall be omitted.

8. In rule 17, the words from the beginning to “articles,” shall be omitted.

9. After rule 17 there shall be inserted—

“Descriptions explaining representations

17A. A brief description explaining the representations may appear on the front of the first sheet only of each representation or specimen (except where the registrar is satisfied that this is impracticable in which case it shall appear in a place and in a form satisfactory to the registrar) but any such description shall not be taken to limit the scope of protection conferred by registration of a design.”

10. Rule 18 shall be omitted.

11. In rule 19, the words “, whether to be applied to a single article or to a set of articles,” shall be omitted.

12. Rules 22 and 24 to 26 shall be omitted.

13. In rule 32, the words from “provided always that” to the end of the rule shall be omitted.

14. Rules 34 and 35 shall be omitted.

15. In rule 36—

- (a) for the words “section 3(6)” there shall be substituted “section 3(5)”; and
- (b) for the words “rule 34 above” there shall be substituted “section 3B(3).”

16. After rule 36 there shall be inserted—

“MODIFICATION OF APPLICATIONS FOR REGISTRATION

Period prescribed for the purposes of section 3B(3)

36A. The period prescribed for the purposes of section 3B(3), which relates to the making of a subsequent application for the registration of a design excluded from an earlier application, shall be the shorter of—

- (1) the period prescribed by rule 36 above for the completion of the earlier application (including any extension of time allowed under the said rule 36); and
- (2) the period starting with the making of the earlier application and ending on the date on which the certificate of registration of the design which is the subject of the earlier application (as amended) is granted.”

17. The heading above rules 52 to 57 shall be amended as follows—

- (a) for the words “Compulsory Licence under Section 10 or Cancellation” there shall be substituted “Invalidation”; and
- (b) for the words “Section 11(2) or (3)” there shall be substituted “Section 11ZB”.

18. Paragraph (1) of rule 52 shall be amended as follows—

- (a) for the words “the grant of a compulsory licence under section 10 or for the cancellation” there shall be substituted “the invalidation”; and
- (b) for the words “section 11(2) or (3)” there shall be substituted “section 11ZB”.

19. In the heading above rule 58, for the words “Section 11(1)” there shall be substituted “Section 11”.

20. Rule 59 shall be omitted.

21. In paragraph (2) of rule 60, for the words “the grant of a compulsory licence or for the cancellation” there shall be substituted “the invalidation”.

22. In rule 68, the words “and any such evidence as is mentioned in section 5(2)(b)” shall be omitted.

23. Rule 69 shall be amended as follows—

- (a) for the words “to be applied to textile articles” there shall be substituted “intended to be applied to, or incorporated in, textile products”; and
- (b) for the words “to be applied to”, in the second place where they appear, there shall be substituted “intended to be applied to, or incorporated in”.

24. Rule 71 shall be amended as follows—

- (a) for the words “ an article” there shall be substituted “, or incorporated in, a product”; and
- (b) for the words from “as applied to that article” to “applied to that or any other article” there shall be substituted “appears to produce on the informed user the same overall impression as any registered design”.

25.—(1) Rule 76 shall be amended as follows.

(2) In paragraph (3), for the words from “of time” to “section 6(2)” there shall be substituted “prescribed by rule 36A above”.

(3) In paragraph (4)—

- (a) in sub-paragraph (b), the words “6(2) or” shall be omitted; and
- (b) in sub-paragraphs (c) and (ii) for the words from “of time” to “rule 34(1)(b) above” there shall be substituted “prescribed by rule 36A above”.

26. Designs Forms 2A, 19A and 21 in Schedule 1 are replaced by Designs Forms 2A, 19A and 21 in the Schedule to these Rules.

Transitional provisions

27. The amendments, revocations and insertions made by rules 3 to 12, 14 to 16 and 25 of these Rules and the substitution of a new Designs Form 2A made by rule 26 of these Rules shall not apply in relation to any applications for registration under the Registered Designs Act 1949 which have been made but not finally determined before the coming into force of these Rules (“pending applications”).

- 28.—**(1) This rule applies to any registration under the Registered Designs Act 1949 which—
- (a) results from the determination of a pending application (within the meaning of rule 27) (“transitional registration”); or
 - (b) has resulted from an application made before the coming into force of these Rules which has given rise to a right in a registered design which is in force at the coming into force of these Rules (“existing registration”) including—
 - (i) any registration which has ceased to fall within sub-paragraph (a) of paragraph (1) of rule 29 below because the right in the registered design has been treated or restored as mentioned in sub-paragraph (ii) of that sub-paragraph; and
 - (ii) any registration which has ceased to fall within sub-paragraph (b) of paragraph (1) of rule 29 below because the copyright in the registered design has come back into force by virtue of an extension of the period of copyright under section 8(2) of the Registered Designs Act 1949 as amended by regulation 13(8) of the Registered Designs Regulations 2001(4).

(2) Subject to paragraph (3), the amendments and revocations made by rules 3, 13 to 14, 17 to 19, 21 and 23 of these Rules and the substitution of a new Designs Form 19A made by rule 26 of these Rules shall not apply in relation to transitional or existing registrations.

(3) The amendments, revocations and substitution mentioned in paragraph (2) above shall apply in relation to transitional and existing registrations in so far as such amendments, revocations and substitution relate to applications for the grant of a compulsory licence under section 10 of the Registered Designs Act 1949 or for cancellation of the registration of a design under section 11(3) of that Act (in each case as that Act has effect immediately before the coming into force of the Registered Designs Regulations 2001) unless such cancellation is by reference to an expiry of copyright occurring before the coming into force of these Rules.

- 29.—**(1) This rule applies to—
- (a) any registration under the Registered Designs Act 1949 which—
 - (i) has resulted from an application made on or after 1st August 1989 and before the coming into force of these Rules; and
 - (ii) has given rise to a right in a registered design which is not in force at the coming into force of these Rules but which is capable of being treated as never having ceased to be in force by virtue of section 8(4) of the Registered Designs Act 1949 or of being restored by virtue of sections 8A and 8B of that Act;

- (b) any registration under the Registered Designs Act 1949 which—
 - (i) has resulted from an application made before 1st August 1989; and
 - (ii) has given rise to a copyright in a registered design which is not in force at the coming into force of these Rules but which would be capable of coming back into force by virtue of an extension of the period of copyright under section 8(2) of the Registered Designs Act 1949 if that provision were amended as set out in regulation 13(8) of the Registered Designs Regulations 2001; and
- (c) any former registration under the Registered Designs Act 1949 which resulted from an application made before the coming into force of these Rules.

(2) The amendments and revocations made by rules 14, 17 to 19 and 21 of these Rules and the substitution of a new Designs Form 19A made by rule 26 of these Rules shall not apply in relation to lapsed and former registrations as mentioned in paragraph (1) so far as the amendments and revocations relate to the cancellation or invalidation of any such registration (other than cancellation by virtue of section 11(3) of the Registered Designs Act 1949 as it has effect immediately before the coming into force of the Registered Designs Regulations 2001 unless such cancellation is by reference to an expiry of copyright occurring before the coming into force of these Rules).

30. The revocation made by rule 22 of these Rules shall not apply in relation to any evidence filed in support of an application made before the coming into force of these Rules.

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

8th December 2001

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SCHEDULE

Rule 26

Designs Form 2A

Registered Designs Act 1949
(Rules 6, 12 and 14)



2A

The Patent Office
Designs Registry

Cardiff Road
Newport
South Wales
NP10 8QQ

**Application for registration
of a design**

(See the notes on the back of this form)

1. Your reference

2. Full name, address and postcode of the or
of each applicant
*(Names of individuals including all partners in a firm
must be given in full. Underline the surname or family
name. For a corporate body give its company name.)*

Designs ADP number *(if you know it)*

If the applicant is a corporate body, give
country/state of incorporation

3. Name of agent *(if you have one)*

"Address for Service" in the United Kingdom to
which all correspondence should be sent
(including the postcode)

Designs ADP number *(if you know it)*

4. Name the particular product(s) to which the design
is intended to be applied, or in which it is intended
to be incorporated
*(The listing of a product(s) shall not be taken to limit the scope of
protection conferred by registration of the design.)*

Write the fee code T or O *(see note (e))*

5. Declaration of priority:
(if any)

Country

Date of filing
(day / month / year)

Give the Convention country and filing date of
any previous application made abroad from
which priority is claimed under section 14

6. If 5 above applies, and the previous
application was not made in the name (s) given
at part 2, give details of the instrument *(for
example, deed of assignment)* which gives the
applicant the right to apply for registration.
Include appropriate name (s) and date (s).

*(If this information is not given at the time this form
is filed you must supply it before the design is
registered.)*

Designs Form 2A

Designs Form 2A

7. Divisional application: Give the number and filing date of any relevant earlier application whose filing date is claimed under section 3B(3)	Number	Date of filing <i>(day / month / year)</i>
<hr/>		
8. Declaration	I/We apply to register the design shown in the accompanying representations or specimens. I/We declare that the applicant(s) claim(s) to be the owner(s) of the design and to be the owner of any design right that exists in this design and that the owner believes that the design is new and has individual character subject to any partial disclaimer accompanying the application. I/We also declare in respect of any entry at part 5 above that the application made in the convention country upon which the applicant relies is the first application made for registration of the design in a convention country.	
	Signature(s)	Date
<hr/>		
9. Name and daytime telephone number of person to contact in the United Kingdom		
<hr/>		
10. Checklist		
Make sure you have enclosed:		
<ul style="list-style-type: none"> • representations or specimens of the design <i>(See note (c))</i> • any continuation sheets <i>(See note (d))</i> • the relevant fee <i>(See note (e))</i> 		

Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *This form should be accompanied by two identical sets of representations (for example, drawings or photographs) or specimens of the design. A partial disclaimer, if appropriate, indicating that the design is the appearance of only part of the product for which protection is sought or limiting the scope or extent of the protection sought may appear on each representation or specimen. In the case of representations or specimens which consist of more than one sheet, the partial disclaimer need only appear on the first sheet. If it is impracticable for the partial disclaimer to appear on a specimen, it may be given on a separate sheet. Specimens may sometimes need to be replaced by representations. A brief description explaining the representations may appear on the front of the first sheet only of each representation or specimen. Any such description shall not be taken to limit the scope of protection conferred by registration of a design.*
- d) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part. Any continuation sheet should be attached to this form.*
- e) *A different fee is payable if the application relates to a design which is intended to be applied to, or incorporated in, a lace product or a textile product where the design consists mainly of checks and stripes (fee code T).

Otherwise the normal fee is payable (fee code O).

For details of the fees and ways to pay please contact the Designs Registry of the Patent Office.*
- f) *Once you have filled in the form you must remember to sign and date it.*

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Designs Form 19A

Registered Designs Act 1949
(Rules 52 and 58)



19A

The Patent Office
Designs Registry

Cardiff Road
Newport
South Wales
NP10 8QQ

**Application for invalidation or
cancellation of registration**

(See the notes on the back of this form)

1. Your reference

2. Registered design number

3. Full name of the or of each registered
proprietor

Designs ADP number *(if you know it)*

4. Full name, address and postcode of person
making the application or request on this form
(Leave blank if this is the same as given at part 3)

5. Name of your agent *(if you have one)*

"Address for service" in the United Kingdom
to which all correspondence should be sent
(including the postcode)

Designs ADP number *(if you know it)*

6. Explain the nature of your application

Write the fee code A or B
(See notes (c) and (f))

7.

Signature

Date

8. Name and daytime telephone number of
person to contact in the United Kingdom

Designs Form 19A

Designs Form 19A

Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *You can use this form to apply for:*
 - i) *invalidation of the registration of a design which you do not own (fee code A).*

For i) you must send a statement setting out the grounds for invalidity of registration, the reason why you are able to raise those grounds (if appropriate) and any facts on which you rely.
 - ii) *cancellation of the registration of a design which you do own (fee code B).*
- d) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part. Any continuation sheet should be attached to this form.*
- e) *Where (c) i) applies, you must send two copies of this form and of the required statement.*
- f) *For details of the fees and ways to pay please contact the Designs Registry of the Patent Office.*
- g) *Once you have filled in the form you must remember to sign and date it.*

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Designs Form 21

Registered Designs Act 1949
(Rule 71)



21

**The Patent Office
Designs Registry**

Cardiff Road
Newport
South Wales
NP10 8QQ

**Request for search among
registered designs**

(See the notes on the back of this form)

1. Your reference

2. Full name, address and postcode to which the
result of the search is to be sent

Designs ADP number *(if you know it)*

3. Give the name of a product(s) to or in which the
design shown in the attached representations
(or specimens) has been applied or incorporated
(or could reasonably be applied or incorporated)
(See note (d))

4. Please tell me whether or not the design referred to in part 3
appears to give the same overall impression as any registered
design. Please send me a copy of the representation(s) of any
such registered design and details of its entry in the register.

Signature

Date

5. Name and daytime telephone number of
person to contact in the United Kingdom

Designs Form 21

Designs Form 21

Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *You can only use this form to request a search for a single design.*
- d) *Send the following with this form.*
 - *two representations or specimens of the design; and*
 - *the fee*
- e) *For details of the fee and ways to pay please contact the Designs Registry of the Patent Office.*
- f) *Once you have filled in the form you must remember to sign and date it.*

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Registered Designs Rules 1995 (S.I. 1995/2912 as amended by S.I. 1999/3196), consequent upon amendments made to the Registered Designs Act 1949 (c. 88) (“the 1949 Act”) by the Registered Designs Regulations 2001 (S.I. 2001/3949). Those regulations 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, these Rules make the following changes to the Registered Designs Rules 1995—

- (a) they amend rules 2, 14, 17, 19, 69 and 71, revoke rules 13, 16 and 18 and insert a new rule 17A in order to change references to designs applied to articles to designs applied to, or incorporated in, products; to omit references to a single article and to a set of articles; and to reflect the new requirements of the 1949 Act for registration of a design;
- (b) they amend rule 14 to provide for an application for registration of a design to specify the product to or in which the design is intended to be applied or incorporated rather than stating the article to which the design is to be applied since the protection conferred by registration will no longer be restricted to a specified article or set of articles;
- (c) they amend rule 15 to provide for partial disclaimers limiting the scope or extent of protection to be conferred by registration in place of statements of novelty;
- (d) they revoke rules 22 and 24 to 26 which provide for disclaimers, limitations and exclusions in relation to the registration of designs which are no longer applicable;
- (e) they amend rule 32 to omit reference to a limitation on the duration of a right in a registered design which will no longer apply;
- (f) they revoke rules 34 and 35 and insert a new rule 36A to reflect amendments to the 1949 Act affecting the assessment of novelty;
- (g) they amend rules 52 and 60 and revoke rule 59 to omit references to compulsory licences and licences of right which are no longer available and to reflect new provisions in the 1949 Act for cancellation and invalidation of registrations;
- (h) they amend rule 68 to omit reference to evidence which will no longer be filed in support of applications for registration; and
- (i) they amend rules 36 and 76 and provide for new Designs Forms 2A, 19A and 21 consequent upon these amendments.

The remaining rules are unchanged.

Rules 27 to 30 make transitional provisions for applications and registrations already existing when these Rules come into force and for lapsed and former registrations at that time so far as the Registered Designs Rules 1995 apply to them.

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, Concept House, Cardiff Road, Newport NP10 8QQ.