

This statutory instrument corrects errors in the Intellectual Property Act 2014 and is being issued free of charge to all known recipients of that Act.

S T A T U T O R Y I N S T R U M E N T S

2014 No. 2329

INTELLECTUAL PROPERTY

**The Intellectual Property Act 2014 (Amendment) Regulations
2014**

<i>Made</i>	- - - -	<i>28th August 2014</i>
<i>Laid before Parliament</i>		<i>3rd September 2014</i>
<i>Coming into force</i>	- -	<i>29th September 2014</i>

The Secretary of State is a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to intellectual property (including both registered and unregistered rights).

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Intellectual Property Act 2014 (Amendment) Regulations 2014 and come into force on 29th September 2014.

Interpretation

2. In these Regulations “the Act” means the Intellectual Property Act 2014^(c).

Amendment to section 13 of the Act: new section 35ZD (forfeiture in Scotland)

3.—(1) In section 13 of the Act (which inserts new sections 35ZA to 35ZD into the Registered Designs Act 1949^(d)) in subsection (4) of section 35ZD of the Registered Designs Act 1949 (cases where court may infer offence has been committed) after “articles” insert “if it is satisfied that such an offence has been committed in relation to products or articles”.

(2) In subsection (5) of section 35ZD of the Registered Designs Act 1949 (duty of procurator fiscal to give notice of application for forfeiture to owner etc of products or articles) for “an application under this section relates is entitled” substitute “the application relates a copy of the application, together with a notice giving the person the opportunity”.

(a) SI 2006/608.

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part 1 of the Schedule.

(c) 2014 c.18.

(d) 1949 c.88.

28th August 2014

Baroness Neville-Rolfe
Parliamentary Under Secretary of State for Business, Innovation and Skills
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 13 of the Intellectual Property Act 2014 (“the Act”), which inserts new sections 35ZA to 35ZD into the Registered Designs Act 1949 (“RDA”). Section 13 of the Act makes the intentional copying of a UK or EU registered design in the course of business a criminal offence (new section 35ZA of the RDA). New section 35ZC of the RDA relates to forfeiture powers in England, Wales and Northern Ireland; whilst new section 35ZD deals with forfeiture powers in Scotland. The amendments relating to new section 35ZD correct errors in the wording of the Act.

The provision of criminal sanctions relates to the general obligation at Article 3(1) of the Intellectual Property Enforcement Directive 2004/48/EC for Member States to provide for the effective enforcement of intellectual property rights.

An impact assessment has not been produced for this instrument as it has a negligible effect on business.

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