

# United Kingdom Designs Protection Ordinance

*Commencement: 6th April 1937*

## LAWS OF TUVALU REVISED EDITION 1978

### CHAPTER 62

#### UNITED KINGDOM DESIGNS PROTECTION

##### ARRANGEMENT OF SECTIONS

###### Section

- [1.](#) Short title
2. Protection of designs registered in United Kingdom
3. Protection of innocent infringer
4. Power for High Court to declare that exclusive privileges have not been acquired

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#### **An Ordinance to provide for the protection of designs registered in the United Kingdom**

*2 of 1937  
(Cap. 65 of 1952)  
13 of 1972  
(Cap. 62 of 1973)*

*Commencement: 6th April 1937*

###### **Short title**

1. This Ordinance may be cited as the [United Kingdom Designs Protection Ordinance](#).

###### **Protection in Tuvalu of designs registered in United Kingdom**

2. Subject to the provisions of this Ordinance, the registered proprietor of any design registered in the United Kingdom under the Registered Designs Acts 1949 to 1961 or any Act amending or substituted for those Acts, shall enjoy in Tuvalu the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to Tuvalu.

###### **Protection of innocent infringer**

3. The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that,

at the date of the infringement, he was not aware, nor had any reasonable means of making himself aware, of the existence of the registration of the design and a person shall not be deemed to have been aware or to have had reasonable grounds for supposing as aforesaid by reason only of the marking of an article with the word "registered" or any abbreviation thereof, or any word or words expressing or implying that the design applied to the article has been registered, unless the number of the design accompanied the word or words or the abbreviation in question:

Provided that nothing in this section shall affect any proceedings for an injunction.

**Power for High Court to declare that exclusive privileges have not been acquired**

4. The High Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected, to declare, upon any grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom, that exclusive privileges and rights in a design have not been acquired in Tuvalu under the provisions of this Ordinance; and such grounds shall be deemed to include the publication of the design in Tuvalu prior to the date of registration of the design in the United Kingdom.

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