



# Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

## *Supplemental*

### **39 Hours of business and excluded days.**

- (1) [<sup>F1</sup>The registrar may give directions specifying] the hour at which the Patent Office shall be deemed to be closed on any day for purposes of the transaction by the public of business under this Act or of any class of such business, [<sup>F2</sup>and specifying] days as excluded days for any such purposes.
- (2) Any business done under this Act on any day after the hour specified as aforesaid in relation to business of that class, or on a day which is an excluded day in relation to business of that class, shall be deemed to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.

#### **Textual Amendments**

- F1** Words in s. 39(1) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 12(4)(a)**, 24(1) (with [s. 12\(8\)](#)); [S.I. 2014/2330](#), [art. 3](#), [Sch.](#)
- F2** Words in s. 39(1) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 12(4)(b)**, 24(1) (with [s. 12\(8\)](#)); [S.I. 2014/2330](#), [art. 3](#), [Sch.](#)

### **40 Fees.**

There shall be paid in respect of the registration of designs and applications therefor, and in respect of other matters relating to designs arising under this Act, such fees as may be prescribed by rules made by [<sup>F3</sup>the Secretary of State] with the consent of the Treasury.

#### **Subordinate Legislation Made**

- P1** S. 40: s. 36 (with [ss. 40 and 44\(1\)](#)) power exercised by [S.I. 1991/1628](#)

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**P2** S. 40: for previous exercises of this power see Index to Government Orders.

**Textual Amendments**

**F3** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 30**

**41 Service of notices, etc., by post.**

Any notice required or authorised to be given by or under this Act, and any application or other document so authorised or required to be made or filed, may be given, made or filed by post.

**42 Annual report of registrar.**

The Comptroller—General of Patents, Designs and Trade Marks shall, in his annual report with respect to the execution of [<sup>F4</sup>the <sup>M1</sup>Patents Act 1977], include a report with respect to the execution of this Act as if it formed a part of or was included in that Act.

**Textual Amendments**

**F4** Words substituted by [Patents Act 1977 \(c. 37\)](#), **Sch. 5 para. 3**

**Marginal Citations**

**M1** [1977 c. 37](#).

**43 Savings.**

<sup>F5</sup>(1) . . . . .

(2) Nothing in this Act shall affect the right of the Crown or of any person deriving title directly or indirectly from the Crown to sell or use [<sup>F6</sup>products] forfeited under the laws relating to customs or excise.

**Textual Amendments**

**F5** S. 43(1) repealed (9.12.2001) by [S.I. 2001/3949, reg. 9\(2\)](#), **Sch. 2** (with transitional provisions in [regs. 10-14](#))

**F6** Word in s. 43(2) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), **Sch. 1 para. 13** (with transitional provisions in [regs. 10-14](#))

**44 Interpretation.**

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned by them, that is to say

- <sup>F7</sup> . . .
- <sup>F8</sup> . . .
- <sup>F8</sup> . . .

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“assignee” includes the personal representative of a deceased assignee, and references to the assignee of any person include references to the assignee of the personal representative or assignee of that person;

[<sup>F9</sup> “ author ” in relation to a design, has the meaning given by section 2(3) and (4); ]

<sup>F10</sup>  
...

<sup>F8</sup>  
...

[<sup>F11</sup> “ the court ” shall be construed in accordance with section 27 of this Act; ]

<sup>F12</sup>  
...

[<sup>F13</sup> “ complex product ” has the meaning assigned to it by section 1(3) of this Act;]

“ design ” has the meaning assigned to it by [<sup>F14</sup> [<sup>F15</sup> section 1(2) ] of this Act;]

[<sup>F16</sup> “ electronic communication ” has the same meaning as in the Electronic Communications Act 2000;]

[<sup>F17</sup> “ employee ”, “ employment ”, and “ employer ” refer to employment under a contract of service or of apprenticeship, ]

[<sup>F13</sup> “ national unregistered design right ” means design right within the meaning of Part III of the Copyright, Designs and Patents Act 1988;]

<sup>F18</sup>  
...

“ prescribed ” means prescribed by rules made by [<sup>F19</sup> the Secretary of State ] under this Act;

[<sup>F13</sup> “ product ” has the meaning assigned to it by section 1(3) of this Act;]

“ proprietor ” has the meaning assigned to it by section two of this Act;

<sup>F12</sup>  
...

“ registered proprietor ” means the person or persons for the time being entered in the register of designs as proprietor of the design;

“ registrar ” means the Comptroller-General of Patents Designs and Trade Marks;

<sup>F8</sup>  
...

<sup>F20</sup>(2) .....

<sup>F20</sup>(3) .....

(4) For the purposes of subsection (1) of [<sup>F21</sup> section 14 of this Act], the expression “ personal representative ”, in relation to a deceased person, includes the legal representative of the deceased appointed in any country outside the United Kingdom.

**Subordinate Legislation Made**

**P3** S. 44: power previously exercised by 1989/1105, 1131 and 1990/1698

**P4** S. 44(1): s. 36 (with ss. 40 and 44(1)) power exercised by [S.I. 1991/1628](#)

**Textual Amendments**

**F7** S. 44(1): definition of “ Appeal Tribunal ” omitted (6.4.2015) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 10(6), 24(1)**; [S.I. 2015/165](#), **art. 3**

**F8** S. 44: definitions of “ article ”, “ artistic work ”, “ corresponding design ” and “ set of articles ” repealed (9.12.2001) by [S.I. 2001/3949](#), **reg. 9(2)**, **Sch. 2** (with transitional provisions in [regs. 10-14](#))

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- F9** Definition inserted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 31(3)**
- F10** Definition of “copyright” repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 272, 303(2), Sch. 3 para. 31(4), **Sch. 8**
- F11** Definition substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 31(6)**
- F12** Words in s. 44(1) omitted (31.12.2020) by virtue of The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 10**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 44(1): definitions of “complex product”, “national unregistered design right” and “product” inserted (9.12.2001) by S.I. 2001/3949, reg. 9(1), **Sch. 1 para. 14(3)** (with transitional provisions in regs. 10-14)
- F14** Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 31(7)**
- F15** S. 44(1): words in the definition of “design” substituted (9.12.2001) by S.I. 2001/3949, reg. 9(1), **Sch. 1 para. 14(2)** (with transitional provisions in regs. 10-14)
- F16** Words in s. 44(1) inserted (1.10.2006) by Registered Designs Act 1949 and Patents Act 1977 (Electronic Communications) Order 2006 (S.I. 2006/1229), arts. 1, **3**
- F17** Definition inserted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 31(8)**
- F18** Definition of “Journal” repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 272, 303(2), Sch. 3 para. 31(9), **Sch. 8**
- F19** Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 31(10)**
- F20** S. 44(2)(3) repealed (9.12.2001) by S.I. 2001/3949, reg. 9(2), **Sch. 2** (with transitional provisions in regs. 10-14)
- F21** Words in s. 44(4) substituted (9.12.2001) by S.I. 2001/3949, reg. 9(1), **Sch. 1 para. 14(4)** (with transitional provisions in regs. 10-14)

## [<sup>F22</sup>45 Application to Scotland

(1) In the application of this Act to Scotland—

“account of profits” means accounting and payment of profits;

“accounts” means count, reckoning and payment;

“arbitrator” means arbiter;

“assignment” means assignation;

“claimant” means pursuer;

“costs” means expenses;

“defendant” means defender;

“delivery up” means delivery;

“injunction” means interdict;

“interlocutory relief” means interim remedy.

[<sup>F23</sup>(1A) In the application of section 26C(1)(a) (remedy for unjustified threat of infringement proceedings) to Scotland, “declaration” means “declarator”.]

(2) References to the Crown shall be construed as including references to the Crown in right of the Scottish Administration.]

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### Textual Amendments

- F22** S. 45 substituted (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), art. 1, **Sch. 1 para. 5**
- F23** S. 45(1A) inserted (1.10.2017) by [Intellectual Property \(Unjustified Threats\) Act 2017 \(c. 14\)](#), ss. 4(5), 8; S.I. 2017/771, reg. 2(1)(b) (with reg. 3)

## 46 Application to Northern Ireland.

In the application of this Act to Northern Ireland—

- (1) ..... **F24**
- (2) ..... **F24**

[<sup>F25</sup>(3) References to enactments include enactments comprised in Northern Ireland legislation:]

[<sup>F26</sup>(3A) References to the Crown include the Crown in right of Her Majesty's Government in Northern Ireland:]

- (4) References to a Government department shall be construed as including references to [<sup>F27</sup>a Northern Ireland department][<sup>F28</sup>and in relation to a Northern Ireland department references to the Treasury shall be construed as references to the Department of Finance and Personnel]:

[<sup>F29</sup>(4A) Any reference to a claimant includes a reference to a plaintiff.]

- (5) ..... **F30**

### Textual Amendments

- F24** S. 46(1)(2) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), **Sch. 3 para. 33(2)**, **Sch. 8**
- F25** S. 46(3) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 33(3)**
- F26** S. 46(3A) inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 33(4)**
- F27** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 305(3), **Sch. 3 para. 33(5)**
- F28** Words added by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#) s. 272, Sch. 3 para. 33(5)
- F29** S. 46(4A) inserted (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), art. 1, **Sch. 1 para. 6**
- F30** S. 46(5) repealed by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 4 Pt. IV**.

## [<sup>F31</sup>47 Application to Isle of Man.

This Act extends to the Isle of Man, subject to any modifications contained in an Order made by Her Majesty in Council, and accordingly, subject to any such Order, references in this Act to the United Kingdom shall be construed as including the Isle of Man.]

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#### Textual Amendments

**F31** S. 47 substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 34**

#### Modifications etc. (not altering text)

**C1** S. 47 applied (27.4.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. 118(1), **119(6)**

### [<sup>F32</sup>47A Territorial waters and the Continental shelf.

- (1) For the purposes of this Act the territorial waters of the United Kingdom shall be treated as part of the United Kingdom.
- (2) This Act applies to things done in the United Kingdom sector of the continental shelf on a structure or vessel which is present there for purposes directly connected with the exploration of the sea bed or subsoil or the exploitation of their natural resources as it applies to things done in the United Kingdom.
- (3) The United Kingdom sector of the continental shelf means the areas designated by order under section 1(7) of the Continental Shelf Act 1964.]

#### Textual Amendments

**F32** S. 47A inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 35**

### 48 Repeals, savings, and transitional provisions.

- (1) .....<sup>F33</sup>
- (2) Subject to the provisions of this section, any Order in Council, rule, order, requirement, certificate, notice, decision, direction, authorisation, consent, application, request or thing made, issued, given or done under any enactment repealed by this Act shall, if in force at the commencement of this Act, and so far as it could have been made, issued, given or done under this Act, continue in force and have effect as if made, issued, given or done under the corresponding enactment of this Act.
- (3) Any register kept under the <sup>M2</sup>Patents and Designs Act 1907, shall be deemed to form part of the corresponding register under this Act.
- (4) Any design registered before the commencement of this Act shall be deemed to be registered under this Act in respect of articles of the class in which it is registered.
- <sup>F34</sup>(5) .....
- (6) Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.
- (7) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of [<sup>F35</sup>section 16(1) and section 17(2)(a) of the <sup>M3</sup>Interpretation Act 1978], (which [<sup>F35</sup>relate] to the effect of repeals).

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#### Textual Amendments

- F33** S. 48(1) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 36, [Sch. 8](#)
- F34** S. 48(5) repealed (9.12.2001) by [S.I. 2001/3949](#), reg. 9(2), [Sch. 2](#) (with transitional provisions in regs. 10-14)
- F35** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)
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#### Marginal Citations

- M2** [1907 c. 29](#).
- M3** [1978 c. 30](#).

### 49 Short title and commencement.

- (1) This Act may be cited as the Registered Designs Act 1949.
- (2) This Act shall come into operation on the first day of January, nineteen hundred and fifty, immediately after the coming into operation of the <sup>M4</sup>Patents and Designs Act 1949.

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#### Marginal Citations

- M4** [1949 c. 87](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)