



# Registered Designs Act 1949

## 1949 CHAPTER 88

### *International Arrangements*

#### **13 Orders in Council as to convention countries.**

- (1) His Majesty may, with a view to the fulfilment of a treaty, convention, arrangement or engagement, by Order in Council declare that any country specified in the Order is a convention country for the purposes of this Act:

Provided that a declaration may be made as aforesaid for the purposes either of all or of some only of the provisions of this Act, and a country in the case of which a declaration made for the purposes of some only of the provisions of this Act is in force shall be deemed to be a convention country for the purposes of those provisions only.

- (2) His Majesty may by Order in Council direct that any of the Channel Islands, any colony, any British protectorate or protected state, or any territory administered by His Majesty's Government in the United Kingdom under the trusteeship system of the United Nations, shall be deemed to be a convention country for the purposes of all or any of the provisions of this Act; and an Order made under this subsection may direct that any such provisions shall have effect, in relation to the territory in question, subject to such conditions or limitations, if any, as may be specified in the Order.
- (3) For the purposes of subsection (1) of this section, every colony, protectorate, territory subject to the authority or under the suzerainty of another country, and territory administered by another country in accordance with a mandate from the League of Nations or under the trusteeship system of the United Nations, shall be deemed to be a country in the case of which a declaration may be made under that subsection.

#### **14 Registration of design where application for protection in convention country has been made.**

- (1) An application for registration of a design in respect of which protection has been applied for in a convention country may be made in accordance with the provisions of this Act by the person by whom the application for protection was made or his personal representative or assignee:

Provided that no application shall be made by virtue of this section after the expiration of six months from the date of the application for protection in a convention country or, where more than one such application for protection has been made, from the date of the first application.

- (2) A design registered on an application made by virtue of this section shall be registered as of the date of the application for protection in the convention country or, where more than one such application for protection has been made, the date of the first such application:

Provided that no proceedings shall be taken in respect of any infringement committed before the date on which the certificate of registration of the design under this Act is issued.

- (3) An application for the registration of a design made by virtue of this section shall not be refused, and the registration of a design on such an application shall not be invalidated, by reason only of the registration or publication of the design in the United Kingdom or the Isle of Man during the period specified in the proviso to subsection (1) of this section as that within which the application for registration may be made.
- (4) Where a person has applied for protection for a design by an application which—
- (a) in accordance with the terms of a treaty subsisting between two or more convention countries, is equivalent to an application duly made in any one of those convention countries; or
  - (b) in accordance with the law of any convention country, is equivalent to an application duly made in that convention country,
- he shall be deemed for the purposes of this section to have applied in that convention country.

## **15 Extension of time for applications under s. 14 in certain cases.**

- (1) If the Board of Trade are satisfied that provision substantially equivalent to the provision to be made by or under this section has been or will be made under the law of any convention country, they may make rules empowering the registrar to extend the time for making application under subsection (1) of section fourteen of this Act for registration of a design in respect of which protection has been applied for in that country in any case where the period specified in the proviso to that subsection expires during a period prescribed by the rules.
- (2) Rules made under this section—
- (a) may, where any agreement or arrangement has been made between His Majesty's Government in the United Kingdom and the government of the convention country for the supply or mutual exchange of information or articles, provide, either generally or in any class of case specified in the rules, that an extension of time shall not be granted under this section unless the design has been communicated in accordance with the agreement or arrangement;
  - (b) may, either generally or in any class of case specified in the rules, fix the maximum extension which may be granted under this section ;
  - (c) may prescribe or allow any special procedure in connection with applications made by virtue of this section ;

- (d) may empower the registrar to extend, in relation to an application made by virtue of this section, the time limited by or under the foregoing provisions of this Act for doing any act, subject to such conditions, if any, as may be imposed by or under the rules ;
- (e) may provide for securing that the rights conferred by registration on an application made by virtue of this section shall be subject to such restrictions or conditions as may be specified by or under the rules and in particular to restrictions and conditions for the protection of persons (including persons acting on behalf of His Majesty) who, otherwise than as the result of a communication made in accordance with such an agreement or arrangement as is mentioned in paragraph (a) of this subsection, and before the date of the application in question or such later date as may be allowed by the rules, may have imported or made articles to which the design is applied or may have made an application for registration of the design.

## **16 Protection of designs communicated under international agreements.**

- (1) Subject to the provisions of this section, the Board of Trade may make rules for securing that, where a design has been communicated in accordance with an agreement or arrangement made between His Majesty's Government in the United Kingdom and the government of any other country for the supply or mutual exchange of information or articles,—
  - (a) an application for the registration of the design made by the person' from whom the design was communicated or his personal representative or assignee shall not be prejudiced, and the registration of the design in pursuance of such an application shall not be invalidated, by reason only that the design has been communicated as aforesaid or that in consequence thereof—
    - (i) the design has been published or applied, or
    - (ii) an application for registration of the design has been made by any other person, or the design has been registered on such an application;
  - (b) any application for the registration of a design made in consequence of such a communication as aforesaid may be refused and any registration of a design made on such an application may be cancelled.
- (2) Rules made under subsection (1) of this section may provide that the publication or application of a design, or the making of any application for registration thereof shall, in such circumstances and subject to such conditions or exceptions as may be prescribed by the rules, be presumed to have been in consequence of such a communication as is mentioned in that subsection.
- (3) The powers of the Board of Trade under this section, so far as they are exercisable for the benefit of persons from whom designs have been communicated to His Majesty's Government in the United Kingdom by the government of any other country, shall only be exercised if and to the extent that the Board are satisfied that substantially equivalent provision has been or will be made under the law of that country for the benefit of persons from whom designs have been communicated by His Majesty's Government in the United Kingdom to the government of that country.
- (4) References in the last foregoing subsection to the communication of a design to or by His Majesty's Government or the government of any other country shall be construed as including references to the communication of the design by or to any person authorised in that behalf by the government in question.