
Changes to legislation: Registered Designs Act 1949, Paragraph 3 is up to date with all changes known to be in force on or before 21 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

FIRST SCHEDULE

PROVISIONS AS TO THE USE OF REGISTERED DESIGNS FOR THE SERVICES OF THE CROWN AND AS TO THE RIGHTS OF THIRD PARTIES IN RESPECT OF SUCH USE

Reference of disputes as to Crown use.

- 3 [F¹(1) Any dispute as to—
- (a) the exercise by a Government department, or a person authorised by a Government department, of the powers conferred by paragraph 1 of this Schedule,
 - (b) terms for the use of a design for the services of the Crown under that paragraph,
 - (c) the right of any person to receive any part of a payment made under paragraph 1(3), or
 - (d) the right of any person to receive a payment under paragraph 2A,
- may be referred to the court by either party to the dispute.]
- (2) In any proceedings under this paragraph to which a Government department are a party, the department may—
- (a) if the registered proprietor is a party to the proceedings [F²and the department are a relevant person within the meaning of section 20 of this Act], apply for [F³invalidation] of the registration of the design upon any ground upon which the registration of a design may be [F³declared invalid] on an application to the court under section twenty of this Act;
 - (b) in any case [F⁴and provided that the department would be the relevant person within the meaning of section 20 of this Act if they had made an application on the grounds for invalidity being raised], put in issue the validity of the registration of the design without applying for its [F³invalidation].
- (3) If in such proceedings as aforesaid any question arises whether a design has been recorded or applied as mentioned in paragraph 1 of this Schedule, and the disclosure of any document recording the design, or of any evidence of the application thereof, would in the opinion of the department be prejudicial to the public interest, the disclosure may be made confidentially to counsel for the other party or to an independent expert mutually agreed upon.
- (4) In determining under this paragraph any dispute between a Government department and any person as to terms for the use of a design for the services of the Crown, the court shall have regard to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from any Government department in respect of the design in question.

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- (5) In any proceedings under this paragraph the court may at any time order the whole proceedings or any question or issue of fact arising therein to be referred to a special or official referee or an arbitrator on such terms as the court may direct; and references to the court in the foregoing provisions of this paragraph shall be construed accordingly.

Textual Amendments

- F1** Sch. 1 para. 3(1) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), [s. 271\(2\)](#)
- F2** Words in Sch. 1 para. 3(2)(a) inserted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 15\(5\)\(a\)](#) (with transitional provisions in [regs. 10-14](#))
- F3** Words in Sch. 1 para. 3(2)(a)(b) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 15\(5\)\(b\)\(c\)\(6\)\(b\)](#) (with transitional provisions in [regs. 10-14](#))
- F4** Words in Sch. 1 para. 3(2)(b) substituted (9.12.2001) by [S.I. 2001/3949, reg. 9\(1\)](#), [Sch. 1 para. 15\(6\)\(a\)](#) (with transitional provisions in [regs. 10-14](#))

Modifications etc. (not altering text)

- C1** Paras. 1-3 extended by [S.I. 1965/1536, Sch. 3](#)
- C2** Sch. 1 para. 3(2)–(5) extended by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), s. 88, [Sch. 5 para. 20\(2\)](#)
- C3** Reference to official referee to be construed (E.W.) as reference to Circuit judge discharging functions of official referee: [Courts Act 1971 \(c. 23\)](#), [s. 25\(3\)](#)

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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\(5\)](#)