
STATUTORY INSTRUMENTS

2001 No. 3949

The Registered Designs Regulations 2001

Transitional provisions: transitional registrations

11.—(1) This Regulation applies to any registration under the Registered Designs Act 1949 which results from the determination of a pending application (within the meaning of Regulation 10).

(2) The Act of 1949 as it has effect immediately before the coming into force of these Regulations shall continue to apply in relation to registrations to which this Regulation applies (“transitional registrations”) so far as the Act relates to the cancellation or invalidation of such registrations (other than cancellation by virtue of section 11(3) of that Act).

(3) Accordingly the amendments and repeals made by these Regulations shall, so far as they relate to the cancellation or invalidation of registrations, not apply in relation to transitional registrations.

(4) The amendments and repeals made by these Regulations shall otherwise (and subject to paragraphs (5) to (9) and Regulation 14) apply in relation to transitional registrations.

(5) In the application by virtue of paragraph (4) of the amendments made by Regulation 5, the fact that transitional registrations are in respect of any articles, or sets of articles, shall be disregarded.

(6) The amendments made by Regulation 4 shall not operate so as to determine the dates of registration of designs to which transitional registrations apply; and these dates shall be determined by reference to the Act of 1949 as it has effect immediately before the coming into force of these Regulations.

(7) Where—

- (a) any such date of registration for the purposes of calculating the period for which the right in a registered design subsists, or any extension of that period, under section 8 of the Act of 1949 is determined by virtue of section 14(2) of that Act; and
- (b) that date is earlier than the date which would otherwise have been the date of registration for those purposes;

the difference between the two dates shall be added to the first period of five years for which the right in the registered design is to subsist.

(8) Any reference in section 8 of the Act of 1949 to a period of five years shall, in the case of any such period which is extended by virtue of paragraph (7), be treated as a reference to the extended period.

(9) The repeal by these Regulations of the proviso in section 4(1) of the Act of 1949 and of the reference to it in section 8 of that Act shall not apply to the right in a design to which a transitional registration applies.