
STATUTORY INSTRUMENTS

2015 No. 829

The Standardised Packaging of
Tobacco Products Regulations 2015

PART 5

Miscellaneous provisions

Trade marks and registered designs

Regulations not to affect registration of designs etc

14.—(1) For the avoidance of doubt, nothing in, or done in accordance with, these Regulations has the effect that a design may or must be refused registration or declared invalid under the Registered Designs Act 1949 ^{M1}.

(2) Without limiting paragraph (1), nothing in, or done in accordance with, these Regulations causes any design to be contrary to public policy or to accepted principles of morality for the purposes of section 1D of that Act (designs contrary to public policy or morality) ^{M2}.

(3) Paragraph (4) applies for the purposes of section 11ZA(1A)(a) of that Act (grounds for invalidity of registration) ^{M3} if the design to which the later design there mentioned is compared is one whose use is affected by these Regulations.

(4) The design is to be regarded as having been made available to the public on or after the relevant date there mentioned if it would have been so made available on or after that date were these Regulations not in force.

(5) For the avoidance of doubt, nothing in, or done in accordance with, these Regulations amounts to, or permits, any Crown use of a registered design.

(6) In this regulation—

“Crown use” has the same meaning as in paragraph 2A of Schedule 1 to the Registered Designs Act 1949 (compensation for loss of profit) ^{M4};

“design” and “registered design” have the same meaning as in that Act.

Marginal Citations

M1 1949 c. 88.

M2 Section 1D was inserted by S.I. 2001/3949.

M3 Section 11ZA was inserted by S.I. 2001/3949 and amended by S.I. 2006/1974 and S.I. 2007/3378.

M4 Paragraph 2A of Schedule 1 was inserted by section 271(1) of the Copyright, Designs and Patents Act 1988 (c. 48) and amended by S.I. 2001/3949.

Changes to legislation:

There are currently no known outstanding effects for the The Standardised Packaging of Tobacco Products Regulations 2015, Section 14.