

STATUTORY INSTRUMENTS

2019 No. 265

The Intellectual Property (Exhaustion of Rights) (EU Exit) Regulations 2019

PART 3

Amendment of primary legislation

Amendment of the Registered Designs Act 1949

3.—(1) The Registered Designs Act 1949^{M1} is amended as follows.

(2) In section 7A (infringements of rights in registered designs)^{M2}, in subsection (4), after “market in” insert “ the United Kingdom or ”.

(3) In section 24G (meaning of “infringing article”)^{M3}, in subsection (5), for the words from “an enforceable” to the end substitute “ anything which forms part of retained EU law as a result of section 3 or 4 of the European Union (Withdrawal) Act 2018 ”.

Commencement Information

I1 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M1 [1949 c.88](#).

M2 Section 7A was inserted by [S.I. 2001/3949](#).

M3 Section 24G was inserted by [S.I. 2006/1028](#).

Amendment of the Copyright, Designs and Patents Act 1988

4.—(1) The Copyright, Designs and Patents Act 1988^{M4} is amended as follows.

(2) In section 18 (infringement by issue of copies to the public)^{M5}, in subsection (2), after “put into circulation in” insert “ the United Kingdom or ”.

(3) In section 27 (meaning of “infringing copy”)^{M6}, in subsection (5), for the words from “any enforceable” to the end substitute “ anything which forms part of retained EU law as a result of section 3 or 4 of the European Union (Withdrawal) Act 2018 ”.

(4) In section 182B (consent required for issue of copies to the public)^{M7}—

(a) in subsection (2), for “EEA” (in each place) substitute “ UK-EEA area ”;

(b) in subsection (3)—

(i) in paragraph (b), for “another” substitute “ an ”;

- (ii) in the words after that paragraph, for “EEA” (in both places) substitute “ UK-EEA area ”;
- (c) after subsection (3) insert—
- “(3A) In this section “UK-EEA area” means the United Kingdom and the EEA, taken together.”.

(5) In section 228 (meaning of “infringing article”) ^{M8}, in subsection (5), for the words from “any enforceable” to the end substitute “ anything which forms part of retained EU law as a result of section 3 or 4 of the European Union (Withdrawal) Act 2018 ”.

Commencement Information

I2 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M4 [1988 c.48](#).

M5 Section 18 was amended by [S.I. 1992/3233](#), [S.I. 1996/2967](#) and [S.I. 2018/995](#).

M6 Section 27 was amended by [S.I. 2011/1043](#); there are other amending instruments not relevant to these Regulations.

M7 Section 182B was inserted by [S.I. 1996/2967](#).

M8 Section 228 was amended by [S.I. 2011/1043](#).

Amendment of the Trade Marks Act 1994

5.—(1) The Trade Marks Act 1994 ^{M9} is amended as follows.

(2) In section 12 (exhaustion of rights conferred by a registered trade mark), in subsection (1), after “market in” insert “ the United Kingdom or ”.

(3) In section 17 (meaning of infringing goods) ^{M10}, in subsection (3), for “an enforceable EU right” substitute “ anything which forms part of retained EU law as a result of section 3 or 4 of the European Union (Withdrawal) Act 2018 ”.

Commencement Information

I3 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M9 [1994 c.26](#).

M10 Section 17(3) was amended by [S.I. 2011/1043](#).

Changes to legislation:

There are currently no known outstanding effects for the The Intellectual Property (Exhaustion of Rights) (EU Exit) Regulations 2019, PART 3.