STATUTORY INSTRUMENTS

1964 No. 229

DESIGNS

The Designs (Amendment) Rules 1964

Made - - - -	18*th February* 1964
Laid before Parliament	25*th February* 1964
Coming into Operation	4*th March* 1964

The Board of Trade, in pursuance of the powers conferred on them by sections 36 and 40 of the Registered Designs Act 1949(**a**), as amended by the Patents and Designs (Renewals, Extensions and Fees) Act 1961(**b**), and of all other powers enabling them in that behalf, after consultation with the Council on Tribunals and, as regards Rules 1 and 2 hereof, with the consent of the Treasury, hereby make the following Rules :—

Amendment of Designs Rules 1949

1. With a view to adapting the Designs Rules 1949(**c**), as amended(**d**), (hereinafter referred to as "the Rules") to the provisions of the Public Offices Fees (Patents, Designs and Trade Marks) Order 1964(**e**) (under which fees are required in the cases therein prescribed to be collected in money) the Rules shall have effect subject to the following amendments :—

(*a*) for Rule 3 there shall be substituted the following :—

"3. The fees to be paid in respect of any matters arising under the Act shall be those specified in Schedule 1 to these Rules and in any case where a form specified in that Schedule as the corresponding form in relation to any matter is required to be used that form shall be accompanied by the fee specified in respect of that matter." ;

(*b*) for Rule 4 there shall be substituted the following :—

"4. The forms mentioned in these Rules are those contained in Schedule 2 to these Rules, modified as necessary to enable them to be used accompanied by the appropriate fee (if any) and such forms shall be used in all cases in which they are applicable and may be modified as directed by the Registrar to meet other cases." ;

(*c*) the Rules specified in column 1 of Schedule 2 to these Rules shall be amended in the manner specified in column 2 in relation thereto :

Provided that in any case in which fees may lawfully be collected otherwise than in money by virtue of the Public Offices Fees (Patents, Designs and Trade Marks) Order 1964 (which provides that fees may be collected by means of impressed Inland Revenue stamps purchased prior to the coming into operation of that Order) the Rules shall continue to have effect as if the amendments made in this Rule had not been made.

Revocation and re-enactment of previous amendments of Designs Rules 1949

2. There shall be substituted for Schedule 1 to the Rules, Schedule 1 to these Rules.

(**a**) 12, 13 & 14 Geo. 6. c. 88. (**b**) 9 & 10 Eliz. 2. c. 25. (**c**) S.I. 1949/2368 (1949 I, p. 1417). (**d**) S.I. 1955/116, 1959/1924, 1961/1184, 1962/2729 (1955 I, p. 639; 1959 I, p. 970; 1961 II, p. 2146; 1962 III, p. 3696). (**e**) S.I. 1964/45(1964 I, p. 75).

3. The Designs Rules 1949 shall, subject to the provisions of Rule 1 hereof, continue to have effect subject to the amendments specified in Schedule 3 to these Rules.

4. The Rules specified in column 1 of Schedule 4 to these Rules are hereby revoked to the extent specified in column 3 of that Schedule.

Interpretation and citation

5. The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as if these Rules and the Rules hereby revoked were Acts of Parliament.

6. These Rules may be cited as the Designs (Amendment) Rules 1964 and shall come into operation on 4th March 1964.

David Price,
Parliamentary Secretary
to the Board of Trade.

18th February 1964.

We consent to the making of Rules 1 and 2 of these Rules:

John Peel,
M. A. Hamilton,
Lords Commissioners of Her Majesty's Treasury.

18th February 1964.

SCHEDULE 1

LIST OF FEES PAYABLE

Subject or Proceeding	Amount	Corresponding Form
	£ s. d.	
1. On application to register one design to be applied to a single article not being textile articles	4 0 0	Designs No. 2 or 3.
If made of lace	15 0	" " "
2. On application to register one design to be applied to a set of articles not being textile articles	8 0 0	Designs No. 4 or 5.
If made of lace	1 10 0	" " "
3. On application to register one design to be applied to a textile article (not being checks or stripes)	2 0 0	Designs (Manchester) No. 1.
4. On application to register one design to be applied to a textile article (checks or stripes) ...	15 0	Designs (Manchester) No. 2.

(a) 52 & 53 Vict. c. 63.

Subject or Proceeding	Amount	Corresponding Form
	£ s. d.	
5. On application for a copy of certificate of registration	10 0	Designs No. 6.
6. On application to Registrar to state grounds of decision and materials used under Rule 31 ...	3 0 0	Designs No. 7.
7. On request for extension of time within which an application for registration of a design may be completed:—		
Not exceeding one month	2 0 0	Designs No. 8.
" " two months	4 0 0	" "
" " three months	6 0 0	" "
8. On application for extension of copyright under Section 8(2) for second period	8 0 0	Designs No. 9.
9. On application for extension of copyright under Section 8(2) for third period	16 0 0	Designs No. 10.
10. On request for enlargement of time for payment of fee for extension of copyright:—		
Not exceeding one month	2 0 0	Designs No. 11.
" " two months	4 0 0	" "
" " three months	6 0 0	" "
" " four months	8 0 0	" "
" " five months	10 0 0	" "
" " six months	12 0 0	" "
11. On application to enter subsequent proprietorship, &c. under Rule 39 made *within* six months from date of acquisition of proprietorship, &c.:—		
In respect of one design	1 0 0	Designs No. 12 or 13.
Made after six but *within* twelve months from date of acquisition of proprietorship, &c.:—		
In respect of one design	2 10 0	" "
Made after expiration of twelve months from the date of acquisition of proprietorship, &c.:—		
In respect of one design	3 0 0	" "
On application covering more than one design, for each additional design similarly acquired	2 6	—
12. On application for entry of notification of document in the register made *within* six months of date of document:—		
In respect of one design	1 0 0	Designs No. 14.
Made after six but *within* twelve months from date of document:—		
In respect of one design	2 10 0	" "
Made after expiration of twelve months from date of document:—		
In respect of one design	3 0 0	" "
On application covering more than one design, for each additional design referred to in the same document as the first design ...	2 6	—

Subject or Proceeding	Amount	Corresponding Form
	£ s. d.	
13. On application of mortgagee, licensee, or other person for entry that he no longer claims such interest:—		
In respect of one design	10 0	Designs No. 15.
For each additional design	2 6	—
14. On application to enter change of name or nationality of registered proprietor in the register:—		
In respect of one design	10 0	Designs No. 16.
For each additional design	2 6	—
15. On application for alteration of address or address for service in the register:—		
In respect of one design	5 0	Designs No. 17.
For each additional design	1 0	—
16. On request under Section 21 to correct error	1 0 0	Designs No. 18.
17. On application by proprietor for cancellation	5 0	Designs No. 19.
18. On request for search under Section 23 when registration number is supplied	10 0	Designs No. 20.
19. On request for search under Section 23 when registration number is not supplied	1 0 0	Designs No. 21.
20. On application for search under Rule 48 ...	1 0 0	Designs No. 22.
21. On request for certificate of Registrar for use in obtaining registration in a foreign country or for use in legal proceedings or other special purpose	10 0	Designs No. 23.
22. On request for certificate of Registrar for use in obtaining registration in part of Her Majesty's dominions outside the United Kingdom	5 0	Designs No. 24.
23. On application for compulsory licence under Section 10	4 0 0	Designs No. 25.
24. On application for cancellation of registration under Section 11(2)	3 0 0	Designs No. 26.
25. On notice that hearing of an application for cancellation or compulsory licence will be attended	2 0 0	Designs No. 27.
26. On application for entry of Order of Court in register	10 0	Designs No. 28.
27. Inspection of register or design where inspection is permitted other than inspection under the second paragraph of Section 22(2) ...	2 0	—

Subject or Proceeding	Amount	Corresponding Form
28. Photographic copy of design or documents	£ s. d. Cost according to agreement	—
29. Office copy of documents, every 100 words ...	1 0 (but never less than 2s.)	—
30. For certifying Office copies	2 6	—

The fees to be paid on any proceeding at the Manchester Branch shall be the same as for the similar proceeding at the Office.

SCHEDULE 2

Column 1 Rule	Column 2 Amendments
Rule 33	For the words "bearing the prescribed fee" there shall be substituted the words "accompanied by the prescribed fee".
Rules 55 and 61(1)	For the words "an unstamped copy" there shall be substituted the words "a copy".
Rule 70	Paragraph (3) shall be omitted.

SCHEDULE 3

1. In Rule 60, after paragraph (2), there shall be added the following paragraph:—

"(3) The hearing before the Registrar of any dispute between two or more parties relating to any matter in connection with a registered design shall be in public unless the Registrar, after consultation with those parties to the dispute who are represented at the hearing, otherwise directs.".

2. In Rule 73(3) after "subrule (1)" there shall be added "or (2)".

3. In Rule 74 for paragraph (*a*) there shall be substituted the following paragraph:—

"(*a*) On weekdays, other than Saturdays, at six p.m. for the filing of applications, forms and other documents, and at four p.m. for all other business and in the case of the Manchester Branch at four p.m. for all classes of business.".

SCHEDULE 4

Column 1 Rules	Column 2 S.I. Number and reference	Column 3 Extent of Revocation
The Designs (Amendment) Rules 1955.	S.I. 1955/116 (1955 I, p. 639).	Rule 1 and Schedule 1.
The Designs (Amendment) Rules 1959.	S.I. 1959/1924 (1959 I, p. 970).	The whole Rules.
The Designs (Amendment) Rules 1961.	S.I. 1961/1184 (1961 II, p. 2146).	The whole Rules.
The Designs (Amendment) Rules 1962.	S.I. 1962/2729 (1962 III, p. 3696).	The whole Rules.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Designs Rules 1949 by adapting them to the provisions of the Public Offices Fees (Patents, Designs and Trade Marks) Order 1964 under which fees are required to be collected in money instead of, as hitherto, mainly in impressed stamps.

The Rules also revoke and replace the Designs (Amendment) Rules 1955 (other than the Schedule of forms to be used) and all the subsequent amending Rules as set out in Schedule 4.