2003 No. 550

DESIGNS

The Registered Designs Regulations 2003

Made - - - - -	*6th March 2003*
Laid before Parliament	*7th March 2003*
Coming into force - -	*1st April 2003*

The Secretary of State, being designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the legal protection of designs, in exercise of powers conferred on her by the said section 2(2) hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Registered Designs Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment to the Registered Designs Act 1949

2.—(1) The Registered Designs Act 1949(**c**) ("the Act") shall be amended as follows.

(2) In section 1A(2)(b) of the Act, after "this Act" there shall be inserted "or the Community Design Regulation".

(3) In section 11ZB(4) of the Act—

(a) after "this Act" there shall be inserted "or the Community Design Regulation"; and

(b) after "the design" there shall be inserted ", the holder of the registered Community design".

(4) In section 20(1B) of the Act—

(a) after "this Act" there shall be inserted "or the Community Design Regulation"; and

(b) after "the design" there shall be inserted ", the holder of the registered Community design".

(5) In section 44(1) of the Act, at the appropriate places, there shall be inserted—

""Community Design Regulation" means Council Regulation (EC) 6/2002 of 12th December 2001 on Community Designs(**d**);";

""registered Community design" means a design that complies with the conditions contained in, and is registered in the manner provided for in, the Community Design Regulation;".

(**a**) S.I. 2000/1813.
(**b**) 1972 c. 68.
(**c**) 1949 c. 88. Sections 1A, 11ZB and 20(1B) were added by the Registered Designs Regulations 2001 (S.I. 2001/3949).
(**d**) OJ No. L 3, 5.1.2002, p. 1.

Transitional provisions: pending applications

3.—(1) This Regulation applies to applications for registration under the Act that have been made after the coming into force of the Registered Designs Regulations 2001 ("2001 Regulations") (**a**) and before the coming into force of these Regulations but that have not been finally determined before the coming into force of these Regulations ("pending applications").

(2) The Act as it has effect immediately before the coming into force of these Regulations shall continue to apply in relation to pending applications.

(3) Accordingly the amendments made by these Regulations shall not apply in relation to such applications.

Transitional provisions: transitional registrations

4.—(1) This Regulation applies to any registration under the Act that results from the determination of a pending application (within the meaning of Regulation 3).

(2) The Act 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").

(3) Accordingly the amendments made by these Regulations shall not apply in relation to transitional registrations.

Transitional provisions: resulting registrations

5.—(1) This Regulation applies to any registration made under the Act before the coming into force of these Regulations that results from the determination of an application made under the Act after the coming into force of the 2001 Regulations.

(2) The Act 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 ("resulting registrations").

(3) Accordingly the amendments made by these Regulations shall not apply in relation to resulting registrations.

Melanie Johnson,
Parliamentary Under Secretary of State for Competition,
Consumers and Markets,
Department of Trade and Industry

6th March 2003

(**a**) S.I. 2001/3949. The Registered Designs Regulations came into force on 9th December 2001.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Article 11 of Directive 98/71/EC of the European Parliament and of the Council of 13th October 1998 on the legal protection of designs (O.J. No. L289, 28.10.1998, p. 28) ("the Directive") insofar as that Article refers or applies to the registration of a Community design or an application for such registration.

The Directive provides for harmonisation in the EC of the matters of registered design protection that most closely affect the functioning of the internal market and was implemented—other than the matters referred to in the preceding paragraph—in the UK by the Registered Designs Regulations 2001 (S.I. 2001 No. 3949). The Community design right was created under Council Regulation (EC) 6/2002 of 12th December 2001 on Community Designs (OJ No. L 3, 5.1.2002, p. 1.).

In particular these Regulations—

(a) further amend the Registered Designs Act 1949 ("the Act") by including further grounds upon which the registrar of designs may refuse an application or a third party may request a declaration of invalidity;

(b) take up the discretion afforded by Article 11.8 of the Directive in providing that the Act as it was prior to the coming into force of these Regulations shall continue to apply in relation to applications made before the coming into force of these Regulations and registrations made after the coming into force of these Regulations that result from such applications, and, shall also continue to apply to registrations made before the coming into force of these Regulations resulting from applications made after the coming into force of the Registered Designs Regulations 2001.

A regulatory impact assessment and a transposition note setting out how Article 11 of the Directive is transposed into law have been placed in the libraries of both Houses of Parliament. Copies are also available from the Intellectual Property Policy Directorate of the Patent Office, Room 3338, Concept House, Cardiff Road, Newport NP10 8QQ.

STATUTORY INSTRUMENTS

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