



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.37

UNITED KINGDOM DESIGNS (PROTECTION) ACT

Revised Edition

showing the law as at 31 December 2002

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UNITED KINGDOM DESIGNS (PROTECTION) ACT

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CHAPTER 18.37

UNITED KINGDOM DESIGNS (PROTECTION) ACT

AN ACT TO PROVIDE FOR THE PROTECTION OF DESIGN REGISTERED IN THE UNITED KINGDOM; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the United Kingdom Designs (Protection) Act.

Protection in the State of designs registered in the United Kingdom.

2. Subject to the provisions of this Act, the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907 and 1919, or any Act amending or substituted for those Acts shall enjoy in the State the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the State.

Recovery of damages.

3. The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that at the date of the infringement he or she was not aware nor had any reasonable means of making himself or herself aware of the existence of the registration of the design:

Provided that nothing in this section shall affect any proceedings for an injunction.

Power of High Court to declare extent to which privileges and rights in designs have been acquired.

4. (1) The High Court shall have power upon the application of any person who alleges that his or her interests have been prejudicially affected to declare that exclusive privileges and rights in a design have not been acquired in the State under the provisions of this Act upon any of the grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom.

(2) The grounds referred to in subsection (1) shall be deemed to include the publication of the design in the State prior to the date of registration of the design in the United Kingdom.
