
STATUTORY INSTRUMENTS

2016 No. 889

DESIGNS

The Registered Designs (Fees) Rules 2016

<i>Made</i>	- - - -	<i>5th September 2016</i>
<i>Laid before Parliament</i>		<i>7th September 2016</i>
<i>Coming into force</i>	- -	<i>1st October 2016</i>

The Secretary of State, with the consent of the Treasury, makes the following Rules in exercise of the powers conferred by sections 36 and 40 of the Registered Designs Act 1949(1) and of the power conferred by the Department of Trade and Industry (Fees) Order 1988(2).

Citation and commencement, and interpretation

1.—(1) These Rules may be cited as the Registered Designs (Fees) Rules 2016 and come into force on 1st October 2016.

(2) In these Rules—

“the Act” means the Registered Designs Act 1949;

“the commencement date” means the date referred to in paragraph (1); and

“the Registered Designs Rules” means the Registered Designs Rules 2006(3)

(3) In these Rules, a reference to a form is a reference to the form of that description in the Registered Designs Rules.

Revocation of the Registered Designs (Fees) Rules 2006

2. Subject to rule 3, the Registered Designs (Fees) (No. 2) Rules 2006(4) are revoked.

Renewal fees – transitional provision

3.—(1) This rule applies where—

(1) 1949 c.88; section 36 was amended by the Copyright, Designs and Patents Act 1988 (c.48), Schedule 3, paragraph 26; S.I. 2001/3949, regulation 9(1) and Schedule 1, paragraph 11; the Intellectual Property Act 2014 (c.18), section 12(3); section 40 was amended by the Copyright, Designs and Patents Act 1988 (c.48), Schedule 3, paragraph 30.

(2) S.I. 1988/93; relevant amending instruments are S.I. 1990/1473, 2011/1043. See the matters specified in Schedule 1, Part III and Schedule 2, Part I and Part II to that Order.

(3) S.I. 2006/1975.

(4) S.I. 2006/2617.

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- (a) prior to the commencement date, the first, second, third or fourth period during which a right in a registered design subsists has expired without an application for an extension being made to the registrar; and
- (b) an application for an extension is made in relation to that design pursuant to section 8(2) of the Act on or after the commencement date.

(2) The Registered Designs (Fees) (No. 2) Rules 2006 continue in effect but only for the purposes of determining the renewal fee payable under rule 3(1) of those Rules.

Fees in respect of electronic applications to register designs

4.—(1) This rule applies to an application to register one or more designs made pursuant to rule 4 of the Registered Designs Rules by the electronic submission of Form DF2A.

(2) The fee payable in relation to the making of the application is specified in Table 1 below—

Table 1

<i>Number of designs included in the application</i>	<i>Fee</i>
1	£50
More than 1 but not more than 10	£70
More than 10	£70 for the first 10 designs included in the application and £20 for each additional 10 designs included in the application or part thereof

Fees in respect of applications to register designs otherwise than by electronic means

5.—(1) This rule applies to an application—

- (a) to register one or more designs made pursuant to rule 4 of the Registered Designs Rules by the submission of form DF2A otherwise than by electronic means; or
- (b) to register one or more designs made pursuant to rule 4 of the Registered Designs Rules, which is a subsequent application for the purposes of section 3B(3) of the Act, by the submission of form DF2B.

(2) The fee payable in relation to the making of the application is specified in Table 2 below—

Table 2

<i>Number of designs included in the application</i>	<i>Fee</i>
1	£60
More than 1	£60 for the first design included in the application and £40 for each additional design included in the application

Fees to extend the period for which right in the registered design subsists

6.—(1) Subject to rule 3, this rule applies to an application to extend the period for which the right in a registered design subsists pursuant to section 8(2) of the Act, by the submission of Form DF9A.

(2) The renewal fee payable in relation to the making of the application is specified in Part 1 of the Schedule.

(3) The additional fees prescribed for the purposes of section 8(4) of the Act are those specified in Part 2 of the Schedule.

Other fees payable

7. The fees payable in relation to the applications and requests specified in Part 3 of the Schedule are those specified in that Part.

2nd September 2016

Neville-Rolfe
Minister of State for Energy and Intellectual
Property
Department for Business, Energy and Industrial
Strategy

We consent to the making of these Rules.

5th September 2016

Stephen Barclay
David Evennett
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE

Rules 6 and 7

FEES PAYABLE

PART 1

RENEWAL FEES

<i>Period to which the application relates</i>	<i>Fee (£)</i>
Second period of five years	70
Third period of five years	90
Fourth period of five years	110
Fifth period of five years	140

PART 2

ADDITIONAL FEES

<i>Number of the month in the six month period referred to in section 8(4) of the Act in which the application for renewal is made</i>	<i>Additional fee (£)</i>
2nd	24
3rd	48
4th	72
5th	96
6th	120

PART 3

OTHER FEES PAYABLE

<i>Description of application or request in accordance with the Registered Designs Rules</i>	<i>Fee (£)</i>
Application to publish one or more designs on Form DF2C pursuant to rule 9	40
Request to invalidate a design registration on Form DF19A pursuant to rule 15	48
Request for a search of the UK designs register on Form DF21 pursuant to rule 31	24
Request for a certified copy of an entry in the register on Form DF23 pursuant to rule 32	30
Request to restore a registration on Form DF29 pursuant to rule 13	120

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules revoke and replace the Registered Designs (Fees) (No. 2) Rules 2006 and prescribe the fees payable in respect of matters arising under the Registered Designs Act 1949 (c.88).

These Rules prescribe the new fees payable to reflect the reduction in costs of registration of designs when an application is made electronically. The Rules also reduce the fees charged for renewal of designs and makes minor reductions to other fees under the registered designs service. Although it reduces the majority of the fees charged in relation to the registered designs service, the instrument imposes an above-inflation increase in the fee for issuing a certified copy of an entry or extract from the official register of designs. The increase is 36% (£8), while Consumer Price Inflation for the period from October 2006 (the date of the last revision of these fees) rose by 25%.

An impact assessment had been prepared and copies are available from the Intellectual Property Office, Concept House, Cardiff Road, Newport NP10 8QQ and is available with the explanatory memorandum alongside this instrument on the Legislation UK website at www.legislation.gov.uk. Copies have also been placed in the libraries of both Houses of Parliament.