

Design Act

Principal Act

Act. No. 1928-07

<i>Commencement</i>	21.8.1928
<i>Assent</i>	21.8.1928

Amending
enactments

Relevant current
provisions

Commencement
date

Act. 1932-13 s. 4

ARRANGEMENT OF SECTIONS

Section

1. Short Title.
2. Validity in Gibraltar of United Kingdom registration.
3. Restrictions on recovery of damages.
4. Powers of Supreme Court.

AN ACT TO PROVIDE FOR THE PROTECTION IN GIBRALTAR OF DESIGNS REGISTERED IN THE UNITED KINGDOM.

Short title.

1. This Act may be cited as the Designs Act.

Validity in Gibraltar of United Kingdom registration.

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

Restrictions on 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 was not aware, nor had any reasonable means of making himself aware, of the existence of the registration of the design:

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

Powers of Supreme Court.

4. (1) The Supreme Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected, to declare that exclusive privileges and rights in a design have not been acquired in Gibraltar 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) Provided that such grounds shall be deemed to include the publication of the design in Gibraltar prior to the date of registration of the design in the United Kingdom.