



Jersey

REGISTERED DESIGNS (JERSEY) LAW 1957

Official Consolidated Version

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Jersey

REGISTERED DESIGNS (JERSEY) LAW 1957¹

A LAW to provide for the registration in Jersey of designs registered in the United Kingdom, and for matters incidental thereto

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “complex product” means a product which is composed of at least 2 replaceable component parts permitting disassembly and reassembly of the product;
 - “Comptroller-General” means the Comptroller General of Patents, Designs and Trade Marks in the United Kingdom;
 - “design” means the appearance of the whole or part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product or its ornamentation;
 - “Government department” means a department of Her Majesty’s Government in the United Kingdom;
 - “product” means any industrial or handicraft item other than a computer program and includes, in particular, packaging, get-up, graphic symbols, typographic type-faces and parts intended to be assembled into a complex product;
 - “register” means enter in the register of designs;
 - “register of designs” means the register of designs kept in pursuance of Article 3;
 - “Registered Designs Act” means the Registered Designs Act 1949 of the United Kingdom;
 - “registered design” means a design that is actually registered;
 - “registered proprietor” means, in relation to a design, the person or persons for the time being entered in the register of designs as proprietor of the design;
 - “United Kingdom register of designs” means the register of designs kept in pursuance of section 17 of the Registered Designs Act.²
- (2) In Articles 3, 4, 6, 10, 11, 12 and 15, the “court” means the Samedi division of the Royal Court.

- (3) References in this Law to the right in a registered design have the same meaning as in section 7 of the Registered Designs Act.³

2 Limitation of powers of Royal Court in relation to registration of designs

As from the coming into force of this Law, no title or interest in respect of any design shall be entered in the rolls of the Royal Court otherwise than in accordance with the provisions of this Law.

3 Register of designs

- (1) There shall be kept at the Judicial Greffe a register, to be called the “register of designs”, in which there shall be entered the representation or specimen of designs, names and addresses of the proprietors thereof, particulars of assignments and of transmissions of registered designs, and such other matters affecting the validity of proprietorship of designs, as may be prescribed by rules of court, or as the Judicial Greffier may think fit.

- (2) Subject to the provisions of this Law and to rules of court, the register of designs shall, at all convenient times, be open to inspection by the public; and certified copies of any entry in the register shall be given to any person requiring them on payment of the appropriate fee:

Provided that no representation of specimen of a design shall be open to inspection except by the registered proprietor or a person authorized in writing by the registered proprietor, or a person authorized by the Court or the Judicial Greffier, before the date on which it became, or is due to become, open to public inspection in the United Kingdom.

- (3) The register of designs shall be *prima facie* evidence of any matters required or authorized by this Law to be entered therein.
- (4) No notice of any trust, whether expressed, implied or constructive, shall be entered in the register of designs and the Judicial Greffier shall not be affected by any such notice.

4 Registration of designs

- (1) Any person for the time being entered in the United Kingdom register of designs, as the proprietor of a design, may apply to the Judicial Greffier for the registration of the design.
- (2) Where any partial assignment or transmission of the design has been made, every person having any legal interest in the design shall be joined in the application for registration.
- (3) Every application under this Article shall be made in such manner as may be prescribed by rules of court and shall be accompanied by a certified representation or specimen of the design and a certificate of the Comptroller-General setting forth the rights or interest to which the application relates, and stating the date at which the representation or specimen of the design became, or is due to become, open to public inspection in the United Kingdom.
- (4) Where an application under paragraph (3) is received, together with the documents mentioned in that paragraph, the Judicial Greffier shall register the design and issue

a certificate of registration unless it appears doubtful to the Judicial Greffier whether the application should be granted or any question arises in relation to the application, in which case the Judicial Greffier shall present a statement of the matter in question to the Bailiff for the directions of the court, and the court may order such persons to be convened, such evidence to be taken and such enquiries to be made as the Court may deem necessary and, subject to the provisions of this Law and to rules of court, shall determine whether the design should be registered.

5 Extension and restoration of rights in designs⁴

- (1) Where –
 - (a) the period for which the right in a design subsists has been extended in the United Kingdom; or
 - (b) the lapsed right in a design has been restored in the United Kingdom,the registered proprietor of the design may apply to the Judicial Greffier in such manner as may be prescribed by rules of court for the registration of the extension of the right or registration of the restoration of the right, as the case requires.
- (2) Every application under this Article shall be accompanied by a certificate of the Comptroller-General relating to the registration of the extension of the right or registration of the restoration of the right, in the United Kingdom, as the case requires.
- (3) On receipt of such an application, the Judicial Greffier shall register the extension or restoration of the right, as the case requires, unless it appears doubtful to the Judicial Greffier whether the application should be granted, or any question arises in relation to the application.
- (4) Where paragraph (3) applies, the Judicial Greffier shall present a statement of the matter in question to the Bailiff for the directions of the court, and the court may order such persons to be convened, such evidence to be taken and such enquiries to be made as the court may deem necessary and, subject to the provisions of this Law and to rules of court, shall determine whether the application should be granted.

6 Registration of assignments, etc.

- (1) Where a person becomes entitled by assignment, transmission or other operation of law, to a registered design, or to a share in a registered design, or becomes entitled as licensee or otherwise to any other interest in a registered design, and has obtained registration in the United Kingdom of such title or interest in accordance with the law for the time being in force in the United Kingdom, the person may apply to the Judicial Greffier for the registration of such title or interest.
- (2) Every such application shall be made in such manner as may be prescribed by rules of court and shall be accompanied by a certificate of the Comptroller-General relating to the registration in the United Kingdom of such title or interest.
- (3) On the receipt of such an application, the Judicial Greffier shall register the title or interest unless it appears doubtful to the Judicial Greffier whether the application should be granted, or any question arises in relation to the application, in which event the Judicial Greffier shall present a statement of the matter in question to the Bailiff for the directions of the court, and the court may order such persons to be convened, such evidence to be taken and such enquiries to be made as the court

may deem necessary and, subject to the provisions of this Law and to rules of court, shall determine whether the application should be granted.

7 Cancellation of registration, and registration of change of name and address

The Judicial Greffier may, on request in writing made by the registered proprietor –

- (a) cancel the registration of a design; or
- (b) enter in the register any change in the name or address of the registered proprietor.

8 Legal presence in Jersey unnecessary for purpose of making applications

An application under Article 4, 5, 6 or 7 may be made notwithstanding the fact that the person making the application is not present in Jersey and is not represented by an attorney present in Jersey so long as the person has notified the Judicial Greffier of an address in Jersey to which any notice or summons in connection with any matter relating to the design may be sent, and, in such case, any such notice or summons shall be deemed to be sufficiently served if it is sent to that address.

9 Effect of registration⁵

- (1) Subject to the provisions of this Law, the registration of a design under this Law or of any title or interest in such a design (including the restoration of the right in a registered design) shall give to the registered proprietor of the design, or any other person in whom any title or interest is vested, as the case may be, the same rights and equivalent remedies in Jersey as are possessed by the registered proprietor or such a person in the United Kingdom, but, save as aforesaid, no registered design or title or interest in such a design shall have effect against any person.
- (2) The rights referred to in paragraph (1) shall have effect in Jersey from the same date from which such rights have effect in the United Kingdom and shall subsist only for as long as such rights subsist in the United Kingdom.
- (3) Notwithstanding paragraph (2), no action for infringement of the right in a registered design may be brought –
 - (a) in respect of any use of the design prior to the date of registration of the design under this Law; or
 - (b) where the right in the design has been extended or the lapsed right restored in the United Kingdom, unless such extension or restoration has been registered under this Law.

10 Power of court to cancel registration

- (1) A petition for the cancellation of the registration of a design may be presented to the court by the Attorney General or by any person who alleges that the person's interests have been prejudicially affected by such registration on any of the following grounds, that is to say –
 - (a) that the design was registered on the application of a person not entitled under the provisions of this Law to make the application;

- (b) that the design has been used in Jersey before the date of the registration thereof in the United Kingdom;
- (c) that more than 3 years had elapsed between the date the application for the registration of the design was determined in the United Kingdom and the date of the registration of the design under this Law and that, on the latter date, the design was being used in Jersey on a commercial scale,

and the court, after hearing the parties if desirous of being heard, may make an order cancelling the registration or dismissing the petition.⁶

- (2) In proceedings under this Article, the court may determine any question which it may be necessary or expedient to determine in connection with such cancellation.

11 Rectification of register

- (1) The court may, on the application of the Attorney General or of any person aggrieved, order the register of designs to be rectified by the making of any entry therein or the variation or deletion of any such entry.
- (2) In proceedings under this Article, the court may determine any question which it may be necessary or expedient to determine in connection with the rectification of the register.

12 Power to correct clerical errors

- (1) The Judicial Greffier may, in accordance with the provisions of this Article, correct any clerical error in the register of designs.
- (2) A correction may be made in pursuance of this Article either upon a request in writing made by any person interested, or without such a request.
- (3) Where the Judicial Greffier proposes to make any such correction as aforesaid otherwise than in pursuance of a request made under this Article, the Judicial Greffier shall give notice of the proposal to the registered proprietor and to any other person who appears to the Judicial Greffier to be concerned, and shall give them an opportunity to be heard before making the correction.
- (4) Where a request is made under this Article for the making of any such correction as aforesaid and it appears to the Judicial Greffier that the correction would materially affect the privileges and rights conferred by the registration of the design, the Judicial Greffier shall require the person by whom the request was made to apply to the court for the rectification of the register of designs in accordance with the provisions of Article 11.

13 Use of registered designs for the services of the Crown

- (1) Subject to the provisions of this Law, the registration of a design shall have the same effect against the Crown as it has against a subject:

Provided that any Government department, and any person authorized in writing by any such department, may use any registered design for the services of the Crown in the like manner, to the like extent and subject to the like conditions as it might be used in the United Kingdom by any such department or by any person so authorized.

- (2) For the purposes of this Article, any use of a registered design for the supply to the Government of any country outside the United Kingdom, in pursuance of any agreement or arrangement between Her Majesty's Government in the United Kingdom and the government of that country, of products required for the defence of that country, shall be deemed to be a use of the design for the services of the Crown; and the power of a Government department or a person authorized by a Government department under this Article to use a design shall include power –
 - (a) to sell such products to the government of any country in pursuance of any such agreement or arrangement as aforesaid; and
 - (b) to sell to any person any products made in the exercise of the powers conferred by this Article which are no longer required for the purpose for which they were made.⁷
- (3) The purchaser of any products sold in the exercise of powers conferred by this Article, and any person claiming through the purchaser, shall have power to deal with them in the same manner as if the rights in the registered design were held on behalf of Her Majesty.⁸

14 Use of registered designs for the service of the States

- (1) Notwithstanding anything in this Law, the States, and any person authorized by the States, may use for the public service of Jersey any registered design upon such terms as may be agreed, either before or after the use, between the States and the registered proprietor, or as may in default of agreement be determined by the court on a reference under Article 15.
- (2) The authority of the States in respect of a registered design may be given under this Article either before or after the design is registered and either before or after the acts in respect of which the authority is given are done, and may be given to any person whether or not the person is authorized directly or indirectly by the registered proprietor to use the design.
- (3) Where any use of a registered design is made by or with the authority of the States under this Article, then, unless it appears to the States that it would be contrary to the public interest so to do, the States shall notify the registered proprietor as soon as practicable after the use is begun, and furnish the registered proprietor with such information as to the extent of the use as the registered proprietor may from time to time require.
- (4) The power of the States or of a person authorized by the States under this Article to use a registered design shall include power to sell to any person any products made in the exercise of the powers conferred by this Article which are no longer required for the purpose for which they were made.⁹
- (5) The purchaser of any products sold in the exercise of powers conferred by this Article, and any person claiming through purchaser, shall have power to deal with them in the same manner as if the rights in the registered design were held on behalf of the States.¹⁰
- (6) The States may, by Act, delegate the exercise of all or any of its powers under this Article to the Chief Minister.¹¹

15 Reference of disputes as to use by Crown or States

- (1) Any dispute as to the exercise by a Government department or by the States, or by a person authorized by a Government department or by the States, of the powers conferred by Article 13 or 14, or as to terms for the use of a registered design for the services of the Crown or of the States thereunder, or as to the right of any person to receive any part of a payment in respect of those services, may be referred to the court by either party to the dispute in such manner as may be prescribed by rules of court.
- (2) In any proceedings under this Article to which a Government department or the States are a party, the department or the States, as the case may be, may –
 - (a) if the registered proprietor is a party to the proceedings, apply for the cancellation of the registration of the design upon any ground upon which the registration of a design may be cancelled under Article 10;
 - (b) in any case, put in issue the validity of the registration of the design without applying for its cancellation.
- (3) In determining under this Article any dispute between a Government department or the States and any person as to terms for the use of a design for the services of the Crown or the States respectively, the court shall have regard to any benefit or compensation which that person or any person from whom the person derives title may have received, or may be entitled to receive, directly or indirectly, from any Government department or from the States, as the case may be, in respect of the design in question.
- (4) In any proceedings under this Article, the court may at any time order the whole proceedings or any question or issue of fact arising therein to be referred to a special or official referee or an arbitrator on such terms as the court may direct; and references to the court in the foregoing provisions of this Article shall be construed accordingly.

16 Exemption of innocent infringer from liability for damages

- (1) In proceedings for the infringement of the right in a registered design, damages shall not be awarded against a defendant who proves that at the date of the infringement the defendant was not aware, and had no reasonable ground for supposing, that the design was registered, and a person shall not be deemed to have been aware or to have had reasonable grounds for supposing as aforesaid by reason only of the marking of a product with the word “Registered” or any abbreviation thereof or any other word or words expressing or implying that the design applied to, or incorporated in, the product has been registered, unless the number of the design and the words “in Jersey” followed the word “Registered” or the abbreviation thereof or the words “Registered in Jersey” accompanied that other word or those other words.¹²
- (2) Nothing in this Article shall affect the power of the court to grant an injunction in any proceedings for infringement of the right in a registered design.¹³

17 Remedy for groundless threats of infringement proceedings

- (1) Where any person (whether or not entitled to or interested in a registered design) by circulars, advertisements or otherwise threatens any other person with

proceedings for infringement of the right in a registered design, any person aggrieved thereby may bring an action against the person for any such relief as is mentioned in paragraph (2).¹⁴

- (2) Unless in any action brought by virtue of this Article the defendant proves that the acts in respect of which proceedings were threatened constitute or, if done, would constitute, an infringement of the right in a registered design the registration of which is not shown by the plaintiff to be invalid, the plaintiff shall be entitled to the following relief, that is to say –
 - (a) a declaration to the effect that the threats are unjustifiable;
 - (b) an injunction against the continuance of the threats; and
 - (c) such damages, if any, as the plaintiff has sustained thereby.¹⁵
- (3) For the avoidance of doubt, it is declared that a mere notification that a design is registered does not constitute a threat of proceedings within the meaning of this Article.

18 Falsification of register etc.¹⁶

- (1) A person is guilty of an offence who –
 - (a) makes or causes to be made a false entry in the register of designs;
 - (b) makes or causes to be made any writing falsely purporting to be a copy of an entry in that register; or
 - (c) produces or tenders, or causes to be produced or tendered, in evidence any such writing,knowing the entry or writing to be false.
- (2) A person guilty of an offence under paragraph (1) is liable to imprisonment for a term of 2 years and a fine.

19 False representation that a design is registered¹⁷

- (1) If a person falsely represents that a design applied to, or incorporated in, any product sold by the person is registered in Jersey, the person shall be guilty of an offence and liable to a fine of level 3 on the standard scale.
- (2) For the purposes of paragraph (1), if a person sells a product having stamped, engraved or impressed on it or otherwise applied to it the words “registered in Jersey” or any other word or words expressing or implying that the design applied to, or incorporated in, the product, is registered in Jersey, the person shall be deemed to represent that the design applied to, or incorporated in, the product, is so registered.
- (3) If any person, after the right in a registered design has expired, marks any product to which the design has been applied or in which it has been incorporated with the words “registered in Jersey” or any word or words expressing or implying that the right in the registered design subsists, or causes any such product to be so marked, the person shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

20 Rules of court

- (1) The power to make rules of court under the [Royal Court \(Jersey\) Law 1948](#), shall include a power to make rules for the purposes of this Law and proceedings thereunder, and such rules may make provision –
 - (a) for the appointment of advisers to assist the court in proceedings for infringement of the right in a registered design and proceedings under this Law, and for regulating the functions of such advisers;
 - (b) for enabling persons to take proceedings under this Law *in forma pauperis*;
 - (c) for the hearing by the court in vacation of all such matters under this Law as may require to be immediately or promptly heard.¹⁸
- (2) ¹⁹

20A Regulations²⁰

- (1) The States by Regulations may make such provision with respect to registered designs as they think fit, including amendment of this Law or any other enactment, in relation to any of the following –
 - (a) in so far as any such provision is, in the opinion of the States, consistent with any international treaty or agreement which applies to Jersey relating to registered designs –
 - (i) the registration of a design in Jersey (whether by way of first registration or re-registration), and
 - (ii) the exercise and enforcement of rights in a registered design, including giving effect to such rights granted in a country or territory otherwise than Jersey;
 - (b) giving effect in Jersey to any international treaty or agreement ratified by or on behalf of Jersey or which extends to Jersey, or for the purpose of enabling the ratification or extension of any international treaty or agreement;
 - (c) implementing, in Jersey, any obligation of the United Kingdom under the EU Treaties as defined in the [European Union \(Jersey\) Law 1973](#), whether or not that obligation applies to Jersey;
 - (d) giving effect in Jersey to any provision that applies in the United Kingdom.
- (2) Regulations under paragraph (1) may, without prejudice to the generality of that paragraph, do any of the following –
 - (a) confer rights on any person or body with regard to the administration of, and decisions relating to, rights in a design, including allowing the Minister to make provision for such matters by Order;
 - (b) make provision for appeals;
 - (c) make provision for enforcement including civil remedies or criminal penalties for infringement of rights in a registered design;
 - (d) make provision for fees, including allowing the Minister to prescribe fees by Order;
 - (e) make provision for such supplementary, transitional and incidental matters as the States consider to be necessary or expedient.

21 Powers of states as regards fees

For the avoidance of doubt, it is declared that the power to fix fees conferred upon the States by –

- (a) La Loi (1930) constituant le Département du Vicomte;
- (b) La Loi (1930) constituant le Département des Officiers de la Couronne;
- (c) La Loi (1931) constituant le Département du Greffe Judiciaire;
- (d) La Loi (1936) touchant la Rétribution de la charge de Bailli,

or by any Law, whether passed before or after the commencement of this Law, amending the said Laws, shall include a power to fix fees in respect of the registration of designs and applications therefor, and in respect of all other matters relating to designs under this Law.

22 Saving of vested rights

Nothing in this Law shall be deemed to derogate from such rights as may be possessed by any person by virtue of the registration in the rolls of the Royal Court before the coming into force of this Law of any document relating to a design.

22A Transitional provisions²¹

- (1) Any act done on or after the date that the Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 2015 enters into force pursuant to any agreement or arrangement made before that date shall not constitute infringement of the right in a registered design if it would not have constituted an infringement before that date.
- (2) For the avoidance of doubt, any act done before the date that the Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 2015 came into force shall not be treated as infringing any right in a registered design from that date if the act did not infringe any right in a registered design before that date.

23 Citation

This Law may be cited as the Registered Designs (Jersey) Law 1957.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Registered Designs (Jersey) Law 1957	L.11/1957	1 March 1958 (R&O.3873)
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	R&O.44/2005	9 December 2005
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	R&O.126/2005	9 December 2005
Intellectual Property (Registered Rights) (Miscellaneous Provisions) (Jersey) Law 2015	L.15/2015	27 November 2015
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016

Table of Endnote References

¹	<i>This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government</i>
² Article 1(1)	<i>amended by L.15/2015</i>
³ Article 1(3)	<i>substituted by L.15/2015</i>
⁴ Article 5	<i>substituted by L.15/2015</i>
⁵ Article 9	<i>substituted by L.15/2015</i>
⁶ Article 10(1)	<i>amended by L.15/2015</i>
⁷ Article 13(2)	<i>amended by L.15/2015</i>
⁸ Article 13(3)	<i>amended by L.15/2015</i>
⁹ Article 14(4)	<i>amended by L.15/2015</i>
¹⁰ Article 14(5)	<i>amended by L.15/2015</i>
¹¹ Article 14(6)	<i>amended by R&O.158/2015</i>
¹² Article 16(1)	<i>amended by L.15/2015</i>
¹³ Article 16(2)	<i>amended by L.15/2015</i>
¹⁴ Article 17(1)	<i>amended by L.15/2015</i>
¹⁵ Article 17(2)	<i>amended by L.15/2015</i>
¹⁶ Article 18	<i>substituted by L.15/2015</i>
¹⁷ Article 19	<i>substituted by L.15/2015</i>
¹⁸ Article 20(1)	<i>amended by L.15/2015</i>
¹⁹ Article 20(2)	<i>repealed by R&O.126/2005</i>
²⁰ Article 20A	<i>inserted by L.15/2015</i>
²¹ Article 22A	<i>inserted by L.15/2015</i>