

**The European Union
(Registered Designs) (Hague Agreement)
(Brexit) (Bailiwick of Guernsey)
Regulations, 2020**

Made

8th December, 2020

Coming into operation

8th December, 2020

Laid before the States

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by section 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a and upon receipt of the certificate required under section 5(3), hereby makes the following Regulations:-

Automatic Effect of International Registered Designs (UK).

1. (1) As a consequence of the withdrawal of the United Kingdom from the EU and in order to implement the Hague Agreement, every International Registered Design (UK) -

- (a) shall have effect in the Bailiwick of Guernsey as if registered in the Register of Designs under section 6 of the Registered Designs Ordinance, and

^a Order in Council No. 1 of 2019, as amended.

(b) subject to this Regulation, the provisions of the Registered Designs Ordinance shall apply accordingly.

(2) An International Registered Design (UK) that takes effect in accordance with paragraph (1), shall have effect for so long as it remains on the International Register.

(3) For the avoidance of doubt, notwithstanding paragraph (1), where an International Registered Design (UK) takes effect in the Bailiwick of Guernsey –

(a) the powers of the Registrar contained in Parts II and III of the Designs Ordinance do not apply, and

(b) Part IV of the Designs Ordinance does not apply.

Interpretation.

2. In these Regulations, unless the context requires otherwise –

“Common Regulations” means the regulations adopted under Article 24 of the Hague Agreement with effect from 1st January 2017,

“the International Bureau” means the International Bureau of the World Intellectual Property Organisation,

“the International Register” means the register of industrial designs maintained by the International Bureau for the purposes of the Geneva Act;

“an International Registered Design (UK)” means a registered design which takes effect in the United Kingdom in accordance with the Designs

(International Registration of Industrial Designs) Order 2018^b following a result of grant of protection issued by the International Bureau under Rule 18bis of the Common Regulations consequent to an application made on or after 1st January 2021,

"**Hague Agreement**" means the Hague Agreement Concerning the International Registration of Industrial Designs as set out in the Geneva Act of the Hague Agreement concerning the international registration of industrial designs adopted by the diplomatic conference on 2nd July 1999,

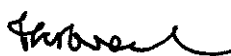
"**the Registered Designs Ordinance**" means the Registered Designs (Bailiwick of Guernsey) Ordinance, 2005^c.

and other words or expressions have the same meanings as in the Registered Designs Ordinance.

Citation and commencement.

3. These Regulations may be cited as the European Union (Registered Designs) (Hague Agreement) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 and shall come into force on the day on which they are made.

Dated this 8th day of December, 2020



DEPUTY P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

^b A Statutory Instrument of the United Kingdom No. 23 of 2018.

^c Recueil d'Ordonnances Tome XXX, p. 724

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give automatic effect to international design rights which take effect in the United Kingdom by virtue of the United Kingdom's implementation of the Geneva Act to the Hague Agreement from 1 January 2021, and apply the provisions of the Registered Designs Ordinance to such international registered designs without any requirement to register.

These Regulations come into force on the day on which they are made.