

DESIGNS ACT, 1911

2 of 1911

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DESIGNS ACT, 1911

2 of 1911

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An Act to amend the law relating to the protection of Designs. Whereas it is expedient to amend the law relating to the protection of designs; it is hereby enacted as follows :-

PART 1
PRELIMINARY

1. Short title, extent and commencement. :-

- (1) This Act may be called the Designs Act, 1911.
- (2) It extends to the whole of India.
- (3) It shall come into force on the first day of January, 1912.

2. Definitions. :-

In this Act, unless there is anything repugnant in the subject or context:-

- (1) **
- (2) "article" means any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural;
- (3) "Controller" means the Controller General of Patents, Designs and Trade Marks appointed under sub-section (1) of S.4 of the Trade and Merchandise Marks Act, 1958;
- (4) "copyright" means the exclusive right to apply a design to any

article in any class in which the design is registered ;

(5) "design" means only the features of shape, configuration, pattern or ornament applied to any article by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section (1) of S.2 of the Trade and Merchandise Marks Act, 1958, or property mark as defined in Section 479 of the Indian Penal Code, 1860 ;

(6)**

(7) "High Court" means-

(a) in relation to a State, the High Court for that State ;

(b) in relation to the Union Territory of Delhi or Himachal Pradesh the High Court of Punjab ;

(c) in relation to the Union Territory of Manipur or Tripura, the High Court of Assam;

(d) in relation to the Union Territory of the Andaman and Nicobar Islands, the High Court at Calcutta ; and

(e) in relation to the Union Territory of the Laccadive, Minicoy and Amindivi Islands, the High Court of Kerala;

(f) in relation to the Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay;

(g) in relation to the Union Territory of Pondicherry, the High Court at Madras.

(8)**

(9) "legal representative" means a person who in law represents the estate of a deceased person;

(10)**

(11)**

(12) "patent office" means the patent office referred to in Section 74 of the Patents Act, 1970 ;

(13) "prescribed" includes prescribed by rules under this Act; and

(14) "proprietor of a new or original design",-

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed ; and

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design; and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

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PART 2
DESIGNS

PART 3

GENERAL

55. 55 :-

56. 56 :-

57. Fees. :-

(1) There shall be paid in respect of the registration of designs and applications therefor and in respect of other matters relating to designs under this Act such fees as may be prescribed by the Central Government.

(2) A proceeding in respect of which a fee is payable under this Act or the rules made thereunder shall be of no effect unless the fee has been paid.