

FOR LL.B.6 SEMESTER 3 years

Designs which are not Registrable

According to Section 4 of Designs Act, 2000 following designs are prohibited from registration:

- (a) is not new or original, or
- (b) it has been disclosed to the public anywhere in India or in any other country by publication in tangible form or by use or in any other way prior to the filing date, or where applicable, the priority date of the application for registration, or
- (c) it is not significantly distinguishable from known designs or combination of known designs, or
- (d) it comprises or contains scandalous or obscene matter.

Who is entitle to seek Registration

According to Section 5 any person claiming to be proprietor of any new or original design not previously published in any country and which is not contrary to public order or morality can file application for registration.

Proprietor, according to Section 2(j), may be following persons:

- (a) author of the design;
- (b) any person who has obtained a design from author for good consideration; and
- (c) any person on whom the design has devolved from the original proprietor.

Where a creation of design involves more than one person the joint authorship can also be claimed.

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