

Designs Act, 2000

Section 8 - POWER OF CONTROLLER TO MAKE ORDERS REGARDING SUBSTITUTION OF APPLICATION, ETC

1) If the Controller is satisfied on a claim made in the prescribed manner at any time before a design has been registered that by virtue of any assignment or agreement in writing made by the applicant or one of the applicants for registration of the design or by operation of law, the claimant would, if the design were then registered, be entitled thereto or to the interest of the applicant therein, or to an undivided share of the design or of that interest, the Controller may, subject to the provisions of this section, direct that the application shall proceed in the name of the claimant or in the names of the claimants and the applicant or the other joint applicant or applicants, accordingly, as the case may require. (2) No such direction as aforesaid shall be given by virtue of any assignment or agreement made by one of two or more joint applicants for registration of a design except with the consent of the other joint applicant or applicants. (3) No such direction as aforesaid shall be given by virtue of any assignment or agreement for the assignment of the benefit of a design unless- (a) the design is identified therein by reference to the number of the application for the registration; or (b) there is produced to the Controller an acknowledgment by the person by whom the assignment or agreement relates to the design in respect of which that application is made; or (c) the rights of the claimant in respect of the design have been finally established by the decision of a court; or (d) the Controller gives directions for enabling the application to proceed for regulating the manner in which it should be proceeded with under sub-sec. (5). (4) Where one of two or more joint applicants for registration of a design dies at any time before the design has been registered, the Controller may, upon a request in that behalf made by the survivor or survivors, and with the consent of the legal representative of the deceased, direct that the application shall proceed in the name of the survivor or survivors alone. (5) If any dispute arises between joint applicants for registration of a design whether or in what manner the application should be proceeded with, the Controller may, upon application made to him in the prescribed manner by any of the parties, and after giving to all parties concerned an opportunity to be heard, give such directions as he thinks fit for enabling the application to proceed in the name of one or more of the parties alone or for regulating the manner in which it should be proceeded with, or for both those purposes, as the case may require.