

Designs Act, 1911 [Repealed]

Section 2 - Definitions

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

[1](#)[***]

(2) "article" means [2](#)[***] any article of manufacture and any substance, artificial or natural or partly artificial and partly natural;

[3](#)[(3) "Controller" means the Controller General of Patents, Designs and Trade Marks appointed under sub-section (1) of section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958).;]

(4) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered ;

[4](#)[(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 [5](#)[trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)], or properly mark as defined in section 479 of the Indian Penal Code (45 of 1860);]

[6](#)[***]

[7](#)[7] "High Court" means--

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

[8](#)[(b) in relation to the Union territory of Delhi, the High Court of Delhi;

[9](#)[***]

[10](#)[(c) in relation to the Union territory of Arunachal Pradesh or Mizoram, the Gauhati High Court, the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura;]

(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 [11](#)[Lakshadweep], the High Court of Kerala;]

[12](#)[(ee) in relation to the Union territory of Chandigarh, the High Court of Punjab and Haryana;]

[13](#)[(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.

[14](#)[***]

[15](#)[***]

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

[15](#)[***]

[16](#)[(12) "patent office" means the patent office referred to in section 74 of the Patents Act, 1970 (39 of 1970);]

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

(14) "proprietor of a [17](#)[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.

[18](#)[***]

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1. Clause (1) omitted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).
 2. The words "(as respects designs)" omitted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).
 3. Substituted by Act 39 of 1970, section 162 and Schedule, for Clause (3) (w.e.f. 20-4-1972).
 4. Substituted by Act 7 of 1930, section 2 for the former clause.
 5. Substituted by Act 39 of 1970, section 162 and Schedule for certain words (w.e.f. 20-4-1972).
 6. Clause (6) omitted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).
 7. Substituted by The Adaptation of Laws (No. 2) Order, 1956, for clause (7). (w.e.f. 1-11-1956).
 8. Substituted by the Punjab reorganization and Delhi High Court (Adaptation of Laws on Union Subjects) Order, 1968 for clause (b) (w.e.f. 1-11-1976).
 9. Sub-clause (bb) omitted by the State of Himachal Pradesh (Adaptation of Laws on Union Subjects) Order, 1973 (w.e.f. 25-1-1971).
 10. Substituted by the North Eastern Areas (Reorganisation) (Adaptation of Laws on Union Subjects) Order, 1974 for sub-clause (c) (w.e.f. 21-11-1972)
 11. Substituted by The Laccadive, Minicoy and Amindivi Islands (Alteration of Name) (Adaptation of Laws) Order, 1974 (w.e.f. 1-11-1972)
 12. Clause (ee) Inserted by the Punjab Reorganisation and Delhi High Court (Adaptation of Laws on Union Subjects) Order, 1968
 13. Inserted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).

14. Clause (7A) Inserted by Act 32 of 1950. section 4, was omitted by Act 62 of 1956, section 2 and Schedule

15. Clauses (8), (10) omitted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).1919Clauses (8), (10) omitted by Act 39 of 1970, section 162 and Schedule (w.e.f. 20-4-1972).

16. Substituted by Act 39 of 1970, section 162, and Schedule, for the former clause (w.e.f. 20-4-1972).

17. Substituted by Act 7 of 1930, sec. 2, for "new and original".

18. Clause (15) Inserted by the A.O. 1950, omitted by Act 32 of 1950, section 4.