

Designs Act, 1911 [Repealed]

Section 78A - Reciprocal Arrangement with United Kingdom and Other Commonwealth Countries

1 [78A. Reciprocal arrangement with United Kingdom and other Commonwealth countries

(1) Any person who has applied for protection for any design in the United Kingdom or his legal representative or assignee shall, either alone or jointly with any other person, be entitled to claim that the registration of the said design under this Act shall be in priority to other applicants and shall have the same date as the date of the application in the United Kingdom :

Provided that--

(a) the application is made within six months from the application for protection in the United Kingdom; and

(b) nothing in this section shall entitle the proprietor of the design to recover damages for infringements happening prior to the actual date on which the design is registered in India.

(2) The registration of a design shall not be invalidated by reason only of the exhibition or use of, or the publication of a description or representation of, the design in India during the period specified in this section as that within which the application may be made.

(3) The application for the registration of a design under this section must be made in the same manner as an ordinary application under this Act.

(4) Where it is made to appear to the Central Government that the legislature of any such Commonwealth country as may be notified by the Central Government in this behalf has made satisfactory provision for the protection of designs registered in India, the Central Government may, by notification in the Official Gazette, direct that the provisions of this section with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of designs registered in that Commonwealth country.]

1. Section 78A ins by Act 29 of 1920. section 2 and Substituted by Act 39 of 1970. section 162 and Schedule (w.e.f. 20-4-1972).
