

## **S.I. No. 27 of 2003**

### **European Communities (Community Designs) Regulations 2003**

I, MARY HARNEY, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs and, insofar as these Regulations relate to fees, with the consent of the Minister for Finance, hereby make the following Regulations:

#### **Citation**

1. These Regulations may be cited as the European Communities (Community Designs) Regulations 2003.

#### **Interpretation**

2. (1) In these Regulations—

“Community design” has the meaning given by Article 1(1) of the Community Designs Regulation;

“Community Designs Regulation” means Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs;

“Controller” means the Controller of Patents, Designs and Trade Marks;

“registered Community design” means a design protected under the Community Designs Regulation as a result of being registered in the manner provided for in that Regulation.

- (2) In these Regulations, a reference to an Article is to an Article of the Community Designs Regulation.

### **Filing and forwarding of applications for registered Community designs**

3. (1) For the purpose of Article 35, the Patents Office is the central industrial property office of the State.
  
- (2) Where an application for a registered Community design is filed under Article 35 at the Patents Office, a fee of €25 is payable by the applicant to the Controller and shall be paid—
  - (a) on the date of filing, and
  
  - (b) by any method acceptable to the Controller.

### **Designation of Community design courts**

4. For the purposes of the Community Designs Regulation —
  - (a) the High Court is designated as a Community design court of first instance, and
  
  - (b) the Supreme Court is designated as a Community design court of second instance.

### **Enforcement of decisions fixing the amount of costs**

5. For the purpose of Article 71(2), the Controller is designated as the national authority.

GIVEN under my Official Seal,  
this 29th day of January 2003.

**L.S.**

MARY HARNEY  
Minister for Enterprise, Trade and Employment.

The fee prescribed by these Regulations is sanctioned by the Minister for Finance.

GIVEN under the Official Seal of the Minister for  
Finance,  
this 28th day of January 2003.

**L.S.**

(Pn. 12742)

CHARLIE McCREEVY  
Minister for Finance

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal instrument.)*

Council Regulation (EC) No. 6/2002 on Community designs establishes a system for registration of industrial designs providing protection throughout the Community in the same manner as the Community Trade Mark system currently does for trade marks. The system came into operation in 2003 and is administered by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) in Alicante, Spain.

The European Communities (Community Designs) Regulations 2003 give effect in Ireland to provisions of Council Regulation (EC) No. 6/2002 on Community designs. The Regulations prescribe a handling fee of €25 to be charged by the Patents Office to cover the administrative costs of receiving and forwarding Community design applications to OHIM. They designate the High Court as the court of first instance and the Supreme Court as the court of second instance for the purposes of Article 80(1) of Council Regulation (EC) No. 6/2002. In addition, the Regulations designate the Controller of Patents, Designs and Trade Marks as the national authority for the purposes of Article 71 of Council Regulation (EC) No. 6/2002, which deals with the enforcement of decisions of OHIM fixing the amount of costs.

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