

- (b) broadcasts transmitted from transmitters situated in Sri Lanka.

(4) The provisions of this Part shall in addition apply to performers, producers of sound recordings and broadcasting organisations protected by virtue of, and in accordance with, any international convention or any international agreement to which Sri Lanka is a party.

PART III

CHAPTER III

INDUSTRIAL DESIGNS

SCOPE OF THIS PART AND DEFINITIONS

28. The protection of industrial designs provided under this Part shall be in addition to and not in derogation of any other protection provided under any other written law, in particular under Part II of this Act.

Conditions for protection.

29. The protection provided under this Part shall—

Scope of this Part.

- (a) apply only to new industrial designs ;
- (b) not apply to an industrial design which consists of any scandalous design or is contrary to morality or public order or public interest or which, in the opinion of the Director-General or of any Court to which such matter has been referred to is likely to offend the religious or racial susceptibilities of any community.

30. For the purposes of this Part any composition of lines or colours or any three dimensional form, whether or not associated with lines or colours, that gives a special appearance to a product of industry or handicraft and is capable of serving as a pattern for a product of industry or handicraft shall be deemed to be an industrial design :

Definition of industrial design.

Provided that anything in an industrial design which serves solely to obtain a technical result shall not be protected under this Part.

Definition of novelty.

31. (1) For the purpose of this Part a new industrial design means an industrial design which had not been made available to the public anywhere in the world and at any time whatsoever through description, use or in any other manner before the date of an application for registration of such industrial design or before the priority date validly claimed in respect thereof.

(2) An industrial design shall not be deemed to have been made available to the public solely by reason of the fact that, within the period of six months preceding the filing of an application for registration, it had been a display at an official or officially recognized, international exhibition.

(3) An industrial design shall not be considered a new industrial design solely by reason of the fact that it differs from an earlier industrial design in minor respects or that it concerns a type of product different from a product embodying an earlier industrial design.

CHAPTER IV

RIGHT TO PROTECTION OF INDUSTRIAL DESIGN

Ownership and right to protection of industrial design.

32. (1) The right to obtain protection of an industrial design belongs to its owner.

(2) Subject to provisions of section 34, the owner of an industrial design or his successor in title is its creator .

(3) Where two or more persons have jointly created an industrial design, the right to obtain protection shall belong to them jointly :

Provided that a person who has merely assisted in the creation of an industrial design but has made no contribution of a creative nature shall not be deemed to be the creator or a co-creator of such industrial design.