



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER I

DESIGN RIGHT IN ORIGINAL DESIGNS

Introductory

213 Design right

- (1) Design right is a property right which subsists in accordance with this Part in an original design.
- (2) In this Part “design” means the design of any aspect of the shape or configuration (whether internal or external) of the whole or part of an article.
- (3) Design right does not subsist in—
 - (a) a method or principle of construction,
 - (b) features of shape or configuration of an article which—
 - (i) enable the article to be connected to, or placed in, around or against, another article so that either article may perform its function, or
 - (ii) are dependent upon the appearance of another article of which the article is intended by the designer to form an integral part, or
 - (c) surface decoration.
- (4) A design is not “original” for the purposes of this Part if it is commonplace in the design field in question at the time of its creation.
- (5) Design right subsists in a design only if the design qualifies for design right protection by reference to—

Status: This is the original version (as it was originally enacted).

- (a) the designer or the person by whom the design was commissioned or the designer employed (see sections 218 and 219), or
 - (b) the person by whom and country in which articles made to the design were first marketed (see section 220),
- or in accordance with any Order under section 221 (power to make further provision with respect to qualification).
- (6) Design right does not subsist unless and until the design has been recorded in a design document or an article has been made to the design.
 - (7) Design right does not subsist in a design which was so recorded, or to which an article was made, before the commencement of this Part.