



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART III

#### DESIGN RIGHT

### CHAPTER II

#### RIGHTS OF DESIGN RIGHT OWNER AND REMEDIES

##### *Remedies for infringement*

#### **229 Rights and remedies of design right owner.**

- (1) An infringement of design right is actionable by the design right owner.
- (2) In an action for infringement of design right all such relief by way of damages, injunctions, accounts or otherwise is available to the plaintiff as is available in respect of the infringement of any other property right.
- (3) The court may in an action for infringement of design right, having regard to all the circumstances and in particular to—
  - (a) the flagrancy of the infringement, and
  - (b) any benefit accruing to the defendant by reason of the infringement,award such additional damages as the justice of the case may require.
- (4) This section has effect subject to section 233 (innocent infringement).

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 229.