



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER IV

JURISDICTION OF THE COMPTROLLER AND THE COURT

Jurisdiction of the comptroller

247 Application to settle terms of licence of right

- (1) A person requiring a licence which is available as of right by virtue of—
 - (a) section 237 (licences available in last five years of design right), or
 - (b) an order under section 238 (licences made available in the public interest),may apply to the comptroller to settle the terms of the licence.
- (2) No application for the settlement of the terms of a licence available by virtue of section 237 may be made earlier than one year before the earliest date on which the licence may take effect under that section.
- (3) The terms of a licence settled by the comptroller shall authorise the licensee to do—
 - (a) in the case of licence available by virtue of section 237, everything which would be an infringement of the design right in the absence of a licence;
 - (b) in the case of a licence available by virtue of section 238, everything in respect of which a licence is so available.
- (4) In settling the terms of a licence the comptroller shall have regard to such factors as may be prescribed by the Secretary of State by order made by statutory instrument.
- (5) No such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Status: This is the original version (as it was originally enacted).

- (6) Where the terms of a licence are settled by the comptroller, the licence has effect—
- (a) in the case of an application in respect of a licence available by virtue of section 237 made before the earliest date on which the licence may take effect under that section, from that date;
 - (b) in any other case, from the date on which the application to the comptroller was made.