



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER V

MISCELLANEOUS AND GENERAL

Interpretation

263 Minor definitions.

(1) In this Part—

“British design” means a design which qualifies for design right protection by reason of a connection with the United Kingdom of the designer or the person by whom ^{F1}... the designer is employed;

“business” includes a trade or profession;

^{F2}
...

“the comptroller” means the Comptroller-General of Patents, Designs and Trade Marks;

“computer-generated”, in relation to a design, means that the design is generated by computer in circumstances such that there is no human designer,

“country” includes any territory;

“the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland [^{F3}and the Crown in right of the Scottish Administration][^{F4}and the Crown in right of the Welsh Assembly Government];

“design document” means any record of a design, whether in the form of a drawing, a written description, a photograph, data stored in a computer or otherwise;

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 263. (See end of Document for details)

“employee”, “employment” and “employer” refer to employment under a contract of service or of apprenticeship;

“government department” includes a Northern Ireland department [^{F5}and any part of the Scottish Administration][^{F6}and any part of the Welsh Assembly Government].

- (2) References in this Part to “marketing”, in relation to an article, are to its being sold or let for hire, or offered or exposed for sale or hire, in the course of a business, and related expressions shall be construed accordingly; but no account shall be taken for the purposes of this Part of marketing which is merely colourable and not intended to satisfy the reasonable requirements of the public.
- (3) References in this Part to an act being done in relation to an article for “commercial purposes” are to its being done with a view to the article in question being sold or hired in the course of a business.

Textual Amendments

- F1** Words in s. 263(1) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 2(2)(i), 24(1)** (with [s. 2\(3\)](#)); [S.I. 2014/2330](#), [art. 3](#), [Sch.](#)
- F2** Words in s. 263(1) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 2(2)(j), 24(1)** (with [s. 2\(3\)](#)); [S.I. 2014/2330](#), [art. 3](#), [Sch.](#)
- F3** Words in definition of “the Crown” in s. 263(1) inserted (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), **Sch. 2 Pt. I para. 93(4)(a)**; [S.I. 1998/3178](#), [art. 3](#)
- F4** S. 263(1): words in definition of “the Crown” inserted by [Government of Wales Act 2006 \(c. 32\)](#), [s. 160\(1\)](#), **Sch. 10 para. 31(2)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- F5** Words in definition of “government department” in s. 263(1) inserted (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), **Sch. 2 Pt. I para. 93(4)(b)**; [S.I. 1998/3178](#), [art. 3](#)
- F6** S. 263(1): words in definition of “government department” inserted by [Government of Wales Act 2006 \(c. 32\)](#), [s. 160\(1\)](#), **Sch. 10 para. 31(3)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 263.