



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Designs

51 Design documents and models.

- (1) It is not an infringement of any copyright in a design document or model recording or embodying a design for anything other than an artistic work or a typeface to make an article to the design or to copy an article made to the design.
- (2) Nor is it an infringement of the copyright to issue to the public, or include in a film [^{F1}or communicate to the public], anything the making of which was, by virtue of subsection (1), not an infringement of that copyright.

(3) In this section—

“design” means the design of any aspect of the shape or configuration (whether internal or external) of the whole or part of an article, other than surface decoration; and

“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.

Status: Point in time view as at 31/10/2003.

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

Textual Amendments

- F1** Words in s. 51(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 8(3)** (with regs. 31-40)

52 Effect of exploitation of design derived from artistic work.

- (1) This section applies where an artistic work has been exploited, by or with the licence of the copyright owner, by—
 - (a) making by an industrial process articles falling to be treated for the purposes of this Part as copies of the work, and
 - (b) marketing such articles, in the United Kingdom or elsewhere.
- (2) After the end of the period of 25 years from the end of the calendar year in which such articles are first marketed, the work may be copied by making articles of any description, or doing anything for the purpose of making articles of any description, and anything may be done in relation to articles so made, without infringing copyright in the work.
- (3) Where only part of an artistic work is exploited as mentioned in subsection (1), subsection (2) applies only in relation to that part.
- (4) The Secretary of State may by order make provision—
 - (a) as to the circumstances in which an article, or any description of article, is to be regarded for the purposes of this section as made by an industrial process;
 - (b) excluding from the operation of this section such articles of a primarily literary or artistic character as he thinks fit.
- (5) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
 - (a) references to articles do not include films; and
 - (b) references to the marketing of an article are to its being sold or let for hire or offered or exposed for sale or hire.

Modifications etc. (not altering text)

- C1** S. 52 excluded by [S.I. 1989/1070](#), art. 3

53 Things done in reliance on registration of design.

- (1) The copyright in an artistic work is not infringed by anything done—
 - (a) in pursuance of an assignment or licence made or granted by a person registered under the ^{M1}Registered Designs Act 1949 as the proprietor of a corresponding design, and
 - (b) in good faith in reliance on the registration and without notice of any proceedings for the cancellation [^{F2}or invalidation] of the registration or for rectifying the relevant entry in the register of designs;
 and this is so notwithstanding that the person registered as the proprietor was not the proprietor of the design for the purposes of the 1949 Act.

Status: Point in time view as at 31/10/2003.

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- (2) In subsection (1) a “corresponding design”, in relation to an artistic work, means a design within the meaning of the 1949 Act which if applied to an article would produce something which would be treated for the purposes of this Part as a copy of the artistic work.

Textual Amendments

- F2** Words in s. 53(1)(b) inserted (9.12.2001) by [S.I. 2001/3949](#), reg. 9(1), **Sch. 1 para. 16** (with transitional provisions in [regs. 10-14](#))

Marginal Citations

- M1** [1949 c. 88](#).

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