



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART III

#### DESIGN RIGHT

#### CHAPTER I

##### DESIGN RIGHT IN ORIGINAL DESIGNS

##### *Qualification for design right protection*

#### **217 Qualifying individuals and qualifying persons.**

(1) In this Part—

<sup>F1</sup>  
...

<sup>F2</sup> “qualifying person” means—

- (a) an individual habitually resident in a qualifying country, or
- (b) a body corporate or other body having legal personality which—
  - (i) is formed under the law of a part of the United Kingdom or another qualifying country, and
  - (ii) has in any qualifying country a place of business at which substantial business activity is carried on.]

(2) References in this Part to a qualifying person include the Crown and the government of any other qualifying country.

(3) In this section “qualifying country” means—

- (a) the United Kingdom,
- (b) a country to which this Part extends by virtue of an Order under section 255, <sup>F3</sup>[or]
- <sup>F4</sup>(c) .....

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 217. (See end of Document for details)*

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- (d) to the extent that an Order under section 256 so provides, a country designated under that section as enjoying reciprocal protection.

<sup>F5</sup>(4) .....

- (5) In determining for the purpose of the definition of “qualifying person” whether substantial business activity is carried on at a place of business in any country, no account shall be taken of dealings in goods which are at all material times outside that country.

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**Textual Amendments**

- F1** Words in s. 217(1) omitted (1.10.2014) by virtue of Intellectual Property Act 2014 (c. 18), **ss. 3(1)(a), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F2** Words in s. 217(1) substituted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 3(1)(b), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F3** Word in s. 217(3)(b) inserted (31.12.2020) by The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 11(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 217(3)(c) omitted (31.12.2020) by virtue of The Designs and International Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/638), reg. 1, **Sch. 8 para. 11(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 217(4) omitted (1.10.2014) by virtue of Intellectual Property Act 2014 (c. 18), **ss. 3(2), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.

**Status:**

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There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 217.