



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—

“qualifying individual” means a citizen or subject of, or an individual habitually resident in, a qualifying country; and

“qualifying person” means a qualifying individual or a body corporate or other body having legal personality which—

- (a) is formed under the law of a part of the United Kingdom or another qualifying country, and
- (b) 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,
- (c) another member State of the European Economic Community, or
- (d) to the extent that an Order under section 256 so provides, a country designated under that section as enjoying reciprocal protection.

Status: This is the original version (as it was originally enacted).

- (4) The reference in the definition of “qualifying individual” to a person’s being a citizen or subject of a qualifying country shall be construed—
- (a) in relation to the United Kingdom, as a reference to his being a British citizen, and
 - (b) in relation to a colony of the United Kingdom, as a reference to his being a British Dependent Territories’ citizen by connection with that colony.
- (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.