



Copyright, Designs and Patents Act 1988

CHAPTER 48

COPYRIGHT, DESIGNS AND PATENTS ACT 1988

PART I

COPYRIGHT

CHAPTER I

SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

Introductory

- 1 Copyright and copyright works.
- 2 Rights subsisting in copyright works.

Descriptions of work and related provisions

- 3 Literary, dramatic and musical works.
- 3A Databases
- 4 Artistic works.
- 5A Sound recordings.
- 5B Films.
 - 5 Sound recordings and films.
 - 6 Broadcasts.
- 6A Safeguards in case of certain satellite broadcasts.
 - 7 Cable programmes.
 - 8 Published editions.

Authorship and ownership of copyright

- 9 Authorship of work.
- 10 Works of joint authorship.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 10A Works of co-authorship
- 11 First ownership of copyright.

Duration of copyright

- 12 Duration of copyright in literary, dramatic, musical or artistic works.
- 13A Duration of copyright in sound recordings.
- 13B Duration of copyright in films.
- 13 Duration of copyright in sound recordings and films.
- 14 Duration of copyright in broadcasts
- 15 Duration of copyright in typographical arrangement of published editions.
- 15A Meaning of country of origin.

CHAPTER II

RIGHTS OF COPYRIGHT OWNER

The acts restricted by copyright

- 16 The acts restricted by copyright in a work.
- 17 Infringement of copyright by copying.
- 18 Infringement by issue of copies to the public.
- 18A Infringement by rental or lending of work to the public.
- 19 Infringement by performance, showing or playing of work in public.
- 20 Infringement by communication to the public
- 21 Infringement by making adaptation or act done in relation to adaptation.

Secondary infringement of copyright

- 22 Secondary infringement: importing infringing copy.
- 23 Secondary infringement: possessing or dealing with infringing copy.
- 24 Secondary infringement: providing means for making infringing copies.
- 25 Secondary infringement: permitting use of premises for infringing performance.
- 26 Secondary infringement: provision of apparatus for infringing performance, &c.

Infringing copies

- 27 Meaning of “infringing copy”.

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Introductory

- 28 Introductory provisions.

General

- 28A Making of temporary copies
- 28B Personal copies for private use
- 29 Research and private study.
- 29A Copies for text and data analysis for non-commercial research

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 30 Criticism, review, quotation and news reporting.
- 30A Caricature, parody or pastiche
- 31 Incidental inclusion of copyright material.

Disability

- 31A Disabled persons: copies of works for personal use
- 31B Making , communicating, making available, distributing or lending of accessible copies by authorised bodies
- 31BA Making , communicating, making available, distributing or lending of intermediate copies by authorised bodies
- 31BB Accessible and intermediate copies: records and notification
- 31C
- 31D
- 31E
- 31F Sections 31A to 31BB: interpretation and general

Education

- 32 Illustration for instruction
- 33 Anthologies for educational use.
- 34 Performing, playing or showing work in course of activities of educational establishment.
- 35 Recording by educational establishments of broadcasts
- 36 Copying and use of extracts of works by educational establishments
- 36A Lending of copies by educational establishments

Libraries and archives

- 37 Libraries and archives: introductory.
- 38 Copying by librarians: articles in periodicals.
- 39 Copying by librarians: parts of published works.
- 40 Restriction on production of multiple copies of the same material.
- 40A Lending of copies by libraries or archives.
- 40B Libraries and educational establishments etc : making works available through dedicated terminals
- 41 Copying by librarians: supply of single copies to other libraries
- 42 Copying by librarians etc : replacement copies of works
- 42A Copying by librarians: single copies of published works
- 43 Copying by librarians or archivists: single copies of unpublished works
- 43A Sections 40A to 43: interpretation
- 44 Copy of work required to be made as condition of export.
- 44A Legal deposit libraries

Orphan works

- 44B Permitted uses of orphan works

Public administration

- 45 Parliamentary and judicial proceedings.
- 46 Royal Commissions and statutory inquiries.
- 47 Material open to public inspection or on official register.
- 48 Material communicated to the Crown in the course of public business.
- 49 Public records.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

50 Acts done under statutory authority.

Computer programs: lawful users

- 50A Back up copies.
- 50B Decompilation.
- 50BA Observing, studying and testing of computer programs
- 50C Other acts permitted to lawful users.

Databases: permitted acts

50D Acts permitted in relation to databases.

Designs

- 51 Design documents and models.
- 52 Effect of exploitation of design derived from artistic work.
- 53 Things done in reliance on registration of design.

Typefaces

- 54 Use of typeface in ordinary course of printing.
- 55 Articles for producing material in particular typeface.

Works in electronic form

56 Transfers of copies of works in electronic form.

Miscellaneous: literary, dramatic, musical and artistic works

- 57 Anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author.
- 58 Use of notes or recordings of spoken words in certain cases.
- 59 Public reading or recitation.
- 60 Abstracts of scientific or technical articles.
- 61 Recordings of folksongs.
- 62 Representation of certain artistic works on public display.
- 63 Advertisement of sale of artistic work.
- 64 Making of subsequent works by same artist.
- 65 Reconstruction of buildings.

Miscellaneous: lending of works and playing of sound recordings

66 Lending to public of copies of certain works.

MISCellaneous: films and sound recordings

- 66A Films: acts permitted on assumptions as to expiry of copyright, &c.
- 67 Playing of sound recordings for purposes of club, society, &c.

Miscellaneous: broadcasts . . .

- 68 Incidental recording for purposes of broadcast
- 69 Recording for purposes of supervision and control of broadcasts and other services.
- 70 Recording for purposes of time-shifting.
- 71 Photographs of broadcasts

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 72 Free public showing or playing of broadcast
- 73 Reception and re-transmission of wireless broadcast by cable.
- 73A Royalty or other sum payable in pursuance of section 73(4).
- 74 Copyright
- 75 Recording of broadcast for archival purposes

Adaptations

- 76 Adaptations.

CHAPTER 3A

CERTAIN PERMITTED USES OF ORPHAN WORKS

- 76A Certain permitted uses of orphan works

CHAPTER IV

MORAL RIGHTS

Right to be identified as author or director

- 77 Right to be identified as author or director.
- 78 Requirement that right be asserted.
- 79 Exceptions to right.

Right to object to derogatory treatment of work

- 80 Right to object to derogatory treatment of work.
- 81 Exceptions to right.
- 82 Qualification of right in certain cases.
- 83 Infringement of right by possessing or dealing with infringing article.

False attribution of work

- 84 False attribution of work.

Right to privacy of certain photographs and films

- 85 Right to privacy of certain photographs and films.

Supplementary

- 86 Duration of rights.
- 87 Consent and waiver of rights.
- 88 Application of provisions to joint works.
- 89 Application of provisions to parts of works.

CHAPTER V

DEALINGS WITH RIGHTS IN COPYRIGHT WORKS

Copyright

- 90 Assignment and licences.
- 91 Prospective ownership of copyright.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 92 Exclusive licences.
- 93 Copyright to pass under will with unpublished work.
- 93A Presumption of transfer of rental right in case of film production agreement.

Right to equitable remuneration where rental right transferred

- 93B Right to equitable remuneration where rental right transferred.
- 93C Equitable remuneration: reference of amount to Copyright Tribunal.

Moral rights

- 94 Moral rights not assignable.
- 95 Transmission of moral rights on death.

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Rights and remedies of copyright owner

- 96 Infringement actionable by copyright owner.
- 97 Provisions as to damages in infringement action.
- 97A Injunctions against service providers
- 98 Undertaking to take licence of right in infringement proceedings.
- 99 Order for delivery up.
- 100 Right to seize infringing copies and other articles.

Rights and remedies of exclusive licensee

- 101 Rights and remedies of exclusive licensee.
- 101A Certain infringements actionable by a non-exclusive licensee
- 102 Exercise of concurrent rights.

Remedies for infringement of moral rights

- 103 Remedies for infringement of moral rights.

Presumptions

- 104 Presumptions relevant to literary, dramatic, musical and artistic works.
- 105 Presumptions relevant to sound recordings and films.
- 106 Presumptions relevant to works subject to Crown copyright.

Offences

- 107 Criminal liability for making or dealing with infringing articles, &c.
- 107A Enforcement by local weights and measures authority.
- 108 Order for delivery up in criminal proceedings.
- 109 Search warrants.
- 110 Offence by body corporate: liability of officers.

Provision for preventing importation of infringing copies

- 111 Infringing copies may be treated as prohibited goods.
- 112 Power of Commissioners of Customs and Excise to make regulations.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Supplementary

- 113 Period after which remedy of delivery up not available.
- 114 Order as to disposal of infringing copy or other article.
- 114A Forfeiture of infringing copies, etc.: England and Wales or Northern Ireland
- 114B Forfeiture of infringing copies, etc.: Scotland
- 115 Jurisdiction of county court and sheriff court.

CHAPTER VII

COPYRIGHT LICENSING

Licensing schemes and licensing bodies

- 116 Licensing schemes and licensing bodies.

Orphan works licensing and extended collective licensing

- 116A Power to provide for licensing of orphan works
- 116B Extended collective licensing
- 116C General provision about licensing under sections 116A and 116B
- 116D Regulations under sections 116A and 116B

References and applications with respect to licensing schemes

- 117 Licensing schemes to which following sections apply.
- 118 Reference of proposed licensing scheme to tribunal.
- 119 Reference of licensing scheme to tribunal.
- 120 Further reference of scheme to tribunal.
- 121 Application for grant of licence in connection with licensing scheme.
- 122 Application for review of order as to entitlement to licence.
- 123 Effect of order of tribunal as to licensing scheme.

References and applications with respect to licensing by licensing bodies

- 124 Licences to which following sections apply.
- 125 Reference to tribunal of proposed licence.
- 126 Reference to tribunal of expiring licence.
- 127 Application for review of order as to licence.
- 128 Effect of order of tribunal as to licence.
- 128A Notification of licence or licensing scheme for excepted sound recordings
- 128B References to the Tribunal by the Secretary of State under section 128A

Factors to be taken into account in certain classes of case

- 129 General considerations: unreasonable discrimination.
- 130 Licences for reprographic copying.
- 131 Licences for educational establishments in respect of works included in broadcasts
- 132 Licences to reflect conditions imposed by promoters of events.
- 133 Licences to reflect payments in respect of underlying rights.
- 134 Licences in respect of works included in re-transmissions.
- 135 Mention of specific matters not to exclude other relevant considerations.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Use as of right of sound recordings in broadcasts . . .

- 135A Circumstances in which right available.
- 135B Notice of intention to exercise right.
- 135C Conditions for exercise of right.
- 135D Applications to settle payments.
- 135E References etc. about conditions, information and other terms.
- 135F Application for review of order.
- 135G Factors to be taken into account.
- 135H Power to amend sections 135A to 135G.

Implied indemnity in schemes or licences for reprographic copying

- 136 Implied indemnity in certain schemes and licences for reprographic copying.

Reprographic copying by educational establishments

- 137 Power to extend coverage of scheme or licence.
- 138 Variation or discharge of order extending scheme or licence.
- 139 Appeals against orders.
- 140 Inquiry whether new scheme or general licence required.
- 141 Statutory licence where recommendation not implemented.

Royalty or other sum payable for lending of certain works

- 142 Royalty or other sum payable for lending of certain works.

Certification of licensing schemes

- 143 Certification of licensing schemes.

Powers exercisable in consequence of competition report

- 144 Powers exercisable in consequence of report of Competition and Markets Authority.

Compulsory collective administration of certain rights

- 144A Collective exercise of certain rights in relation to cable re-transmission.

CHAPTER VIII

THE COPYRIGHT TRIBUNAL

The Tribunal

- 145 The Copyright Tribunal.
- 146 Membership of the Tribunal.
- 147 Financial provisions.
- 148 Constitution for purposes of proceedings.

Jurisdiction and procedure

- 149 Jurisdiction of the Tribunal.
- 150 General power to make rules.
- 151 Costs, proof of orders, &c.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

151A Award of interest.

Appeals

152 Appeal to the court on point of law.

CHAPTER IX

QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

Qualification for copyright protection

- 153 Qualification for copyright protection.
- 154 Qualification by reference to author.
- 155 Qualification by reference to country of first publication.
- 156 Qualification by reference to place of transmission.

Extent and application of this Part

- 157 Countries to which this Part extends.
- 158 Countries ceasing to be colonies.
- 159 Application of this Part to countries to which it does not extend
- 160 Denial of copyright protection to citizens of countries not giving adequate protection to British works.

Supplementary

- 161 Territorial waters and the continental shelf.
- 162 British ships, aircraft and hovercraft.

CHAPTER X

MISCELLANEOUS AND GENERAL

Crown and Parliamentary copyright

- 163 Crown copyright.
- 164 Copyright in Acts and Measures.
- 165 Parliamentary copyright.
- 166 Copyright in Parliamentary Bills.
- 166A Copyright in Bills of the Scottish Parliament.
- 166B Copyright in Bills of the Northern Ireland Assembly.
- 166C Copyright in proposed Measures of the National Assembly for Wales
- 166D Copyright in Bills of the National Assembly for Wales
- 167 Houses of Parliament: supplementary provisions with respect to copyright.

Other miscellaneous provisions

- 168 Copyright vesting in certain international organisations.
- 169 Folklore, &c.: anonymous unpublished works.

Transitional provisions and savings

- 170 Transitional provisions and savings.
- 171 Rights and privileges under other enactments or the common law.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Interpretation

- 172 General provisions as to construction.
- 172A Meaning of EEA and related expressions.
- 173 Construction of references to copyright owner.
- 174 Meaning of “educational establishment” and related expressions.
- 175 Meaning of publication and commercial publication.
- 176 Requirement of signature: application in relation to body corporate.
- 177 Adaptation of expressions for Scotland.
- 178 Minor definitions.
- 179 Index of defined expressions.

PART II

RIGHTS IN PERFORMANCES

CHAPTER 1

INTRODUCTORY

- 180 Rights conferred on performers and persons having recording rights.
- 181 Qualifying performances.

CHAPTER 2

ECONOMIC RIGHTS

Performers' rights

- 182 Consent required for recording, &c. of live performance.
- 182A Consent required for copying of recording.
- 182B Consent required for issue of copies to public.
- 182C Consent required for rental or lending of copies to public.
- 182CA Consent required for making available to the public
- 182D Right to equitable remuneration for exploitation of sound recording.
- 183 Infringement of performer’s rights by use of recording made without consent.
- 184 Infringement of performer’s rights by importing, possessing or dealing with illicit recording.

Rights of person having recording rights

- 185 Exclusive recording contracts and persons having recording rights.
- 186 Consent required for recording of performance subject to exclusive contract.
- 187 Infringement of recording rights by use of recording made without consent.
- 188 Infringement of recording rights by importing, possessing or dealing with illicit recording.

Exceptions to rights conferred

- 189 Acts permitted notwithstanding rights conferred by this Chapter.
- 190 Power of tribunal to give consent on behalf of performer in certain cases.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Duration of rights

191 Duration of rights.

Performers' property rights

- 191A Performers' property rights.
- 191B Assignment and licences.
- 191C Prospective ownership of a performer's property rights.
- 191D Exclusive licences.
- 191E Performer's property right to pass under will with unpublished original recording.
- 191F Presumption of transfer of rental right in case of film production agreement.
- 191G Right to equitable remuneration where rental right transferred.
- 191H Equitable remuneration: reference of amount to Copyright Tribunal.
- 191HA Assignment of performer's property rights in a sound recording
- 191HB Payment in consideration of assignment
 - 191I Infringement actionable by rights owner.
 - 191J Provisions as to damages in infringement action.
- 191JA Injunctions against service providers
- 191K Undertaking to take licence of right in infringement proceedings.
- 191L Rights and remedies for exclusive licensee.
- 191M Exercise of concurrent rights.

Non-property rights

- 192A Performers' non-property rights.
- 192B Transmissibility of rights of person having recording rights.
- 193 Consent.

...

194 Infringement actionable as breach of statutory duty.

Delivery up or seizure of illicit recordings

- 195 Order for delivery up.
- 196 Right to seize illicit recordings.
- 197 Meaning of "illicit recording".
- 197A Presumptions relevant to recordings of performances

Offences

- 198 Criminal liability for making, dealing with or using illicit recordings.
- 198A Enforcement by local weights and measures authority.
- 199 Order for delivery up in criminal proceedings.
- 200 Search warrants.
- 201 False representation of authority to give consent.
- 202 Offence by body corporate: liability of officers.

Supplementary provisions with respect to delivery up and seizure

- 203 Period after which remedy of delivery up not available.
- 204 Order as to disposal of illicit recording.
- 204A Forfeiture of illicit recordings: England and Wales or Northern Ireland

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 204B Forfeiture: Scotland
205 Jurisdiction of county court and sheriff court.

Licensing of performers' ... rights

- 205A Licensing of performers' ... rights.

Jurisdiction of Copyright Tribunal

- 205B Jurisdiction of Copyright Tribunal.

CHAPTER 3

MORAL RIGHTS

Right to be identified as performer

- 205C Right to be identified as performer
205D Requirement that right be asserted
205E Exceptions to right

Right to object to derogatory treatment

- 205F Right to object to derogatory treatment of performance
205G Exceptions to right
205H Infringement of right by possessing or dealing with infringing article

Supplementary

- 205I Duration of rights
205J Consent and waiver of rights
205K Application of provisions to parts of performances
205L Moral rights not assignable
205M Transmission of moral rights on death
205N Remedies for infringement of moral rights

CHAPTER 4

QUALIFICATION FOR PROTECTION, EXTENT AND INTERPRETATION

Qualification for protection and extent

- 206 Qualifying countries, individuals and persons.
207 Countries to which this Part extends.
208 Countries enjoying reciprocal protection.
209 Territorial waters and the continental shelf.
210 British ships, aircraft and hovercraft.
210A Requirement of signature: application in relation to body corporate

Interpretation

- 211 Expressions having same meaning as in copyright provisions.
212 Index of defined expressions.

Supplementary

- 212A Power to amend in consequence of changes to international law

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART III

DESIGN RIGHT

CHAPTER I

DESIGN RIGHT IN ORIGINAL DESIGNS

Introductory

- 213 Design right.
- 214 The designer.
- 215 Ownership of design right.
- 216 Duration of design right.

Qualification for design right protection

- 217 Qualifying individuals and qualifying persons.
- 218 Qualification by reference to designer.
- 219 Qualification by reference to employer.
- 220 Qualification by reference to first marketing.
- 221 Power to make further provision as to qualification.

Dealings with design right

- 222 Assignment and licences.
- 223 Prospective ownership of design right.
- 224 Assignment of right in registered design presumed to carry with it design right.
- 225 Exclusive licences.

CHAPTER II

RIGHTS OF DESIGN RIGHT OWNER AND REMEDIES

Infringement of design right

- 226 Primary infringement of design right.
- 227 Secondary infringement: importing or dealing with infringing article.
- 228 Meaning of “infringing article”.

Remedies for infringement

- 229 Rights and remedies of design right owner.
- 230 Order for delivery up.
- 231 Order as to disposal of infringing articles, &c.
- 232 Jurisdiction of county court and sheriff court.
- 233 Innocent infringement.
- 234 Rights and remedies of exclusive licensee.
- 235 Exercise of concurrent rights.

CHAPTER III

EXCEPTIONS TO RIGHTS OF DESIGN RIGHT OWNERS

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Infringement of copyright

236 Infringement of copyright.

Availability of licences of right

- 237 Licences available in last five years of design right.
- 238 Powers exercisable for protection of the public interest.
- 239 Undertaking to take licence of right in infringement proceedings.

Crown use of designs

- 240 Crown use of designs.
- 241 Settlement of terms for Crown use.
- 242 Rights of third parties in case of Crown use.
- 243 Crown use: compensation for loss of profit.
- 244 Special provision for Crown use during emergency.

Miscellaneous

- 244A Exception for private acts, experiments and teaching
- 244B Exception for overseas ships and aircraft

General

- 245 Power to provide for further exceptions.

CHAPTER IV

JURISDICTION OF THE COMPTROLLER AND THE COURT

Jurisdiction of the comptroller

- 246 Jurisdiction to decide matters relating to design right.
- 247 Application to settle terms of licence of right.
- 248 Settlement of terms where design right owner unknown.
- 249 Appeals as to terms of licence of right.
- 249A Opinions service
- 250 Rules.

Jurisdiction of the court

- 251 References and appeals on design right matters.
- 252 Reference of disputes relating to Crown use.

CHAPTER V

MISCELLANEOUS AND GENERAL

Unjustified threats

- 253 Threats of infringement proceedings
- 253A Actionable threats
- 253B Permitted communications
- 253C Remedies and defences
- 253D Professional advisers
- 253E Supplementary: proceedings for delivery up etc.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Licensee under licence of right not to claim connection with design right owner

- 254 Licensee under licence of right not to claim connection with design right owner.

Extent of operation of this Part

- 255 Countries to which this Part extends.
256 Countries enjoying reciprocal protection.
257 Territorial waters and the continental shelf.

Interpretation

- 258 Construction of references to design right owner.
259 Joint designs.
260 Application of provisions to articles in kit form.
261 Requirement of signature: application in relation to body corporate.
262 Adaptation of expressions in relation to Scotland.
263 Minor definitions.
264 Index of defined expressions.

PART IV

REGISTERED DESIGNS

Amendments of the Registered Designs Act 1949

- 265 Registrable designs.
266 Provisions with respect to certain designs registered in pursuance of application made before commencement.
267 Authorship and first ownership of designs.
268 Right given by registration of design.
269 Duration of right in registered design.
270 Powers exercisable for protection of the public interest.
271 Crown use: compensation for loss of profit.
272 Minor and consequential amendments.

Supplementary

- 273 Text of Registered Designs Act 1949 as amended.

PART V

PATENT AGENTS AND TRADE MARK AGENTS

Patent agents

- 274 Persons permitted to carry on business of a patent agent.
275 The register of patent attorneys
275A Regulation of patent attorneys
276 Persons entitled to describe themselves as patent agents.
277 Persons entitled to describe themselves as European patent attorneys, &c.
278 Use of the term “patent attorney”: supplementary provisions.
279 Power to prescribe conditions, &c. for mixed partnerships and bodies corporate.
280 Privilege for communications with patent agents.
281 Power of comptroller to refuse to deal with certain agents.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Trade mark agents

- 282 The register of trade mark agents.
- 283 Unregistered persons not to be described as registered trade mark agents.
- 284 Privilege for communications with registered trade mark agents.

Supplementary

- 285 Offences committed by partnerships and bodies corporate.
- 286 Interpretation.

PART VI

PATENTS

Patents county courts

- 287 Patents county courts: special jurisdiction.
- 288 Financial limits in relation to proceedings within special jurisdiction of patents county court.
- 289 Transfer of proceedings between High Court and patents county court.
- 290 Limitation of costs where pecuniary claim could have been brought in patents county court.
- 291 Proceedings in patents county court.
- 292 Rights and duties of registered patent agents in relation to proceedings in patents county court.

Licences of right in respect of certain patents

- 293 Restriction of acts authorised by certain licences.
- 294 When application may be made for settlement of terms of licence.

Patents: miscellaneous amendments

- 295 Patents: miscellaneous amendments.

PART VII

MISCELLANEOUS AND GENERAL

Circumvention of protection measures

- 296 Devices designed to circumvent copy-protection.
- 296ZA Circumvention of technological measures
- 296ZB Devices and services designed to circumvent technological measures
- 296ZC Devices and services designed to circumvent technological measures: search warrants and forfeiture
- 296ZD Rights and remedies in respect of devices and services designed to circumvent technological measures
- 296ZE Remedy where effective technological measures prevent permitted acts
- 296ZEA Remedy where restrictive measures prevent or restrict personal copying
- 296ZF Interpretation of sections 296ZA to 296ZEA

Rights management information

- 296ZG Electronic rights management information

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Computer programs

296A Avoidance of certain terms.

Databases

296B Avoidance of certain terms relating to databases

Fraudulent reception of transmissions

- 297 Offence of fraudulently receiving programmes.
- 297A Unauthorised decoders.
- 297B Search warrants
- 297C Forfeiture of unauthorised decoders: England and Wales or Northern Ireland
- 297D Forfeiture of unauthorised decoders: Scotland
- 298 Rights and remedies in respect of apparatus, &c. for unauthorised reception of transmissions.
- 299 Supplementary provisions as to fraudulent reception.

Fraudulent application or use of trade mark

300 Miscellaneous and General

Provisions for the benefit of Great Ormond Street Hospital for Children

301 Provisions for the benefit of Great Ormond Street Hospital for Children.

Financial assistance for certain international bodies

302 Financial assistance for certain international bodies.

General

- 303 Consequential amendments and repeals.
- 304 Extent.
- 305 Commencement.
- 306 Short title.

SCHEDULES

SCHEDULE ZA1 — CERTAIN PERMITTED USES OF ORPHAN WORKS PART 1 — GENERAL PROVISIONS

Certain permitted uses of orphan works by relevant bodies

1 (1) A relevant body does not infringe the copyright in...

Meaning of “relevant body”, “relevant work” and “rightholder”

2 (1) In this Schedule “relevant body” means—

Meaning of “orphan work”

3 (1) For the purposes of this Schedule a relevant work...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Mutual recognition of orphan work status

- 4 A relevant work which is designated as an orphan work...

Diligent searches

- 5 (1) For the purposes of establishing whether a relevant work...

Further requirements for use of orphan works

- 6 This Schedule does not prevent the use by a relevant...

End of orphan work status

- 7 (1) This paragraph applies to a rightholder who has not...

PART 2 — SOURCES TO BE SEARCHED DURING DILIGENT SEARCH

SCHEDULE A1 — Regulation of licensing bodies

Codes of practice

- 1 (1) The Secretary of State may by regulations make provision...
2 Regulations under paragraph 1 may make provision as to conditions...

Licensing code ombudsman

- 3 (1) The Secretary of State may by regulations make provision—...

Code reviewer

- 4 (1) The Secretary of State may by regulations make provision—...

Sanctions

- 5 (1) The Secretary of State may by regulations provide for...

Fees

- 6 (1) The Secretary of State may by regulations require a...

General

- 7 (1) The power to make regulations under this Schedule includes...
8 References in this Schedule to a licensing body are to...

SCHEDULE 1 — Copyright: transitional provisions and savings

Introductory

- 1 (1) In this Schedule— “the 1911 Act” means the Copyright...
2 (1) In relation to the 1956 Act, references in this...

General principles: continuity of the law

- 3 The new copyright provisions apply in relation to things existing...
4 (1) The provisions of this paragraph have effect for securing...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Subsistence of copyright

- 5 (1) Copyright subsists in an existing work after commencement only...
6 (1) Copyright shall not subsist by virtue of this Act...
7 (1) No copyright subsists in a film, as such, made...
8 (1) A film sound-track to which section 13(9) of the...
9 No copyright subsists in— (a) a wireless broadcast made before...

Authorship of work

- 10 The question who was the author of an existing work...

First ownership of copyright

- 11 (1) The question who was first owner of copyright in...

Duration of copyright in existing works

- 12 (1) The following provisions have effect with respect to the...

Perpetual copyright under the Copyright Act 1775

- 13 (1) The rights conferred on universities and colleges by the...

Acts infringing copyright

- 14 (1) The provisions of Chapters II and III of Part...
15 (1) Section 57 (anonymous or pseudonymous works: acts permitted on...
16 The following provisions of section 7 of the 1956 Act...
17 Where in the case of a dramatic or musical work...
18 Where a work made before 1st July 1912 consists of...

Designs

- 19 (1) Section 51 (exclusion of copyright protection in relation to...
20 (1) Where section 10 of the 1956 Act (effect of...

Abolition of statutory recording licence

- 21 Section 8 of the 1956 Act (statutory licence to copy...

Moral rights

- 22 (1) No act done before commencement is actionable by virtue...
23 (1) The following provisions have effect with respect to the...
24 The right conferred by section 85 (right to privacy of...

Assignments and licences

- 25 (1) Any document made or event occurring before commencement
which...
26 (1) Section 91(1) of this Act (assignment of future copyright:...
27 (1) Where the author of a literary, dramatic, musical or...
28 (1) This paragraph applies where copyright subsists in a literary,...
29 Section 92(2) of this Act (rights of exclusive licensee against...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Bequests

- 30 (1) Section 93 of this Act (copyright to pass under...

Remedies for infringement

- 31 (1) Sections 96 and 97 of this Act (remedies for...
32 Sections 101 and 102 of this Act (rights and remedies...
33 (1) The provisions of section 107 of this Act (criminal...

Copyright Tribunal: proceedings pending on commencement

- 34 (1) The Lord Chancellor may, after consultation with the Lord...

Qualification for copyright protection

- 35 Every work in which copyright subsisted under the 1956 Act...

Dependent territories

- 36 (1) The 1911 Act shall remain in force as part...
37 (1) This paragraph applies to a country which immediately before...

Territorial waters and the continental shelf

- 38 Section 161 of this Act (application of Part I to...

British ships, aircraft and hovercraft

- 39 Section 162 (British ships, aircraft and hovercraft) does not apply...

Crown copyright

- 40 (1) Section 163 of this Act (general provisions as to...
41 (1) The following provisions have effect with respect to the...
42 (1) Section 164 (copyright in Acts and Measures) applies to...

Parliamentary copyright

- 43 (1) Section 165 of this Act (general provisions as to...

Copyright vesting in certain international organisations

- 44 (1) Any work in which immediately before commencement copyright subsisted...

Meaning of “publication”

- 45 Section 175(3) (construction of building treated as equivalent to publication)...

Meaning of “unauthorised”

- 46 For the purposes of the application of the definition in...

SCHEDULE 2 — Rights in performances: permitted acts

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Introductory

- 1 (1) The provisions of this Schedule specify acts which may...

Making of temporary copies

- 1A The rights conferred by this Chapter are not infringed by...

Personal copies of recordings for private use

- 1B (1) The making of a copy of a recording of...

Research and private study

- 1C (1) Fair dealing with a performance or a recording of...

Copies for text and data analysis for non-commercial research

- 1D (1) The making of a copy of a recording of...

Criticism, reviews, quotation and news reporting

- 2 (1) Fair dealing with a performance or recording for the...

Caricature, parody or pastiche

- 2A (1) Fair dealing with a performance or a recording of...

Incidental inclusion of performance or recording

- 3 (1) The rights conferred by this Chapter are not infringed...

Disabled persons: copies of recordings for personal use

- 3A (1) This paragraph applies if— (a) a disabled person has...

Making communicating, making available, distributing or lending of accessible copies by authorised bodies

- 3B (1) If— (a) an authorised body has lawful access to...

Making communicating, making available, distributing or lending of intermediate copies by authorised bodies

- 3C (1) An authorised body which is entitled to make an...

Accessible and intermediate copies: records

- 3D (1) A person listed in sub-paragraph (2) may request an...

Paragraphs 3A to 3D: interpretation and general

- 3E (1) This paragraph supplements paragraphs 3A to 3D and includes...

Illustration for instruction

- 4 (1) Fair dealing with a performance or a recording of...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Playing or showing sound recording, film, or broadcast at educational establishment

- 5 (1) The playing or showing of a sound recording, film...

Recording by educational establishments of broadcasts

- 6 (1) A recording of a broadcast, or a copy of...

Copying and use of extracts of recordings by educational establishments

- 6ZA (1) The copying of extracts of a recording of a...

Lending of copies by educational establishments

- 6A (1) The rights conferred by this Chapter are not infringed...

Lending of copies by libraries or archives

- 6B (1) The rights conferred by this Chapter are not infringed...

Libraries and educational establishments etc : making recordings of performances available through dedicated terminals

- 6C (1) The rights conferred by this Chapter in a recording...

Copying by librarians: supply of single copies to other libraries

- 6D (1) A librarian may, if the conditions in sub-paragraph (2)...

Copying by librarians etc : replacement copies of recordings

- 6E (1) A librarian, archivist or curator of a library, archive...

Copying by librarians: single copies of published recordings

- 6F (1) A librarian of a library which is not conducted...

Copying by librarians or archivists: single copies of unpublished recordings

- 6G (1) A librarian or archivist may make and supply a...

Paragraphs 6B to 6G: interpretation

- 6H Expressions used in paragraphs 6B to 6G have the same...

Certain permitted uses of orphan works

- 6I (1) The rights conferred by this Chapter are not infringed...

Copy of work required to be made as condition of export

- 7 (1) If an article of cultural or historical importance or...

Parliamentary and judicial proceedings

- 8 (1) The rights conferred by this Chapter are not infringed...

Royal Commissions and statutory inquiries

- 9 (1) The rights conferred by this Chapter are not infringed...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Public records

- 10 (1) Material which is comprised in public records within the...

Acts done under statutory authority

- 11 (1) Where the doing of a particular act is specifically...

Transfer of copies of works in electronic form

- 12 (1) This paragraph applies where a recording of a performance...

Use of recordings of spoken works in certain cases

- 13 (1) Where a recording of the reading or recitation of...

Recordings of folksongs

- 14 (1) A recording of a performance of a song may...

Lending of certain recordings

- 14A (1) The Secretary of State may by order provide that...

Playing of sound recordings for purposes of club, society, &c

- 15 Rights in performances: permitted acts

Incidental recording for purposes of broadcast . . .

- 16 (1) A person who proposes to broadcast a recording of...

Recordings for purposes of supervision and control of broadcasts and other services

- 17 (1) The rights conferred by this Chapter are not infringed...

Recording for the purposes of time-shifting

- 17A (1) The making in domestic premises for private and domestic...

Photographs of broadcasts

- 17B (1) The making in domestic premises for private and domestic...

Free public showing or playing of broadcast . . .

- 18 (1) The showing or playing in public of a broadcast...

Reception and re-transmission of wireless broadcast by cable

- 19 (1) This paragraph applies where a wireless broadcast made from...
19A (1) An application to settle the royalty or other sum...

Provision of sub-titled copies of broadcast . . .

- 20 Rights in performances: permitted acts

Recording of broadcast for archival purposes

- 21 (1) A recording of a broadcast or a copy of...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 2A — LICENSING OF PERFORMERS' ... RIGHTS

Licensing schemes and licensing bodies

1 (1) In this Chapter a “licensing scheme” means a scheme...

Power to provide for licensing of orphan rights

1A (1) The Secretary of State may by regulations provide for...

Extended collective licensing

1B (1) The Secretary of State may by regulations provide for...

General provision about licensing

1C (1) This paragraph and paragraph 1D apply to regulations under...

1D (1) The power to make regulations includes power—

References and applications with respect to licensing schemes

2 Paragraphs 3 to 8 (references and applications with respect to...

Reference of proposed licensing scheme to tribunal

3 (1) The terms of a licensing scheme proposed to be...

Reference of licensing scheme to tribunal

4 (1) If while a licensing scheme is in operation a...

Further reference of scheme to tribunal

5 (1) Where the Copyright Tribunal has on a previous reference...

Application for grant of licence in connection with licensing scheme

6 (1) A person who claims, in a case covered by...

Application for review of order as to entitlement to licence

7 (1) Where the Copyright Tribunal has made an order under...

Effect of order of tribunal as to licensing scheme

8 (1) A licensing scheme which has been confirmed or varied...

References and applications with respect to licensing by licensing bodies

9 Paragraphs 10 to 13 (references and applications with respect to...

Reference to tribunal of proposed licence

10 (1) The terms on which a licensing body proposes to...

Reference to tribunal of expiring licence

11 (1) A licensee under a licence which is due to...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Application for review of order as to licence

12 (1) Where the Copyright Tribunal has made an order under...

Effect of order of tribunal as to licence

13 (1) Where the Copyright Tribunal has made an order under...

General considerations: unreasonable discrimination

14 (1) In determining what is reasonable on a reference or...

Application to settle royalty or other sum payable for lending

15 (1) An application to settle the royalty or other sum...

Certification of licensing schemes

16 (1) A person operating or proposing to operate a licensing...

Powers exercisable in consequence of competition report

17 (1) Sub-paragraph (1A) applies where whatever needs to be remedied,...

SCHEDULE 3 — Registered designs: minor and consequential amendments of 1949 Act

Section 3: proceedings for registration

1

Section 4: registration of same design in respect of other articles, etc.

2

Section 5: provisions for secrecy of certain designs

3 (1) Section 5 of the Registered Designs Act 1949 is...

Section 6: provisions as to confidential disclosure, etc.

4

Section 9: exemption of innocent infringer from liability for damages

5 In section 9 of the Registered Designs Act 1949 (exemption...

Section 11: cancellation of registration

6

Section 14: registration where application has been made in convention country

7 In section 14 of the Registered Designs Act 1949 (registration...

Section 15: extension of time for application under s.14 in certain cases

8 In section 15(1) of the Registered Designs Act 1949 (power...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Section 16: protection of designs communicated under international agreements

9

Section 19: registration of assignments, &c.

10 In section 19 of the Registered Designs Act 1949 (registration...)

Section 20: rectification of the register

11 In section 20 of the Registered Designs Act 1949 (rectification...)

Section 22: inspection of registered designs

12 (1) Section 22 of the Registered Designs Act 1949 (inspection...)

Section 23: information as to existence of right in registered design

13 For section 23 of the Registered Designs Act 1949 (information...)

Section 25: certificate of contested validity of registration

14 In section 25 of the Registered Designs Act 1949 (certificate...)

Section 26: remedy for groundless threats of infringement proceedings

15 (1) Section 26 of the Registered Designs Act 1949 (remedy...)

Section 27: the court

16 For section 27 of the Registered Designs Act 1949 (the...)

Section 28: the Appeal Tribunal

17 (1) Section 28 of the Registered Designs Act 1949 (the...)

Section 29: exercise of discretionary powers of registrar

18 In section 29 of the Registered Designs Act 1949 (exercise...)

Section 30: costs and security for costs

19 For section 30 of the Registered Designs Act 1949 (costs...)

Section 31: evidence before registrar

20 For section 31 of the Registered Designs Act 1949 (evidence...)

Section 32: power of registrar to refuse to deal with certain agents

21 Section 32 of the Registered Designs Act 1949 (power of...)

Section 33: offences under s.5 (secrecy of certain designs)

22 (1) Section 33 of the Registered Designs Act 1949 (offences...)

Section 34: falsification of register, &c.

23 (1) In section 34 of the Registered Designs Act 1949...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Section 35: fine for falsely representing a design as registered

24 (1) Section 35 of the Registered Designs Act 1949 (fine...

Section 35A: offence by body corporate - liability of officers

25 (1) In the Registered Designs Act 1949 after section 35...

Section 36: general power to make rules, &c.

26 (1) Section 36 of the Registered Designs Act 1949 (general...

Section 37: provisions as to rules and Orders

27 (1) Section 37 of the Registered Designs Act 1949 (provisions...

Section 38: proceedings of the Board of Trade

28 Section 38 of the Registered Designs Act 1949 (proceedings of...

Section 39: hours of business and excluded days

29 In section 39 of the Registered Designs Act 1949 (hours...

Section 40: fees

30 In section 40 of the Registered Designs Act 1949 (fees)...

Section 44: interpretation

31 (1) In section 44 of the Registered Designs Act 1949...

Section 45: application to Scotland

32 In section 45 of the Registered Designs Act 1949 (application...

Section 46: application to Northern Ireland

33 (1) Section 46 of the Registered Designs Act 1949 (application...

Section 47: application to Isle of Man

34 For section 47 of the Registered Designs Act 1949 (application...

Section 47A: territorial waters and the continental shelf

35 In the Registered Designs Act 1949, after section 47 insert—...

Section 48: repeals, savings and transitional provisions

36 In section 48 of the Registered Designs Act 1949 (repeals,...

Schedule 1: provisions as to Crown use of registered designs

37 (1) The First Schedule to the Registered Designs Act 1949...

Schedule 2: enactments repealed

38 Schedule 2 to the Registered Designs Act 1949 (enactments repealed)...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 4 — The Registered Designs Act 1949 as amended Arrangement of Sections

Registrable designs and proceedings for registration

- 1 Designs registrable under Act.
- 2 Proprietorship of designs.
- 3 Proceedings for registration.
- 4 Registration of same design in respect of other articles.
- 5 Provision for secrecy of certain designs.
- 6 Provisions as to confidential disclosure, &c.

Effect of registration, &c.

- 7 Right given by registration.
- 8 Duration of right in registered design.
- 8A Restoration of lapsed right in design.
- 8B Effect of order for restoration of right.
- 9 Exemption of innocent infringer from liability for damages.
- 10 Compulsory licence in respect of registered design.
- 11 Cancellation of registration.
- 11A Powers exercisable for protection of the public interest.
- 11B Undertaking to take licence of right in infringement proceedings.
- 12 Use for services of the Crown.

International arrangements

- 13 Orders in Council as to convention countries.
- 14 Registration of design where application for protection in convention country...
- 15 Extension of time for applications under s.14 in certain cases....
- 16 Protection of designs communicated under international agreements.

Register of designs, &c.

- 17 Register of designs.
- 18 Certificate of registration.
- 19 Registration of assignments, &c.
- 20 Rectification of register.
- 21 Power to correct clerical errors.
- 22 Inspection of registered designs.
- 23 Information as to existence of right in registered design.
- 24

Legal proceedings and appeals

- 25 Certificate of contested validity of registration.
- 26 Remedy for groundless threats of infringement proceedings.
- 27 The court.
- 28 The Appeal Tribunal.

Powers and duties of registrar

- 29 Exercise of discretionary powers of registrar.
- 30 Costs and security for costs.
- 31 Evidence before registrar.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 32
- 33 Offences under s.5.
- 34 Falsification of register, &c.
- 35 Fine for falsely representing a design as registered.
- 35A Offence by body corporate: liability of officers.

Rules, &c.

- 36 General power of Secretary of State to make rules, &c....
- 37 Provisions as to rules and Orders.
- 38

Supplemental

- 39 Hours of business and excluded days.
- 40 Fees.
- 41 Service of notices, &c., by post.
- 42 Annual report of registrar.
- 43 Savings.
- 44 Interpretation.
- 45 Application to Scotland.
- 46 Application to Northern Ireland.
- 47 Application to Isle of Man.
- 47A Territorial waters and the continental shelf.
- 48 Repeals, savings and transitional provisions.
- 49 Short title and commencement. Schedules: Schedule 1—Provisions as to the...

Registrable designs and proceedings for registration

- 1 Designs registrable under Act.
- 2 Proprietorship of designs.
- 3 Proceedings for registration.
- 4 Registration of same design in respect of other articles, etc.
- 5 Provisions for secrecy of certain designs.
- 6 Provisions as to confidential disclosure, etc.

Effect of registration, &c.

- 7 Right given by registration.
- 8 Duration of right in registered design.
- 8A Restoration of lapsed right in design.
- 8B Effect of order for restoration of right.
- 9 Exemption of innocent infringer from liability for damages.
- 10 Compulsory licence in respect of registered design.
- 11 Cancellation of registration.
- 11A Powers exercisable for protection of the public interest.
- 11B Undertaking to take licence of right in infringement proceedings.
- 12 Use for services of the Crown.

International Arrangements

- 13 Orders in Council as to convention countries.
- 14 Registration of design where application for protection in convention country has been made.

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 15 Extension of time for applications under s.14 in certain cases.
- 16 Protection of designs communicated under international agreements.

Register of designs, etc.

- 17 Register of designs.
- 18 Certificate of registration.
- 19 Registration of assignments, etc.
- 20 Rectification of register.
- 21 Power to correct clerical errors.
- 22 Inspection of registered designs.
- 23 Information as to existence of right in registered design.

Legal proceedings and appeals

- 25 Certificate of contested validity of registration.
- 26 Remedy for groundless threats of infringement proceedings.
- 27 The court.
- 28 The Appeal Tribunal.

Powers and duties of Registrar

- 29 Exercise of discretionary powers of registrar.
- 30 Costs and security for costs.
- 31 Evidence before registrar.

Offences

- 33 Offences under s.5.
- 34 Falsification of register, etc.
- 35 Fine for falsely representing a design as registered.
- 35A Offence by body corporate: liability of officers.

Rules, etc.

- 36 General power of Secretary of State to make rules, etc.
- 37 Provisions as to rules and Orders.

Supplemental

- 39 Hours of business and excluded days.
- 40 Fees.
- 41 Service of notices, &c., by post.
- 42 Annual report of registrar.
- 43 Savings.
- 44 Interpretation.
- 45 Application to Scotland.
- 46 Application to Northern Ireland.
- 47 Application to Isle of Man.
- 47A Territorial waters and the continental shelf.
- 48 Repeals, savings, and transitional provisions.
- 49 Short title and commencement.

FIRST SCHEDULE

Provisions as to the Use of Registered Designs for the...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Use of registered designs for services of the Crown

- 1 (1) Notwithstanding anything in this Act, any Government department, and...

Rights of third parties in respect of Crown use

- 2 (1) In relation to any use of a registered design,...

Compensation for loss of profit

- 2A (1) Where Crown use is made of a registered design,...

Reference of disputes as to Crown use

- 3 (1) Any dispute as to— (a) the exercise by a...

Special provisions as to Crown use during emergency

- 4 (1) During any period of emergency within the meaning of...

SCHEDULE 5 — Patents: miscellaneous amendments

Withdrawal of application before publication of specification

- 1 In section 13(2) of the Patents Act 1949 (duty of...

Correction of clerical errors

- 2 (1) In section 15 of the Patents Act 1977 (filing...

Supplementary searches

- 3 (1) Section 17 of the Patents Act 1977 (preliminary examination...
4 In section 18 of the Patents Act 1977 (substantive examination...
5 In section 130(1) of the Patents Act 1977 (interpretation), in...

Application for restoration of lapsed patent

- 6 (1) Section 28 of the Patents Act 1977 (restoration of...
7 After that section insert— Effect of order for restoration of...
8 In consequence of the above amendments— (a) in section 60(6)(b)...

Determination of right to patent after grant

- 9 (1) Section 37 of the Patents Act 1977 (determination of...
10 In section 74(6) (meaning of “entitlement proceedings”), for
“section 37(1)(a)...

Employees’ inventions

- 11 (1) In section 39 of the Patents Act 1977 (right...

Undertaking to take licence in infringement proceedings

- 12 (1) Section 46 of the Patents Act 1977 (licences of...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Power of comptroller on grant of compulsory licence

- 13 In section 49 of the Patents Act 1977 (supplementary provisions...

Powers exercisable in consequence of report of Monopolies and Mergers Commission

- 14 For section 51 of the Patents Act 1977 (licences of...

Compulsory licensing: reliance on statements in competition report

- 15 In section 53(2) of the Patents Act 1977 (compulsory licensing:...

Crown use: compensation for loss of profit

- 16 (1) In the Patents Act 1977, after section 57 insert—...

Right to continue use begun before priority date

- 17 For section 64 of the Patents Act 1977 (right to...

Revocation on grounds of grant to wrong person

- 18 In section 72(1) of the Patents Act 1977 (grounds for...

Revocation where two patents granted for same invention

- 19 In section 73 of the Patents Act 1977 (revocation on...

Applications and amendments not to include additional matter

- 20 For section 76 of the Patents Act 1977 (amendments of...

Effect of European patent (UK)

- 21 (1) Section 77 of the Patents Act 1977 (effect of...

The state of the art: material contained in patent applications

- 22 In section 78 of the Patents Act 1977 (effect of...

Jurisdiction in certain proceedings

- 23 Section 88 of the Patents Act 1977 (jurisdiction in legal...

Effect of filing international application for patent

- 24 (1) Section 89 of the Patents Act 1977 (effect of...

- 25 For section 89 of the Patents Act 1977 (effect of...

Proceedings before the court or the comptroller

- 26 In the Patents Act 1977, after section 99 (general powers...

- 27 For section 102 of the Patents Act 1977 (right of...

Provision of information

- 28 In section 118 of the Patents Act 1977 (information about...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Power to extend time limits

29 In section 123 of the Patents Act 1977 (rules), after...

Availability of samples of micro-organisms

30 In the Patents Act 1977 after section 125 insert— Disclosure...

SCHEDULE 5A — PERMITTED ACTS TO WHICH SECTION 296ZE APPLIES

PART 1 — COPYRIGHT EXCEPTIONS

- section 29 (research and private study)
 - section 29A (copies for text and data analysis for non-commercial...
 - section 31A (disabled persons: copies of works for personal use)“...)
 - section 31B (making and supply of accessible copies by authorised...
 - section 31BA (making and supply of intermediate copies by authorised...
 - section 32 (illustration for instruction)
 - section 35 (recording by educational establishments of broadcasts)
 - section 36 (copying and use of extracts of works by...)
 - ...
 - ...
 - ...
 - section 41 (copying by librarians: supply of single copies to...)
 - ...
 - section 42 (copying by librarians etc : replacement copies of...
 - section 42A (copying by librarians: single copies of published works)...
 - ...
 - section 43 (copying by librarians or archivists: single copies of...
 - section 44 (copy of work required to be made as...
 - section 45 (Parliamentary and judicial proceedings)
 - section 46 (Royal Commissions and statutory inquiries)
 - section 47 (material open to public inspection or on official...
 - section 48 (material communicated to the Crown in the course...
 - section 49 (public records)
 - section 50 (acts done under statutory authority)
 - section 61 (recordings of folksongs)
 - section 68 (incidental recording for purposes of broadcast)
 - section 69 (recording for purposes of supervision and control of...
 - section 70 (recording for purposes of time-shifting)
 - f time-shifting)
 - section 71 (photographs of broadcasts)
 - ...
 - section 75 (recording of broadcast for archival purposes)
- PART 2 — RIGHTS IN PERFORMANCES EXCEPTIONS
- paragraph 1C of Schedule 2 (research and private study) paragraph...
- PART 3 — DATABASE RIGHT EXCEPTIONS
- regulation 20 of and Schedule 1 to the Copyright and...

SCHEDULE 6 — Provisions for the Benefit of Great Ormond Street Hospital for Children

Interpretation

1 (1) In this Schedule— “ GOSH Children's Charity ” means...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Entitlement to royalty

2 (1) GOSH Children's Charity is entitled, subject to the following...

Exceptions

3 No royalty is payable in respect of—

Saving

4 No royalty is payable in respect of anything done in...

Procedure for determining amount payable

5 (1) In default of agreement application may be made to...

Sums received to be held for the benefit of the Hospital

6 The sums received by GOSH Children's Charity by virtue of...

Right only for the benefit of the Hospital

7 (1) The right of GOSH Children's Charity under this Schedule...

SCHEDULE 7 — Consequential amendments: general

British Mercantile Marine Uniform Act 1919 (c.62)

1 For section 2 of the British Mercantile Marine Uniform Act...

Chartered Associations (Protection of Names and Uniforms) Act 1926 (c.26)

2 In section 1(5) of the Chartered Associations (Protection of Names...

Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939 (c.107)

3 (1) The Patents, Designs, Copyright and Trade Marks (Emergency) Act...

Crown Proceedings Act 1947 (c.44)

4 (1) In the Crown Proceedings Act 1947 for section 3...

Patents Act 1949 (c.87)

5 In section 47 of the Patents Act 1949 (rights of...

Public Libraries (Scotland) Act 1955 (c.27)

6 Consequential amendments: general

London County Council (General Powers) Act 1958 (c.xxi)

7 In section 36 of the London County Council (General Powers)...

Public Libraries and Museums Act 1964 (c.75)

8 Consequential amendments: general

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marine, &c., Broadcasting (Offences) Act 1967 (c.41)

9 Consequential amendments: general

Medicines Act 1968 (c.67)

10 (1) Section 92 of the Medicines Act 1968 (scope of...

Post Office Act 1969 (c.48)

11 In Schedule 10 to the Post Office Act 1969 (special...

Merchant Shipping Act 1970 (c.36)

12 In section 87 of the Merchant Shipping Act 1970 (merchant...

Taxes Management Act 1970 (c.9)

13 In section 16 of the Taxes Management Act 1970 (returns...

Tribunals and Inquiries Act 1971 (c.62)

14 Consequential amendments: general

Fair Trading Act 1973 (c.41)

15 Consequential amendments: general

House of Commons Disqualification Act 1975 (c.24)

16 In Part II of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c.25)

17 In Part II of Schedule 1 to the Northern Ireland...

Restrictive Trade Practices Act 1976 (c.34)

18 (1) The Restrictive Trade Practices Act 1976 is amended as...

Resale Prices Act 1976 (c. 53)

19 In section 10(4) of the Resale Prices Act 1976 (patented...

Patents Act 1977 (c. 37)

20 In section 57 of the Patents Act 1977 (rights of...

21 In section 105 of the Patents Act 1977 (privilege in...

22 In section 123(7) of the Patents Act 1977 (publication of...

23 In section 130(1) of the Patents Act 1977 (interpretation), in...

Unfair Contract Terms Act 1977 (c. 50)

24 In paragraph 1 of Schedule 1 to the Unfair Contract...

Judicature (Northern Ireland) Act 1978 (c. 23)

25 In section 94A of the Judicature (Northern Ireland) Act 1978...

Status: Point in time view as at 01/12/2021.

Changes to legislation: Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Capital Gains Tax Act 1979 (c. 14)

26 Consequential amendments: general

British Telecommunications Act 1981 (c. 38)

27 Consequential amendments: general

Senior Courts Act 1981 (c. 54)

28 (1) The Senior Courts Act 1981 is amended as follows....

29, 30 Consequential amendments: general

Companies Act 1985 (c. 6)

31 (1) Part XII of the Companies Act 1985 (registration of...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

32 In section 15 of the Law Reform (Miscellaneous Provisions)
(Scotland)...

Atomic Energy Authority Act 1986 (c. 3)

33 In section 8(2) of the Atomic Energy Authority Act 1986...

Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I.3))

34 Consequential amendments: general

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

35 Consequential amendments: general

Income and Corporation Taxes Act 1988 (c. 1)

36 (1) The Income and Corporation Taxes Act 1988 is amended...

SCHEDULE 8 — Repeals

Status:

Point in time view as at 01/12/2021.

Changes to legislation:

Copyright, Designs and Patents Act 1988 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.