

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)

SCHEDULES

SCHEDULE 1

COPYRIGHT: TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) by [S.I. 1989/1293, art. 4\(4\)\(5\)\(6\)](#)
- C1** Sch. 1 applied (with modifications)(4.5.1993) by [S.I. 1993/942, arts. 2\(3\), 5, Sch. 4](#) (with art. 6)
- C1** Sch. 1 applied (4.5.1993) by [S.I. 1993/942, arts.4, 5, Sch. 4](#) (with art. 6)
- C1** Sch. 1 applied (with modifications) (22.7.1999) by [S.I. 1999/1751, arts. 2\(3\), 3, 4\(3\)-\(5\), 6, Sch. 5](#) (subject to [arts. 5, 7](#)) (as amended (22.4.2003) by [S.I. 2003/774, arts. 2-5](#))
- C1** Sch. 1 extended in part (with modifications) by [The Copyright \(Bermuda\) Order 2003 \(S.I. 2003/1517\), art. 2, Sch.](#) (the amendment coming into force in accordance with art. 1 of the amending S.I.)
- C1** Sch. 1 extended in part (with modifications) by [The Copyright \(Gibraltar\) Order 2005 \(S.I. 2005/853\), art. 2, Sch.](#) (the amendment coming into force in accordance with art. 1 of the amending S.I.)

Designs

- 19 (1) Section 51 (exclusion of copyright protection in relation to works recorded or embodied in design document or models) does not apply for ten years after commencement in relation to a design recorded or embodied in a design document or model before commencement.
- (2) During those ten years the following provisions of Part III (design right) apply to any relevant copyright as in relation to design right—
- (a) sections 237 to 239 (availability of licences of right), and
 - (b) sections 247 and 248 (application to comptroller to settle terms of licence of right).
- (3) In section 237 as it applies by virtue of this paragraph, for the reference in subsection (1) to the last five years of the design right term there shall be substituted a reference to the last five years of the period of ten years referred to in subparagraph (1) above, or to so much of those last five years during which copyright subsists.
- (4) In section 239 as it applies by virtue of this paragraph, for the reference in subsection (1)(b) to section 230 there shall be substituted a reference to section 99.
- (5) Where a licence of right is available by virtue of this paragraph, a person to whom a licence was granted before commencement may apply to the comptroller for an order adjusting the terms of that licence.
- (6) The provisions of sections 249 and 250 (appeals and rules) apply in relation to proceedings brought under or by virtue of this paragraph as to proceedings under Part III.

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- (7) A licence granted by virtue of this paragraph shall relate only to acts which would be permitted by section 51 if the design document or model had been made after commencement.
- (8) Section 100 (right to seize infringing copies, &c.) does not apply during the period of ten years referred to in sub-paragraph (1) in relation to anything to which it would not apply if the design in question had been first recorded or embodied in a design document or model after commencement.
- (9) Nothing in this paragraph affects the operation of any rule of law preventing or restricting the enforcement of copyright in relation to a design.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 19(1) excluded by [S.I. 1989/1100](#), **art. 10(2)**
- C2** Sch. 1 para. 19(2) modified by [S.I. 1989/1100](#), **art. 10(3)**
- C3** Sch. 1 para. 19(3) excluded by [S.I. 1989/1100](#), **art. 10(3)**

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Textual Amendments

- F1** Sch. 1 para. 20 omitted (28.7.2016) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 74(3)(b)**, 103(3); [S.I. 2016/593](#), **arts. 2(1)**, 3 (with **arts. 4**, 5)

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