
Changes to legislation: There are currently no known outstanding effects for the
Copyright, Designs and Patents Act 1988, Paragraph 4. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 7

CONSEQUENTIAL AMENDMENTS: GENERAL

Textual Amendments

- F1** Sch. 5A inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 24(2), [Sch. 3](#) (with regs. 31-40)

Crown Proceedings Act 1947 (c.44)

- 4 (1) In the Crown Proceedings Act 1947 for section 3 (provisions as to industrial property) substitute—

“ **Infringement of intellectual property rights.**

- (1) Civil proceedings lie against the Crown for an infringement committed by a servant or agent of the Crown, with the authority of the Crown, of—

- (a) a patent,
- (b) a registered trade mark or registered service mark,
- (c) the right in a registered design,
- (d) design right, or
- (e) copyright;

but save as provided by this subsection no proceedings lie against the Crown by virtue of this Act in respect of an infringement of any of those rights.

- (2) Nothing in this section, or any other provision of this Act, shall be construed as affecting—

- (a) the rights of a government department under section 55 of the Patents Act 1977, Schedule 1 to the Registered Designs Act 1949 or section 240 of the Copyright, Designs and Patents Act 1988 (Crown use of patents and designs), or
- (b) the rights of the Secretary of State under section 22 of the Patents Act 1977 or section 5 of the Registered Designs Act 1949 (security of information prejudicial to defence or public safety).”

- (2) In the application of sub-paragraph (1) to Northern Ireland—

- (a) the reference to the Crown Proceedings Act 1947 is to that Act as it applies to the Crown in right of Her Majesty’s Government in Northern Ireland, as well as to the Crown in right of Her Majesty’s Government in the United Kingdom, and
- (b) in the substituted section 3 as it applies in relation to the Crown in right of Her Majesty’s Government in Northern Ireland, subsection (2)(b) shall be omitted.]

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 4.