



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER II

RIGHTS OF DESIGN RIGHT OWNER AND REMEDIES

Remedies for infringement

230 Order for delivery up.

- (1) Where a person—
 - (a) has in his possession, custody or control for commercial purposes an infringing article, or
 - (b) has in his possession, custody or control anything specifically designed or adapted for making articles to a particular design, knowing or having reason to believe that it has been or is to be used to make an infringing article,the owner of the design right in the design in question may apply to the court for an order that the infringing article or other thing be delivered up to him or to such other person as the court may direct.
- (2) An application shall not be made after the end of the period specified in the following provisions of this section; and no order shall be made unless the court also makes, or it appears to the court that there are grounds for making, an order under section 231 (order as to disposal of infringing article, &c.).
- (3) An application for an order under this section may not be made after the end of the period of six years from the date on which the article or thing in question was made, subject to subsection (4).
- (4) If during the whole or any part of that period the design right owner—

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Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 230. (See end of Document for details)

- (a) is under a disability, or
- (b) is prevented by fraud or concealment from discovering the facts entitling him to apply for an order,

an application may be made at any time before the end of the period of six years from the date on which he ceased to be under a disability or, as the case may be, could with reasonable diligence have discovered those facts.

- (5) In subsection (4) “disability”—
 - (a) in England and Wales, has the same meaning as in the ^{M1}Limitation Act 1980;
 - (b) in Scotland, means legal disability within the meaning of the ^{M2}Prescription and Limitation (Scotland) Act 1973;
 - (c) in Northern Ireland, has the same meaning as in the ^{M3}Statute of Limitations (Northern Ireland) 1958.
- (6) A person to whom an infringing article or other thing is delivered up in pursuance of an order under this section shall, if an order under section 231 is not made, retain it pending the making of an order, or the decision not to make an order, under that section.
- (7) Nothing in this section affects any other power of the court.

Modifications etc. (not altering text)

C1 S. 230 extended by S.I.1991/724, **art. 2(1)(n)**

Marginal Citations

M1 1980 c. 58.

M2 1973 c. 52.

M3 1958 c. 10 (N.I.).

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