



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER IV

JURISDICTION OF THE COMPTROLLER AND THE COURT

Jurisdiction of the comptroller

246 Jurisdiction to decide matters relating to design right.

- (1) A party to a dispute as to any of the following matters may refer the dispute to the comptroller for his decision—
 - (a) the subsistence of design right,
 - (b) the term of design right, or
 - (c) the identity of the person in whom design right first vested;and the comptroller's decision on the reference is binding on the parties to the dispute.
- (2) No other court or tribunal shall decide any such matter except—
 - (a) on a reference or appeal from the comptroller,
 - (b) in infringement or other proceedings in which the issue arises incidentally, or
 - (c) in proceedings brought with the agreement of the parties or the leave of the comptroller.
- (3) The comptroller has jurisdiction to decide any incidental question of fact or law arising in the course of a reference under this section.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 246.