



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Designs

51 Design documents and models.

- (1) It is not an infringement of any copyright in a design document or model recording or embodying a design for anything other than an artistic work or a typeface to make an article to the design or to copy an article made to the design.
- (2) Nor is it an infringement of the copyright to issue to the public, or include in a film [^{F1}or communicate to the public], anything the making of which was, by virtue of subsection (1), not an infringement of that copyright.
- (3) In this section—

“design” means the design of ^{F2}...the shape or configuration (whether internal or external) of the whole or part of an article, other than surface decoration; and

“design document” means any record of a design, whether in the form of a drawing, a written description, a photograph, data stored in a computer or otherwise.

Textual Amendments

- F1** Words in s. 51(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), reg. 2(1), [Sch. 1 para. 8\(3\)](#) (with regs. 31-40)

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)

F2 Words in s. 51(3) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 1(2)**, 24(1); S.I. 2014/2330, art. 3, Sch.

F3 52 Effect of exploitation of design derived from artistic work.

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Textual Amendments

F3 S. 52 omitted (28.7.2016) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 74(2)**, 103(3); S.I. 2016/593, arts. 2(1), 3 (with arts. 4, 5)

53 Things done in reliance on registration of design.

- (1) The copyright in an artistic work is not infringed by anything done—
- (a) in pursuance of an assignment or licence made or granted by a person registered^[F4] —
 - (i) under the ^{M1}Registered Designs Act 1949 as the proprietor of a corresponding design, and^[F5], or
 - (ii) under the Community Design Regulation as the right holder of a corresponding registered Community design]
 - (b) in good faith in reliance on the registration and without notice of any proceedings for the cancellation ^[F6]or invalidation] of the registration or^[F7], in a case of registration under the 1949 Act,] for rectifying the relevant entry in the register of designs;

and this is so notwithstanding that the person registered as the proprietor was not the proprietor of the design for the purposes of the 1949 Act^[F8] or, in a case of registration under the Community Design Regulation, that the person registered as the right holder was not the right holder of the design for the purposes of the Regulation].

- (2) In subsection (1) a “corresponding design”, in relation to an artistic work, means a design within the meaning of the 1949 Act which if applied to an article would produce something which would be treated for the purposes of this Part as a copy of the artistic work.

^[F9](3) In subsection (1), a “ corresponding registered Community design ”, in relation to an artistic work, means a design within the meaning of the Community Design Regulation which if applied to an article would produce something which would be treated for the purposes of this Part as a copy of the artistic work.]

^[F10](4) In this section, “ the Community Design Regulation ” means Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs.]

Textual Amendments

F4 Word in s. 53(1)(a) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 5(2)(a)**, 24(1); S.I. 2014/2330, art. 3, Sch.

F5 Words in s. 53(1)(a) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 5(2)(b)**, 24(1); S.I. 2014/2330, art. 3, Sch.

F6 Words in s. 53(1)(b) inserted (9.12.2001) by S.I. 2001/3949, reg. 9(1), **Sch. 1 para. 16** (with transitional provisions in [regs. 10-14](#))

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)

- F7** Words in s. 53(1)(b) inserted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 5(3)**, 24(1); S.I. 2014/2330, art. 3, Sch.
- F8** Words in s. 53(1) inserted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 5(4)**, 24(1); S.I. 2014/2330, art. 3, Sch.
- F9** S. 53(3) inserted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 5(5)**, 24(1); S.I. 2014/2330, art. 3, Sch.
- F10** S. 53(4) inserted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 5(6)**, 24(1); S.I. 2014/2330, art. 3, Sch.

Marginal Citations

- M1** 1949 c. 88.

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