



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER I

DESIGN RIGHT IN ORIGINAL DESIGNS

Introductory

213 Design right.

- (1) Design right is a property right which subsists in accordance with this Part in an original design.
- (2) In this Part “design” means the design of ^{F1}... the shape or configuration (whether internal or external) of the whole or part of an article.
- (3) Design right does not subsist in—
 - (a) a method or principle of construction,
 - (b) features of shape or configuration of an article which—
 - (i) enable the article to be connected to, or placed in, around or against, another article so that either article may perform its function, or
 - (ii) are dependent upon the appearance of another article of which the article is intended by the designer to form an integral part, or
 - (c) surface decoration.
- (4) A design is not “original” for the purposes of this Part if it is commonplace [^{F2}in a qualifying country] in the design field in question at the time of its creation [^{F3}; and “qualifying country” has the meaning given in section 217(3)].

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 213. (See end of Document for details)

- (5) Design right subsists in a design only if the design qualifies for design right protection by reference to—
- (a) the designer or the person by whom [^{F4}the designer was employed] (see sections 218 and 219), or
 - (b) the person by whom and country in which articles made to the design were first marketed (see section 220),
- or in accordance with any Order under section 221 (power to make further provision with respect to qualification).
- ^{F5}[(5A) Design right does not subsist in a design which consists of or contains a controlled representation within the meaning of the Olympic Symbol etc. (Protection) Act 1995.]
- (6) Design right does not subsist unless and until the design has been recorded in a design document or an article has been made to the design.
- (7) Design right does not subsist in a design which was so recorded, or to which an article was made, before the commencement of this Part.

Textual Amendments

- F1** Words in s. 213(2) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 1(1)**, 24(1); S.I. 2014/2330, art. 3, Sch.
- F2** Words in s. 213(4) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 1(3)(a)**, 24(1) (with s. 1(4)); S.I. 2014/2330, art. 3, Sch.
- F3** Words in s. 213(4) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 1(3)(b)**, 24(1) (with s. 1(4)); S.I. 2014/2330, art. 3, Sch.
- F4** Words in s. 213(5)(a) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 2(2)(a)**, 24(1) (with s. 2(3)); S.I. 2014/2330, art. 3, Sch.
- F5** S. 213(5A) inserted (20.9.1995 with effect as mentioned in s. 14(2)(3) of the amending Act) by 1995 c. 32, **s. 14(1)**; S.I. 1995/2472, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 213.