



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER I

DESIGN RIGHT IN ORIGINAL DESIGNS

Qualification for design right protection

217 Qualifying individuals and qualifying persons.

(1) In this Part—

^{F1}
...

^{F2} “qualifying person” means—

- (a) an individual habitually resident in a qualifying country, or
- (b) a body corporate or other body having legal personality which—
 - (i) is formed under the law of a part of the United Kingdom or another qualifying country, and
 - (ii) has in any qualifying country a place of business at which substantial business activity is carried on.]

(2) References in this Part to a qualifying person include the Crown and the government of any other qualifying country.

(3) In this section “qualifying country” means—

- (a) the United Kingdom,
- (b) a country to which this Part extends by virtue of an Order under section 255,
^{F3}[or]

^{F4}(c)

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 217. (See end of Document for details)

- (d) to the extent that an Order under section 256 so provides, a country designated under that section as enjoying reciprocal protection.

^{F5}(4)

- (5) In determining for the purpose of the definition of “qualifying person” whether substantial business activity is carried on at a place of business in any country, no account shall be taken of dealings in goods which are at all material times outside that country.

Textual Amendments

- F1** Words in s. 217(1) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 3(1)(a)**, 24(1) (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F2** Words in s. 217(1) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 3(1)(b)**, 24(1) (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F3** Word in s. 217(3)(b) inserted (31.12.2020) by [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 8 para. 11(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 217(3)(c) omitted (31.12.2020) by virtue of [The Designs and International Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/638\)](#), reg. 1, **Sch. 8 para. 11(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 217(4) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 3(2)**, 24(1) (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 217.