



# 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*

#### **220 Qualification by reference to first marketing.**

- (1) A design which does not qualify for design right protection under section 218 or 219 (qualification by reference to designer, commissioner or employer) qualifies for design right protection if the first marketing of articles made to the design—
  - (a) is by a qualifying person who is exclusively authorised to put such articles on the market in the United Kingdom, and
  - (b) takes place in the United Kingdom, another country to which this Part extends by virtue of an Order under section 255, or another member State of the [<sup>F1</sup>European Union].
- (2) If the first marketing of articles made to the design is done jointly by two or more persons, the design qualifies for design right protection if any of those persons meets the requirements specified in subsection (1)(a).
- (3) In such a case only the persons who meet those requirements are entitled to design right under section 215(4) (first ownership of design right: entitlement of first marketer of articles made to the design).
- (4) In subsection (1)(a) “exclusively authorised” refers—
  - (a) to authorisation by the person who would have been first owner of design right as designer, commissioner of the design or employer of the designer if

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**Status:** Point in time view as at 22/04/2011. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 220. (See end of Document for details)

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he had been a qualifying person, or by a person lawfully claiming under such a person, and

- (b) to exclusivity capable of being enforced by legal proceedings in the United Kingdom.

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**Textual Amendments**

**F1** Words substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 3, 4

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