



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^{F1}... or employer) qualifies for design right protection if the first marketing of articles made to the design—
 - (a) is by a qualifying person^{F2}..., and
 - (b) takes place in the United Kingdom [^{F3}or], another country to which this Part extends by virtue of an Order under section 255, ^{F4}....
- (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 [^{F5} requirement] specified in subsection (1)(a).
- (3) In such a case only the persons who meet [^{F6}that requirement] are entitled to design right under section 215(4) (first ownership of design right: entitlement of first marketer of articles made to the design).

^{F7}(4)

Status: Point in time view as at 31/12/2020.

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)

Textual Amendments

- F1** Word in s. 220(1) omitted (1.10.2014) by virtue of Intellectual Property Act 2014 (c. 18), **ss. 2(2)(g), 24(1)** (with s. 2(3)); S.I. 2014/2330, art. 3, Sch.
- F2** Words in s. 220(1)(a) omitted (1.10.2014) by virtue of Intellectual Property Act 2014 (c. 18), **ss. 3(4)(a), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F3** Word in s. 220(1)(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(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 220(1)(b) 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(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in s. 220(2) substituted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 3(4)(b), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F6** Words in s. 220(3) substituted (1.10.2014) by Intellectual Property Act 2014 (c. 18), **ss. 3(4)(c), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.
- F7** S. 220(4) omitted (1.10.2014) by virtue of Intellectual Property Act 2014 (c. 18), **ss. 3(4)(d), 24(1)** (with s. 3(6)); S.I. 2014/2330, art. 3, Sch.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 220.