



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART III

#### DESIGN RIGHT

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#### EXCEPTIONS TO RIGHTS OF DESIGN RIGHT OWNERS

##### *Availability of licences of right*

#### **237 Licences available in last five years of design right.**

- (1) Any person is entitled as of right to a licence to do in the last five years of the design right term anything which would otherwise infringe the design right.
- (2) The terms of the licence shall, in default of agreement, be settled by the comptroller.
- (3) The Secretary of State may if it appears to him necessary in order to—
  - (a) comply with an international obligation of the United Kingdom, or
  - (b) secure or maintain reciprocal protection for British designs in other countries,by order exclude from the operation of subsection (1) designs of a description specified in the order or designs applied to articles of a description so specified.
- (4) An order shall be made by statutory instrument; and no order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 237.