



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

CHAPTER II

RIGHTS OF DESIGN RIGHT OWNER AND REMEDIES

Remedies for infringement

231 Order as to disposal of infringing articles, &c.

- (1) An application may be made to the court for an order that an infringing article or other thing delivered up in pursuance of an order under section 230 shall be—
 - (a) forfeited to the design right owner, or
 - (b) destroyed or otherwise dealt with as the court may think fit, or for a decision that no such order should be made.
- (2) In considering what order (if any) should be made, the court shall consider whether other remedies available in an action for infringement of design right would be adequate to compensate the design right owner and to protect his interests.
- (3) Provision shall be made by rules of court as to the service of notice on persons having an interest in the article or other thing, and any such person is entitled—
 - (a) to appear in proceedings for an order under this section, whether or not he was served with notice, and
 - (b) to appeal against any order made, whether or not he appeared;and an order shall not take effect until the end of the period within which notice of an appeal may be given or, if before the end of that period notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 231. (See end of Document for details)

- (4) Where there is more than one person interested in an article or other thing, the court shall make such order as it thinks just and may (in particular) direct that the thing be sold, or otherwise dealt with, and the proceeds divided.
- (5) If the court decides that no order should be made under this section, the person in whose possession, custody or control the article or other thing was before being delivered up ^{F1} . . . is entitled to its return.
- (6) References in this section to a person having an interest in an article or other thing include any person in whose favour an order could be made in respect of it
- [^{F2}(a) under this section or under section 114 or 204 of this Act;
 (b) under section 24D of the Registered Designs Act 1949;
 (c) under section 19 of Trade Marks Act 1994 ^{F3} . . .; or
 (d) under regulation 1C of the Community Design Regulations 2005 (SI 2005/2339).]

Textual Amendments

- F1** Words in s. 231(5) repealed (29.4.2006) by [The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#), reg. 2(4), **Sch. 4**
- F2** Words in s. 231(6) substituted (29.4.2006) by [The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#), reg. 2(2), **Sch. 2 para. 14**
- F3** Words in s. 231(6)(c) omitted (31.12.2020) by virtue of [The Trade Marks \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/269\)](#), reg. 1(1), **Sch. 5 para. 2**; 2020 c. 1, Sch. 5 para. 1(1)
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Modifications etc. (not altering text)

- C1** S. 231 extended by [S.I. 1991/724](#), **art. 2(1)(n)**

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 231.