



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART III

DESIGN RIGHT

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EXCEPTIONS TO RIGHTS OF DESIGN RIGHT OWNERS

Crown use of designs

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- (1) A government department, or a person authorised in writing by a government department, may without the licence of the design right owner—
 - (a) do anything for the purpose of supplying articles for the services of the Crown, or
 - (b) dispose of articles no longer required for the services of the Crown; and nothing done by virtue of this section infringes the design right.
- (2) References in this Part to “the services of the Crown” are to—
 - (a) the defence of the realm,
 - (b) foreign defence purposes, and
 - (c) health service purposes.
- (3) The reference to the supply of articles for “foreign defence purposes” is to their supply—
 - (a) for the defence of a country outside the realm in pursuance of an agreement or arrangement to which the government of that country and Her Majesty’s Government in the United Kingdom are parties; or
 - (b) for use by armed forces operating in pursuance of a resolution of the United Nations or one of its organs.

Status: This is the original version (as it was originally enacted).

- (4) The reference to the supply of articles for “health service purposes” are to their supply for the purpose of providing—
- (a) pharmaceutical services,
 - (b) general medical services, or
 - (c) general dental services,
- that is, services of those kinds under Part II of the National Health Service Act 1977, Part II of the National Health Service (Scotland) Act 1978 or the corresponding provisions of the law in force in Northern Ireland.
- (5) In this Part—
- “Crown use”, in relation to a design, means the doing of anything by virtue of this section which would otherwise be an infringement of design right in the design; and
 - “the government department concerned”, in relation to such use, means the government department by whom or on whose authority the act was done.
- (6) The authority of a government department in respect of Crown use of a design may be given to a person either before or after the use and whether or not he is authorised, directly or indirectly, by the design right owner to do anything in relation to the design.
- (7) A person acquiring anything sold in the exercise of powers conferred by this section, and any person claiming under him, may deal with it in the same manner as if the design right were held on behalf of the Crown.