



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER IV

MORAL RIGHTS

Right to privacy of certain photographs and films

85 Right to privacy of certain photographs and films.

- (1) A person who for private and domestic purposes commissions the taking of a photograph or the making of a film has, where copyright subsists in the resulting work, the right not to have—
- copies of the work issued to the public,
 - the work exhibited or shown in public, or
 - the work [^{F1}communicated to the public];
- and, except as mentioned in subsection (2), a person who does or authorises the doing of any of those acts infringes that right.
- (2) The right is not infringed by an act which by virtue of any of the following provisions would not infringe copyright in the work—
- section 31 (incidental inclusion of work in an artistic work, film [^{F2}or broadcast]);
 - section 45 (parliamentary and judicial proceedings);
 - section 46 (Royal Commissions and statutory inquiries);
 - section 50 (acts done under statutory authority);
 - [^{F3}section 57 or 66A (acts permitted on assumptions as to expiry of copyright, &c.)].

Status: Point in time view as at 31/10/2003.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Right to privacy of certain photographs and films. (See end of Document for details)

Textual Amendments

- F1** Words in s. 85(1)(c) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 8\(2\)\(b\)](#) (with regs. 31-40)
- F2** Words in s. 85(2)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 3\(1\)\(i\)](#) (with regs. 31-40)
- F3** Words in s. 85(2) substituted (1.1.1996) by [S.I. 1995/3297](#), [reg. 6\(3\)](#) (with Pt. III)

Status:

Point in time view as at 31/10/2003.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Right to privacy of certain photographs and films.