



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

##### *Performers' rights*

#### **181 Qualifying performances**

A performance is a qualifying performance for the purposes of the provisions of this Part relating to performers' rights if it is given by a qualifying individual (as defined in section 206) or takes place in a qualifying country (as so defined).

#### **182 Consent required for recording or live transmission of performance**

- (1) A performer's rights are infringed by a person who, without his consent—
  - (a) makes, otherwise than for his private and domestic use, a recording of the whole or any substantial part of a qualifying performance, or
  - (b) broadcast live, or includes live in a cable programme service, the whole or any substantial part of a qualifying performance.
- (2) In an action for infringement of a performer's rights brought by virtue of this section damages shall not be awarded against a defendant who shows that at the time of the infringement he believed on reasonable grounds that consent had been given.

#### **183 Infringement of performer's rights by use of recording made without consent**

A performer's rights are infringed by a person who, without his consent—

- (a) shows or plays in public the whole or any substantial part of a qualifying performance, or
- (b) broadcasts or includes in a cable programme service the whole or any substantial part of a qualifying performance,

by means of a recording which was, and which that person knows or has reason to believe was, made without the performer's consent.

**184 Infringement of performer's rights by importing, possessing or dealing with illicit recording**

- (1) A performer's rights are infringed by a person who, without his consent—
  - (a) imports into the United Kingdom otherwise than for his private and domestic use, or
  - (b) in the course of a business possesses, sells or lets for hire, offers or exposes for sale or hire, or distributes,a recording of a qualifying performance which is, and which that person knows or has reason to believe is, an illicit recording.
- (2) Where in an action for infringement of a performer's rights brought by virtue of this section a defendant shows that the illicit recording was innocently acquired by him or a predecessor in title of his, the only remedy available against him in respect of the infringement is damages not exceeding a reasonable payment in respect of the act complained of.
- (3) In subsection (2) "innocently acquired" means that the person acquiring the recording did not know and had no reason to believe that it was an illicit recording.