



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

##### SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

##### *Authorship and ownership of copyright*

### 9 Authorship of work.

- (1) In this Part “author”, in relation to a work, means the person who creates it.
- (2) That person shall be taken to be—
  - <sup>F1</sup><sup>F1</sup>(aa) in the case of a sound recording, the producer;
  - (ab) in the case of a film, the producer and the principal director;
  - (b) in the case of a broadcast, the person making the broadcast (see section 6(3)) or, in the case of a broadcast which relays another broadcast by reception and immediate re-transmission, the person making that other broadcast;
  - (c) <sup>F2</sup> .....
  - (d) in the case of the typographical arrangement of a published edition, the publisher.
- (3) In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken.
- (4) For the purposes of this Part a work is of “unknown authorship” if the identity of the author is unknown or, in the case of a work of joint authorship, if the identity of none of the authors is known.

*Changes to legislation: Copyright, Designs and Patents Act 1988, Cross Heading: Authorship and ownership of copyright is up to date with all changes known to be in force on or before 20 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) For the purposes of this Part the identity of an author shall be regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if his identity is once known it shall not subsequently be regarded as unknown.

**Annotations:**

**Amendments (Textual)**

- F1** S. 9(2)(aa)(ab) substituted for s. 9(2)(a) (1.12.1996 with effect in relation to films made on or after 1.7.1994) by [S.I. 1996/2967](#), [regs. 18\(1\)](#), 36
- F2** S. 9(2)(c) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [regs. 2\(2\)](#), 5(4), [Sch. 2](#) (with [regs. 31-40](#))

**10 Works of joint authorship.**

- (1) In this Part a “work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of each author is not distinct from that of the other author or authors.

<sup>F3</sup>[( 1A ) A film shall be treated as a work of joint authorship unless the producer and the principal director are the same person.]

- (2) A broadcast shall be treated as a work of joint authorship in any case where more than one person is to be taken as making the broadcast (see section 6(3)).
- (3) References in this Part to the author of a work shall, except as otherwise provided, be construed in relation to a work of joint authorship as references to all the authors of the work.

**Annotations:**

**Amendments (Textual)**

- F3** S. 10(1A) inserted (1.12.1996 with effect in relation to films made on or after 1.7.1994) by [S.I. 1996/2967](#), [regs. 18\(2\)](#), 36

<sup>F4</sup>**10A Works of co-authorship**

- (1) In this Part a “work of co-authorship” means a work produced by the collaboration of the author of a musical work and the author of a literary work where the two works are created in order to be used together.

- (2) References in this Part to a work or the author of a work shall, except as otherwise provided, be construed in relation to a work of co-authorship as references to each of the separate musical and literary works comprised in the work of co-authorship and to each of the authors of such works.]

**Annotations:**

**Amendments (Textual)**

- F4** S. 10A inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), [regs. 1](#), 4 (with [regs. 11-27](#))

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## **11 First ownership of copyright.**

- (1) The author of a work is the first owner of any copyright in it, subject to the following provisions.
- (2) Where a literary, dramatic, musical or artistic work [<sup>F5</sup>, or a film,] is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary.
- (3) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 and 165) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).

### **Annotations:**

#### **Amendments (Textual)**

- F5** Words in s. 11(2) inserted (1.12.1996 with effect in relation to films made on or after 1.7.1994) by *S.I. 1996/2967, regs. 18(3), 36*

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A(1A)(aa) inserted by 2017 c. 30 s. 31(4)(b)
- s. 40A(1ZA) inserted by 2017 c. 30 s. 31(3)
- s. 249(1A) inserted by 2007 c. 15 s. 143(3)(b)