



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

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

##### *Duration of copyright*

#### [<sup>F1</sup>12] **Duration of copyright in literary, dramatic, musical or artistic works.**

- (1) The following provisions have effect with respect to the duration of copyright in a literary, dramatic, musical or artistic work.
- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the author dies, subject as follows.
- (3) If the work is of unknown authorship, copyright expires—
  - (a) at the end of the period of 70 years from the end of the calendar year in which the work was made, or
  - (b) if during that period the work is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available,subject as follows.
- (4) Subsection (2) applies if the identity of the author becomes known before the end of the period specified in paragraph (a) or (b) of subsection (3).
- (5) For the purposes of subsection (3) making available to the public includes—
  - (a) in the case of a literary, dramatic or musical work—
    - (i) performance in public, or

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- [<sup>F2</sup>(ii) communication to the public;]
- (b) in the case of an artistic work—
- (i) exhibition in public,
- (ii) a film including the work being shown in public, or
- [<sup>F3</sup>(iii) communication to the public;]
- but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.
- (6) Where the country of origin of the work is not an EEA state and the author of the work is not a national of an EEA state, the duration of copyright is that to which the work is entitled in the country of origin, provided that does not exceed the period which would apply under subsections (2) to (5).
- (7) If the work is computer-generated the above provisions do not apply and copyright expires at the end of the period of 50 years from the end of the calendar year in which the work was made.
- (8) The provisions of this section are adapted as follows in relation to a work of joint authorship [<sup>F4</sup>or a work of co-authorship]—
- (a) the reference in subsection (2) to the death of the author shall be construed—
- (i) if the identity of all the authors is known, as a reference to the death of the last of them to die, and
- (ii) if the identity of one or more of the authors is known and the identity of one or more others is not, as a reference to the death of the last whose identity is known;
- (b) the reference in subsection (4) to the identity of the author becoming known shall be construed as a reference to the identity of any of the authors becoming known;
- (c) the reference in subsection (6) to the author not being a national of an EEA state shall be construed as a reference to none of the authors being a national of an EEA state.
- (9) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 to [<sup>F5</sup>166D]) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).]

#### Annotations:

#### Amendments (Textual)

- F1** S. 12 substituted (1.1.1996) by [S.I. 1995/3297](#), [reg. 5\(1\)](#) (with [Pt. III](#))
- F2** S. 12(5)(a)(ii) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#), ([S.I. 2003/2498](#)), [reg. 2\(1\)](#), {[Sch. 1 para. 4\(1\)](#)} (with [regs. 31-40](#))
- F3** S. 12(5)(b)(iii) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#), ([S.I. 2003/2498](#)), [reg. 2\(1\)](#), {[Sch. 1 para. 4\(2\)](#)} (with [regs. 31-40](#))
- F4** Words in s. 12(8) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013](#) ([S.I. 2013/1782](#)), [regs. 1, 5](#) (with [regs. 11-27](#))
- F5** Word in s. 12(9) substituted by [Government of Wales Act 2006](#) (c. 32), [s. 160\(1\)](#), [Sch. 10 para. 23](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial

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period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

### [<sup>F6</sup>13A Duration of copyright in sound recordings.

(1) The following provisions have effect with respect to the duration of copyright in a sound recording.

[<sup>F7</sup>(2) Subject to subsections (4) and (5) [<sup>F8</sup>and section 191HA(4)], copyright expires—

- (a) at the end of the period of 50 years from the end of the calendar year in which the recording is made, or
- (b) if during that period the recording is published, [<sup>F9</sup>70] years from the end of the calendar year in which it is first published, or
- (c) if during that period the recording is not published but is made available to the public by being played in public or communicated to the public, [<sup>F10</sup>70] years from the end of the calendar year in which it is first so made available, but in determining whether a sound recording has been published, played in public or communicated to the public, no account shall be taken of any unauthorised act.]

(3) [<sup>F11</sup> . . . . .

(4) Where the author of a sound recording is not a national of an EEA state, the duration of copyright is that to which the sound recording is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under [<sup>F12</sup> subsection (2) ] .

(5) If or to the extent that the application of subsection (4) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in [<sup>F12</sup>subsection (2)].]

#### Annotations:

##### Amendments (Textual)

- F6** Ss. 13A, 13B substituted for s. 13 (1.1.1996) by [S.I. 1995/3297](#), **reg. 6(1)** (with Pt. IV)
- F7** S. 13A(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 29(a)** (with regs. 31-40)
- F8** Words in s. 13A(2) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, **6(a)** (with regs. 11-27)
- F9** Word in s. 13A(2)(b) substituted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, **6(b)** (with regs. 11-27)
- F10** Word in s. 13A(2)(c) substituted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, **6(b)** (with regs. 11-27)
- F11** S. 13A(3) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), regs. 2(2), 29(b), **Sch. 2** (with regs. 31-40)
- F12** Words in s. 13A(4)(5) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I.2003/2498\)](#), **reg. 29(c)** (with regs. 31-40)

### [<sup>F13</sup>13B Duration of copyright in films.

(1) The following provisions have effect with respect to the duration of copyright in a film.

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- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the following persons—
- (a) the principal director,
  - (b) the author of the screenplay,
  - (c) the author of the dialogue, or
  - (d) the composer of music specially created for and used in the film;
- subject as follows.
- (3) If the identity of one or more of the persons referred to in subsection (2)(a) to (d) is known and the identity of one or more others is not, the reference in that subsection to the death of the last of them to die shall be construed as a reference to the death of the last whose identity is known.
- (4) If the identity of the persons referred to in subsection (2)(a) to (d) is unknown, copyright expires at—
- (a) the end of the period of 70 years from the end of the calendar year in which the film was made, or
  - (b) if during that period the film is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available.
- (5) Subsections (2) and (3) apply if the identity of any of those persons becomes known before the end of the period specified in paragraph (a) or (b) of subsection (4).
- (6) For the purposes of subsection (4) making available to the public includes—
- (a) showing in public, or
  - [<sup>F14</sup>(b) communicating to the public;]
- but in determining generally for the purposes of that subsection whether a film has been made available to the public no account shall be taken of any unauthorised act.
- (7) Where the country of origin is not an EEA state and the author of the film is not a national of an EEA state, the duration of copyright is that to which the work is entitled in the country of origin, provided that does not exceed the period which would apply under subsections (2) to (6).
- (8) In relation to a film of which there are joint authors, the reference in subsection (7) to the author not being a national of an EEA state shall be construed as a reference to none of the authors being a national of an EEA state.
- (9) If in any case there is no person falling within paragraphs (a) to (d) of subsection (2), the above provisions do not apply and copyright expires at the end of the period of 50 years from the end of the calendar year in which the film was made.
- (10) For the purposes of this section the identity of any of the persons referred to in subsection (2)(a) to (d) shall be regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if the identity of any such person is once known it shall not subsequently be regarded as unknown.]

**Annotations:**

**Amendments (Textual)**

**F13** Ss. 13A, 13B substituted for s. 13 (1.1.1996) by [S.I. 1995/3297](#), [reg. 6\(1\)](#) (with [Pt. IV](#))

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**F14** S. 13B(6)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), [Sch. 1 para. 4\(3\)](#) (with regs. 31-40)

## [<sup>F16</sup>14 Duration of copyright in broadcasts <sup>F15</sup> . . . .

- (1) The following provisions have effect with respect to the duration of copyright in a broadcast <sup>F17</sup> . . . .
- (2) Copyright in a broadcast . . . expires at the end of the period of 50 years from the end of the calendar year in which the broadcast was made <sup>F18</sup> . . . , subject as follows.
- (3) Where the author of the broadcast . . . is not a national of an EEA state, the duration of copyright in the broadcast . . . is that to which it is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under subsection (2).
- (4) If or to the extent that the application of subsection (3) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in subsection (2).
- (5) Copyright in a repeat broadcast . . . expires at the same time as the copyright in the original broadcast . . . ; and accordingly no copyright arises in respect of a repeat broadcast . . . which is broadcast <sup>F19</sup> . . . after the expiry of the copyright in the original broadcast . . . .
- (6) A repeat broadcast . . . means one which is a repeat <sup>F20</sup> . . . of a broadcast previously made . . . .]

### Annotations:

#### Amendments (Textual)

- F15** Words in s. 14 heading repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)
- F16** S. 14 substituted (1.1.1996) by [S.I. 1995/3297](#), [reg. 7\(1\)](#) (with Pt. IV)
- F17** Words in s. 14 repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)
- F18** Words in s. 14(2) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)
- F19** Words in s. 14(5) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)
- F20** Words in s. 14(6) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)

## 15 Duration of copyright in typographical arrangement of published editions.

Copyright in the typographical arrangement of a published edition expires at the end of the period of 25 years from the end of the calendar year in which the edition was first published.

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**[<sup>F21</sup>15A Meaning of country of origin.**

- (1) For the purposes of the provisions of this Part relating to the duration of copyright the country of origin of a work shall be determined as follows.
- (2) If the work is first published in a Berne Convention country and is not simultaneously published elsewhere, the country of origin is that country.
- (3) If the work is first published simultaneously in two or more countries only one of which is a Berne Convention country, the country of origin is that country.
- (4) If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then—
  - (a) if any of those countries is an EEA state, the country of origin is that country; and
  - (b) if none of those countries is an EEA state, the country of origin is the Berne Convention country which grants the shorter or shortest period of copyright protection.
- (5) If the work is unpublished or is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is—
  - (a) if the work is a film and the maker of the film has his headquarters in, or is domiciled or resident in a Berne Convention country, that country;
  - (b) if the work is—
    - (i) a work of architecture constructed in a Berne Convention country, or
    - (ii) an artistic work incorporated in a building or other structure situated in a Berne Convention country,
 that country;
  - (c) in any other case, the country of which the author of the work is a national.
- (6) In this section—
  - (a) a “Berne Convention country” means a country which is a party to any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886; and
  - (b) references to simultaneous publication are to publication within 30 days of first publication.]

**Annotations:**

**Amendments (Textual)**

**F21** S. 15A inserted (1.1.1996) by **S.I. 1995/3297, reg. 8(1)** (with Pt. IV)

**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. 249(1A) inserted by [2007 c. 15 s. 143\(3\)\(b\)](#)