



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER II

#### RIGHTS OF COPYRIGHT OWNER

##### *Infringing copies*

#### **27 Meaning of “infringing copy”.**

- (1) In this Part “infringing copy”, in relation to a copyright work, shall be construed in accordance with this section.
- (2) An article is an infringing copy if its making constituted an infringement of the copyright in the work in question.
- (3) <sup>F1</sup> . . . An article is also an infringing copy if—
  - (a) it has been or is proposed to be imported into the United Kingdom, and
  - (b) its making in the United Kingdom would have constituted an infringement of the copyright in the work in question, or a breach of an exclusive licence agreement relating to that work.

<sup>F2</sup>(3A) . . . . .

- (4) Where in any proceedings the question arises whether an article is an infringing copy and it is shown—
  - (a) that the article is a copy of the work, and
  - (b) that copyright subsists in the work or has subsisted at any time,it shall be presumed until the contrary is proved that the article was made at a time when copyright subsisted in the work.

*Status: Point in time view as at 22/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Infringing copies. (See end of Document for details)*

- (5) Nothing in subsection (3) shall be construed as applying to an article which may lawfully be imported into the United Kingdom by virtue of any enforceable [<sup>F3</sup>EU] right within the meaning of section 2(1) of the <sup>M1</sup>European Communities Act 1972.
- (6) In this Part “infringing copy” includes a copy falling to be treated as an infringing copy by virtue of any of the following provisions —
- [<sup>F4</sup>section 31A(6) and (9) (making a single accessible copy for personal use),
  - section 31B(9) and (10) (multiple copies for visually impaired persons),
  - section 31C(2) (intermediate copies held by approved bodies)]
  - section 32(5) (copies made for purposes of instruction or examination),
  - section 35(3) (recordings made by educational establishments for educational purposes),
  - section 36(5) (reprographic copying by educational establishments for purposes of instruction),
  - section 37(3)(b) (copies made by librarian or archivist in reliance on false declaration),
  - section 56(2) (further copies, adaptations, &c. of work in electronic form retained on transfer of principal copy),
  - section 63(2) (copies made for purpose of advertising artistic work for sale),
  - section 68(4) (copies made for purpose of broadcast <sup>F5</sup>. . . ),
  - [<sup>F6</sup>section 70(2) (recording for the purposes of time-shifting),
  - section 71(2) (photographs of broadcasts), or]
  - any provision of an order under section 141 (statutory licence for certain reprographic copying by educational establishments).

#### Textual Amendments

- F1** Words in s. 27(3) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F2** S. 27(3A) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F3** Word substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 3, 6
- F4** Words in s. 27(6) inserted (31.10.2003) by 2002 c. 33, ss. 7(1), 8(2); S.I. 2003/2499, **art. 2**
- F5** Words in s. 27(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)
- F6** S. 27(6): entries substituted (31.10.2003) for word "or" appearing at end of entry for s. 68(4) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), **reg. 20(3)** (with regs. 31–40)

#### Marginal Citations

- M1** 1972 c. 68.

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**Changes to legislation:**

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