



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER II

#### RIGHTS OF COPYRIGHT OWNER

##### *Secondary infringement of copyright*

#### **22 Secondary infringement: importing infringing copy**

The copyright in a work is infringed by a person who, without the licence of the copyright owner, imports into the United Kingdom, otherwise than for his private and domestic use, an article which is, and which he knows or has reason to believe is, an infringing copy of the work.

#### **23 Secondary infringement: possessing or dealing with infringing copy**

The copyright in a work is infringed by a person who, without the licence of the copyright owner—

- (a) possesses in the course of a business,
- (b) sells or lets for hire, or offers or exposes for sale or hire,
- (c) in the course of a business exhibits in public or distributes, or
- (d) distributes otherwise than in the course of a business to such an extent as to affect prejudicially the owner of the copyright,

an article which is, and which he knows or has reason to believe is, an infringing copy of the work.

**24 Secondary infringement: providing means for making infringing copies**

- (1) Copyright in a work is infringed by a person who, without the licence of the copyright owner—
  - (a) makes,
  - (b) imports into the United Kingdom,
  - (c) possesses in the course of a business, or
  - (d) sells or lets for hire, or offers or exposes for sale or hire,an article specifically designed or adapted for making copies of that work, knowing or having reason to believe that it is to be used to make infringing copies.
- (2) Copyright in a work is infringed by a person who without the licence of the copyright owner transmits the work by means of a telecommunications system (otherwise than by broadcasting or inclusion in a cable programme service), knowing or having reason to believe that infringing copies of the work will be made by means of the reception of the transmission in the United Kingdom or elsewhere.

**25 Secondary infringement: permitting use of premises for infringing performance**

- (1) Where the copyright in a literary, dramatic or musical work is infringed by a performance at a place of public entertainment, any person who gave permission for that place to be used for the performance is also liable for the infringement unless when he gave permission he believed on reasonable grounds that the performance would not infringe copyright.
- (2) In this section “place of public entertainment” includes premises which are occupied mainly for other purposes but are from time to time made available for hire for the purposes of public entertainment.

**26 Secondary infringement: provision of apparatus for infringing performance, &c**

- (1) Where copyright in a work is infringed by a public performance of the work, or by the playing or showing of the work in public, by means of apparatus for—
  - (a) playing sound recordings,
  - (b) showing films, or
  - (c) receiving visual images or sounds conveyed by electronic means,the following persons are also liable for the infringement.
- (2) A person who supplied the apparatus, or any substantial part of it, is liable for the infringement if when he supplied the apparatus or part—
  - (a) he knew or had reason to believe that the apparatus was likely to be so used as to infringe copyright, or
  - (b) in the case of apparatus whose normal use involves a public performance, playing or showing, he did not believe on reasonable grounds that it would not be so used as to infringe copyright.
- (3) An occupier of premises who gave permission for the apparatus to be brought onto the premises is liable for the infringement if when he gave permission he knew or had reason to believe that the apparatus was likely to be so used as to infringe copyright.
- (4) A person who supplied a copy of a sound recording or film used to infringe copyright is liable for the infringement if when he supplied it he knew or had reason to believe

that what he supplied, or a copy made directly or indirectly from it, was likely to be so used as to infringe copyright.