



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### [<sup>F2</sup>CHAPTER 2

#### ECONOMIC RIGHTS

#### <sup>X1F1</sup>[<sup>F2</sup>Duration of rights]

#### Annotations:

##### Editorial Information

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

##### Amendments (Textual)

- F1** Crossheading substituted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(5\)\(a\)](#) (with Pt. III)
- F2** Ss. 182-205B become Pt. 2 Ch. 2 (1.2.2006) by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(4\)](#) (with reg. 8)

#### <sup>X2</sup> 191 Duration of rights.]

- (1) The following provisions have effect with respect to the duration of the rights conferred by [<sup>F4</sup>this Chapter].
- (2) The rights conferred by [<sup>F4</sup>this Chapter] in relation to a performance expire—
  - (a) at the end of the period of 50 years from the end of the calendar year in which the performance takes place, or

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**Changes to legislation:** Copyright, Designs and Patents Act 1988, Cross Heading: Duration of rights is up to date with all changes known to be in force on or before 21 July 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)

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- (b) if during that period a recording of the performance<sup>[F5]</sup>, other than a sound recording,] is released, 50 years from the end of the calendar year in which it is released, <sup>[F6]</sup>or
- (c) if during that period a sound recording of the performance is released, 70 years from the end of the calendar year in which it is released,]

subject as follows.

- (3) For the purposes of subsection (2) a recording is “released” when it is first published, played or shown in public <sup>[F7]</sup> or communicated to the public]; but in determining whether a recording has been released no account shall be taken of any unauthorised act.
- (4) Where a performer is not a national of an EEA state, the duration of the rights conferred by <sup>[F4]</sup> this Chapter ] in relation to his performance is that to which the performance is entitled in the country of which he is a national, provided that does not exceed the period which would apply under subsections (2) and (3).
- (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 the rights conferred by <sup>[F4]</sup>this Chapter] shall be as specified in subsections (2) and (3).]

#### Annotations:

#### Editorial Information

- X2** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

#### Amendments (Textual)

- F3** S. 191 substituted (1.1.1996) by S.I. 1995/3297, **reg. 10** (with Pt. III)
- F4** Words in s. 191(1)(2)(4)(5) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006](#) (S.I. 2006/18), **reg. 2**, **Sch. para. 8** (with **reg. 8**)
- F5** Words in s. 191(2)(b) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013](#) (S.I. 2013/1782), **regs. 1, 8(a)** (with **regs. 11-27**)
- F6** S. 191(2)(c) and word inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013](#) (S.I. 2013/1782), **regs. 1, 8(b)** (with **regs. 11-27**)
- F7** Words in s. 191(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), **reg. 2(1)**, **Sch. 1 para. 8(2)(d)** (with **regs. 31-40**)

**Changes to legislation:**

Copyright, Designs and Patents Act 1988, Cross Heading: Duration of rights is up to date with all changes known to be in force on or before 21 July 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.

**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\(3\)\(b\)](#)