



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

Performers' rights

181 Qualifying performances

A performance is a qualifying performance for the purposes of the provisions of this Part relating to performers' rights if it is given by a qualifying individual (as defined in section 206) or takes place in a qualifying country (as so defined).

182 Consent required for recording or live transmission of performance

- (1) A performer's rights are infringed by a person who, without his consent—
 - (a) makes, otherwise than for his private and domestic use, a recording of the whole or any substantial part of a qualifying performance, or
 - (b) broadcast live, or includes live in a cable programme service, the whole or any substantial part of a qualifying performance.
- (2) In an action for infringement of a performer's rights brought by virtue of this section damages shall not be awarded against a defendant who shows that at the time of the infringement he believed on reasonable grounds that consent had been given.

183 Infringement of performer's rights by use of recording made without consent

A performer's rights are infringed by a person who, without his consent—

- (a) shows or plays in public the whole or any substantial part of a qualifying performance, or
- (b) broadcasts or includes in a cable programme service the whole or any substantial part of a qualifying performance,

by means of a recording which was, and which that person knows or has reason to believe was, made without the performer's consent.

184 Infringement of performer's rights by importing, possessing or dealing with illicit recording

- (1) A performer's rights are infringed by a person who, without his consent—
 - (a) imports into the United Kingdom otherwise than for his private and domestic use, or
 - (b) in the course of a business possesses, sells or lets for hire, offers or exposes for sale or hire, or distributes,a recording of a qualifying performance which is, and which that person knows or has reason to believe is, an illicit recording.
- (2) Where in an action for infringement of a performer's rights brought by virtue of this section a defendant shows that the illicit recording was innocently acquired by him or a predecessor in title of his, the only remedy available against him in respect of the infringement is damages not exceeding a reasonable payment in respect of the act complained of.
- (3) In subsection (2) "innocently acquired" means that the person acquiring the recording did not know and had no reason to believe that it was an illicit recording.