



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER X

MISCELLANEOUS AND GENERAL

Interpretation

175 Meaning of publication and commercial publication.

- (1) In this Part “publication”, in relation to a work—
 - (a) means the issue of copies to the public, and
 - (b) includes, in the case of a literary, dramatic, musical or artistic work, making it available to the public by means of an electronic retrieval system;and related expressions shall be construed accordingly.
- (2) In this Part “commercial publication”, in relation to a literary, dramatic, musical or artistic work means—
 - (a) issuing copies of the work to the public at a time when copies made in advance of the receipt of orders are generally available to the public, or
 - (b) making the work available to the public by means of an electronic retrieval system;and related expressions shall be construed accordingly.
- (3) In the case of a work of architecture in the form of a building, or an artistic work incorporated in a building, construction of the building shall be treated as equivalent to publication of the work.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 175. (See end of Document for details)

- (4) The following do not constitute publication for the purposes of this Part and references to commercial publication shall be construed accordingly—
- (a) in the case of a literary, dramatic or musical work—
 - (i) the performance of the work, or
 - (ii) the [^{F1}communication to the public of the work] (otherwise than for the purposes of an electronic retrieval system);
 - (b) in the case of an artistic work—
 - (i) the exhibition of the work,
 - (ii) the issue to the public of copies of a graphic work representing, or of photographs of, a work of architecture in the form of a building or a model for a building, a sculpture or a work of artistic craftsmanship,
 - (iii) the issue to the public of copies of a film including the work, or
 - (iv) the [^{F1}communication to the public of the work] (otherwise than for the purposes of an electronic retrieval system);
 - (c) in the case of a sound recording or film—
 - (i) the work being played or shown in public, or
 - (ii) the [^{F1}communication to the public of the work].
- (5) References in this Part to publication or commercial publication do not include publication which is merely colourable and not intended to satisfy the reasonable requirements of the public.
- (6) No account shall be taken for the purposes of this section of any unauthorised act.

Textual Amendments

F1 Words in s. 175(4)(a)(ii)(b)(iv)(c)(ii) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 6(1)** (with regs. 31-40)

Modifications etc. (not altering text)

C1 Ss. 161, 162, 171(1)(3), 172-179 applied (1.12.1996) by [S.I. 1996/2967](#), **reg. 17(4)** (with Pt. III)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 175.