



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

^{x1}[^{F1}Performers' property rights]

^{x1}[^{F1}191JA] Injunctions against service providers

- (1) The High Court (in Scotland, the Court of Session) shall have power to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe a performer's property right.
- (2) In determining whether a service provider has actual knowledge for the purpose of this section, a court shall take into account all matters which appear to it in the particular circumstances to be relevant and, amongst other things, shall have regard to—
 - (a) whether a service provider has received a notice through a means of contact made available in accordance with regulation 6(1)(c) of the Electronic Commerce (EC Directive) Regulations 2002 (SI 2002/2013); and
 - (b) the extent to which any notice includes—
 - (i) the full name and address of the sender of the notice;
 - (ii) details of the infringement in question.
- (3) In this section “ service provider ” has the meaning given to it by regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002.
- (4) Section 177 applies in respect of this section as it applies in respect of Part 1.]

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 191JA. (See end of Document for details)

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.

Textual Amendments

- F1** S. 191JA inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 27\(2\)](#) (with [regs. 32, 33](#))

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