



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 3

MORAL RIGHTS

Supplementary

[^{F1}205M Transmission of moral rights on death

- (1) On the death of a person entitled to a right conferred by this Chapter—
 - (a) the right passes to such person as he may by testamentary disposition specifically direct,
 - (b) if there is no such direction but the performer's property rights in respect of the performance in question form part of his estate, the right passes to the person to whom the property rights pass,
 - (c) if or to the extent that the right does not pass under paragraph (a) or (b) it is exercisable by his personal representatives.
- (2) Where a performer's property rights pass in part to one person and in part to another, as for example where a bequest is limited so as to apply—
 - (a) to one or more, but not all, of the things to which the owner has the right to consent, or
 - (b) to part, but not the whole, of the period for which the rights subsist,any right which by virtue of subsection (1) passes with the performer's property rights is correspondingly divided.
- (3) Where by virtue of subsection (1)(a) or (1)(b) a right becomes exercisable by more than one person—

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 205M. (See end of Document for details)

- (a) it is, in the case of the right conferred by section 205F (right to object to derogatory treatment of performance), a right exercisable by each of them and is satisfied in relation to any of them if he consents to the treatment or act in question, and
 - (b) any waiver of the right in accordance with section 205J by one of them does not affect the rights of the others.
- (4) A consent or waiver previously given or made binds any person to whom a right passes by virtue of subsection (1).
- (5) Any damages recovered by personal representatives by virtue of this section in respect of an infringement after a person's death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.]

Textual Amendments

- F1** Ss. 205C-205N and cross-headings inserted (1.2 2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [art. 6](#) (with [reg. 8](#)) (which inserted provisions accordingly become Pt. 2 Ch. 3 (1.2.2006) by virtue of [S.I. 2006/18](#), [art. 4\(6\)](#) (with [reg. 8](#)))

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 205M.