



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 3

MORAL RIGHTS

Supplementary

[^{F1}205N Remedies for infringement of moral rights

- (1) An infringement of a right conferred by this Chapter is actionable as a breach of statutory duty owed to the person entitled to the right.
- (2) Where—
 - (a) there is an infringement of a right conferred by this Chapter,
 - (b) a person falsely claiming to act on behalf of a performer consented to the relevant conduct or purported to waive the right, and
 - (c) there would have been no infringement if he had been so acting,that person shall be liable, jointly and severally with any person liable in respect of the infringement by virtue of subsection (1), as if he himself had infringed the right.
- (3) Where proceedings for infringement of the right conferred on a performer by this Chapter, it shall be a defence to prove—
 - (a) that a person claiming to act on behalf of the performer consented to the defendant's conduct or purported to waive the right, and
 - (b) that the defendant reasonably believed that the person was acting on behalf of the performer.

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

- (4) In proceedings for infringement of the right conferred by section 205F the court may, if it thinks it an adequate remedy in the circumstances, grant an injunction on terms prohibiting the doing of any act unless a disclaimer is made, in such terms and in such manner as may be approved by the court, dissociating the performer from the broadcast or sound recording of the performance.]

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](#)))

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