



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART VII

MISCELLANEOUS AND GENERAL

[^{F1}Circumvention of protection measures]

[^{F1}296 Devices designed to circumvent copy-protection.

- (1) This section applies where—
- (a) a technical device has been applied to a computer program; and
 - (b) a person (A) knowing or having reason to believe that it will be used to make infringing copies—
 - (i) manufactures for sale or hire, imports, distributes, sells or lets for hire, offers or exposes for sale or hire, advertises for sale or hire or has in his possession for commercial purposes any means the sole intended purpose of which is to facilitate the unauthorised removal or circumvention of the technical device; or
 - (ii) publishes information intended to enable or assist persons to remove or circumvent the technical device.
- (2) The following persons have the same rights against A as a copyright owner has in respect of an infringement of copyright—
- (a) a person—
 - (i) issuing to the public copies of, or
 - (ii) communicating to the public,the computer program to which the technical device has been applied;
 - (b) the copyright owner or his exclusive licensee, if he is not the person specified in paragraph (a);
 - (c) the owner or exclusive licensee of any intellectual property right in the technical device applied to the computer program.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 296. (See end of Document for details)

- (3) The rights conferred by subsection (2) are concurrent, and sections 101(3) and 102(1) to (4) apply, in proceedings under this section, in relation to persons with concurrent rights as they apply, in proceedings mentioned in those provisions, in relation to a copyright owner and exclusive licensee with concurrent rights.
- (4) Further, the persons in subsection (2) have the same rights under section 99 or 100 (delivery up or seizure of certain articles) in relation to any such means as is referred to in subsection (1) which a person has in his possession, custody or control with the intention that it should be used to facilitate the unauthorised removal or circumvention of any technical device which has been applied to a computer program, as a copyright owner has in relation to an infringing copy.
- (5) The rights conferred by subsection (4) are concurrent, and section 102(5) shall apply, as respects anything done under section 99 or 100 by virtue of subsection (4), in relation to persons with concurrent rights as it applies, as respects anything done under section 99 or 100, in relation to a copyright owner and exclusive licensee with concurrent rights.
- (6) In this section references to a technical device in relation to a computer program are to any device intended to prevent or restrict acts that are not authorised by the copyright owner of that computer program and are restricted by copyright.
- (7) The following provisions apply in relation to proceedings under this section as in relation to proceedings under Part 1 (copyright)—
- (a) sections 104 to 106 of this Act (presumptions as to certain matters relating to copyright); and
 - (b) section 72 of the [^{F2}Senior Courts Act 1981], section 15 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 and section 94A of the Judicature (Northern Ireland) Act 1978 (withdrawal of privilege against self-incrimination in certain proceedings relating to intellectual property);
- and section 114 of this Act applies, with the necessary modifications, in relation to the disposal of anything delivered up or seized by virtue of subsection (4).
- (8) Expressions used in this section which are defined for the purposes of Part 1 of this Act (copyright) have the same meaning as in that Part.]

Textual Amendments

- F1** Ss. 296-296ZF and cross-heading substituted (31.10.2003) for s. 296 and cross-heading by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 24\(1\)](#) (with [regs. 31-40](#))
- F2** S. 296(7)(b): words wherever they occur in any enactment substituted (1.10.2009) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 59, 148](#), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 296.