



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART VII

MISCELLANEOUS AND GENERAL

[^{F1}Circumvention of protection measures]

[^{F1}296ZA]Circumvention of technological measures

- (1) This section applies where—
 - (a) effective technological measures have been applied to a copyright work other than a computer program; and
 - (b) a person (B) does anything which circumvents those measures knowing, or with reasonable grounds to know, that he is pursuing that objective.
- (2) This section does not apply where a person, for the purposes of research into cryptography, does anything which circumvents effective technological measures unless in so doing, or in issuing information derived from that research, he affects prejudicially the rights of the copyright owner.
- (3) The following persons have the same rights against B 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 work to which effective technological measures have been applied; and
 - (b) the copyright owner or his exclusive licensee, if he is not the person specified in paragraph (a).
- (4) The rights conferred by subsection (3) 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.

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

- (5) 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).
- (6) Subsections (1) to (4) and (5)(b) and any other provision of this Act as it has effect for the purposes of those subsections apply, with any necessary adaptations, to rights in performances, publication right and database right.
- (7) The provisions of regulation 22 (presumptions relevant to database right) of the Copyright and Rights in Databases Regulations 1997 (SI 1997/3032) apply in proceedings brought by virtue of this section in relation to database right.]

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. 296ZA(5)(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](#)

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