



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER I

SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

Descriptions of work and related provisions

3 Literary, dramatic and musical works.

(1) In this Part—

“literary work” means any work, other than a dramatic or musical work, which is written, spoken or sung, and accordingly includes—

- (a) a table or compilation [^{F1}other than a database], ^{F2} . . .
- (b) a computer program; ^{F3} . . . [^{F4}(c) preparatory design material for a computer program][^{F5}and
- (d) a database]

“dramatic work” includes a work of dance or mime; and

“musical work” means a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music.

(2) Copyright does not subsist in a literary, dramatic or musical work unless and until it is recorded, in writing or otherwise; and references in this Part to the time at which such a work is made are to the time at which it is so recorded.

(3) It is immaterial for the purposes of subsection (2) whether the work is recorded by or with the permission of the author; and where it is not recorded by the author, nothing in that subsection affects the question whether copyright subsists in the record as distinct from the work recorded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** Words in s. 3(1)(a) inserted (1.1.1998) by S.I. 1997/3032, **reg. 5(a)** (with Pt. IV)
- F2** Word in s. 3(1) omitted (1.1.1993) by virtue of S.I. 1992/3233, **reg. 3**
- F3** Word in s. 3(1)(b) left out (1.1.1998) by virtue of S.I. 1997/3032, **reg. 5(b)** (with Pt. IV)
- F4** Word and s. 3(1)(c) inserted (1.1.1993) by S.I. 1992/3233, **reg. 3**
- F5** S. 3(1)(d) and word preceding it inserted (1.1.1998) by S.I. 1997/3032, **reg. 5(c)** (with Pt. IV)

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

Commencement Orders yet to be applied to the Copyright, Designs and Patents Act 1988:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/2196 art. 2](#) commences (2007 c. 29)