



Defence Reform Act 2014

2014 CHAPTER 20

PART 1

DEFENCE PROCUREMENT

Defence procurement arrangements

8 Intellectual property rights

- (1) The Secretary of State may provide a protected work to a contractor or a service provider to a contractor, without infringing copyright or database right, if—
 - (a) the Secretary of State acquired (whether before or after the coming into force of this section) a right to use the work under or in connection with a relevant contract, and
 - (b) the provision of the work is necessary or expedient for the purposes of arrangements mentioned in section 1.
- (2) A contractor or former contractor, or a service provider to a contractor or former contractor, may, without infringing copyright or database right, provide a protected work provided to it under subsection (1) or this subsection—
 - (a) to a contractor or service provider to a contractor, or
 - (b) to the Secretary of State,if the provision of the work by the contractor, former contractor or service provider is necessary or expedient for the purposes of arrangements mentioned in section 1.
- (3) A contractor or service provider to which a protected work has been provided under subsection (1) or (2) may, without infringing copyright or database right, make any use of the work that the Secretary of State could make as a result of the Secretary of State's right to use the work if the use of the work by the contractor or service provider is necessary or expedient for the purposes of arrangements mentioned in section 1.
- (4) In this section—

Status: This is the original version (as it was originally enacted).

“ancillary services” means services certified by the Secretary of State to be services appearing to the Secretary of State to be calculated to facilitate, or to be conducive or incidental to, arrangements mentioned in section 1;

“copyright work” has the meaning given by Part 1 of the Copyright, Designs and Patents Act 1988 (see section 1(2) of that Act);

“database” has the meaning given by section 3A of that Act;

“database right” has the same meaning as in Part 3 of the Copyright and Rights in Databases Regulations 1997 ([S.I. 1997/3032](#));

“former contractor” means a company which has been a contractor;

“protected work” means—

- (a) a copyright work, or
- (b) a database in which database right subsists;

“relevant contract” means a contract entered into by the Secretary of State at any time before the vesting date for the purposes of defence procurement;

“service provider”, in relation to a contractor or former contractor, means a person who performs ancillary services for that contractor.

- (5) In this section a reference to providing a protected work to a person includes a reference to the making of a copy of the work for the purposes of providing it to the person.
- (6) In this section a reference to the right to use a protected work—
 - (a) in relation to a copyright work, is a reference to a licence to exercise a right which would otherwise be exercisable by the owner of the copyright in the work;
 - (b) in relation to a database, is a reference to a right to use the database under a licence to do an act restricted by database right in the database.