
STATUTORY INSTRUMENTS

1996 No. 2967

The Copyright and Related Rights Regulations 1996

PART II

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Authorship of films and certain photographs

Authorship of films

18.—(1) In section 9(2) (person to be taken to be author of work), for paragraph (a) (sound recordings and films) substitute—

- “(aa) in the case of a sound recording, the producer;
- (ab) in the case of a film, the producer and the principal director;”.

(2) In section 10 (works of joint authorship), after subsection (1) insert—

“(1A) A film shall be treated as a work of joint authorship unless the producer and the principal director are the same person.”.

(3) In section 11 (first ownership of copyright), in subsection (2) (work made by employee in course of employment) after “literary, dramatic, musical or artistic work” insert “, or a film,”.

(4) In section 105 (presumptions relevant to sound recordings and films)—

- (a) in subsections (2)(a) and (5)(a) for “author or director” substitute “director or producer”,
- (b) in subsection (5), after paragraph (a) insert—

“(aa) that a named person was the principal director of the film, the author of the screenplay, the author of the dialogue or the composer of music specifically created for and used in the film, or,”.

and

(c) after subsection (5) add—

“(6) For the purposes of this section, a statement that a person was the director of a film shall be taken, unless a contrary indication appears, as meaning that he was the principal director of the film.”.

(5) In section 178 (minor definitions), at the appropriate place insert—

““producer”, in relation to a sound recording or a film, means the person by whom the arrangements necessary for the making of the sound recording or film are undertaken;”.

(6) In section 179 (index of defined expressions), at the appropriate place insert—

“producer (in relation to a sound recording or film) section 178”.

Clarification of transitional provisions relating to pre-1989 photographs

19. Any question arising, in relation to photographs which were existing works within the meaning of Schedule 1, as to who is to be regarded as the author for the purposes of—

- (a) regulations 15 and 16 of the Duration of Copyright and Rights in Performances Regulations 1995⁽¹⁾ (duration of copyright: application of new provisions subject to general saving), or
- (b) regulation 19(2)(b) of those regulations (ownership of revived copyright),

is to be determined in accordance with section 9 as in force on the commencement of those regulations (and not, by virtue of paragraph 10 of Schedule 1, in accordance with the law in force at the time when the work was made).

⁽¹⁾ S.I.1995/3297.