
STATUTORY INSTRUMENTS

2014 No. 2588

**The Copyright and Rights in Performances
(Extended Collective Licensing) Regulations 2014**

Interpretation

2. In these Regulations—

“Act” means the Copyright, Designs and Patents Act 1988;

“authorisation” means an authorisation granted by the Secretary of State to a relevant licensing body under regulation 4 or 9;

“code of practice” means the code of practice adopted and published by the relevant licensing body;

“Codes Regulations” mean the Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014(1);

“Comptroller” means the Comptroller-General of Patents, Designs and Trade Marks;

“distribution policy” means the distribution policy adopted and published by the relevant licensing body;

“Extended Collective Licensing Scheme” means a collective licensing scheme under which a relevant licensing body may grant licences in accordance with an authorisation under regulation 4 in respect of relevant works—

- (a) in which copyright is owned by non-member right holders; or
- (b) in relation to which the restricted acts in relation to the performance may be permitted or prohibited by non-member right holders;

“financial year” means the financial year of the relevant licensing body;

“member” means a right holder or a body representing right holders, including other relevant licensing bodies, fulfilling the membership requirements of and admitted to membership by a relevant licensing body;

“net licence fee” means the licence fee received by a relevant licensing body under an Extended Collective Licensing Scheme in respect of a relevant work less a reasonable administration fee;

“non-member right holder” means a right holder who is represented by the relevant licensing body under an Extended Collective Licensing Scheme but who is not a member of the relevant licensing body and whose rights in the relevant works are not the subject of an express contractual agreement with the relevant licensing body;

“opt out arrangements” means the steps to be followed by a right holder to limit or exclude the grant of licences under an Extended Collective Licensing Scheme;

“permitted use” means the acts—

- (a) restricted by copyright, or
- (b) to which sections 182, 182A, 182B, 182C, 182CA, 183 or 184 of the Act apply,

which the relevant licensing body is authorised to license;

“relevant licensing body” means any body that is a licensing body within the meaning of section 116(2) of the Act and which—

- (a) is authorised by way of assignment, licence or any other contractual arrangement to manage the rights of right holders in relevant works on behalf of more than one right holder, for the collective benefit of those right holders, as its sole or main purpose; and
- (b) is either owned or controlled by its members or organised on a not for profit basis;

“representation” means the extent to which the relevant licensing body currently—

- (a) acts on behalf of right holders in respect of relevant works of the type which will be the subject of the proposed Extended Collective Licensing Scheme; and
- (b) holds right holders’ rights in relevant works of the type which will be the subject of the proposed Extended Collective Licensing Scheme;

“required consent” means the informed consent of a substantial proportion of the members of the relevant licensing body who vote on the proposal;

“relevant work” has the meaning set out in regulation 3;

“restricted acts” means the acts in relation to a performance to which sections 182, 182A, 182B, 182C, 182CA, 183 or 184 of the Act(2) apply;

“right holder” has the meaning set out in regulation 3;

“specified criteria” means the criteria set out in the Schedule to the Codes Regulations.

(2) Section 182 was substituted by, and sections 182A – 182 C and 182CA inserted by [S.I. 1996/2967](#) and amended by [S.I. 2003/2498](#), [S.I. 2006/18](#), [S.I. 2013/1782](#); section 183 was amended by [S.I. 2003/2498](#).