

---

STATUTORY INSTRUMENTS

---

**2003 No. 2498**

**The Copyright and Related Rights Regulations 2003**

**PART 2**

**AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988**

*Sanctions and remedies*

**Injunctions against service providers**

**27.**—(1) After section 97 there shall be inserted—

**“Injunctions against service providers**

**97A.**—(1) The High Court (in Scotland, the Court of Session) shall have power to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe copyright.

(2) In determining whether a service provider has actual knowledge for the purpose of this section, a court shall take into account all matters which appear to it in the particular circumstances to be relevant and, amongst other things, shall have regard to—

- (a) whether a service provider has received a notice through a means of contact made available in accordance with regulation 6(1)(c) of the Electronic Commerce (EC Directive) Regulations 2002 ([SI 2002/2013](#)); and
- (b) the extent to which any notice includes—
  - (i) the full name and address of the sender of the notice;
  - (ii) details of the infringement in question.

(3) In this section “service provider” has the meaning given to it by regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002.”.

(2) After section 191J there shall be inserted—

**“Injunctions against service providers**

**191JA.**—(1) The High Court (in Scotland, the Court of Session) shall have power to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe a performer’s property right.

(2) In determining whether a service provider has actual knowledge for the purpose of this section, a court shall take into account all matters which appear to it in the particular circumstances to be relevant and, amongst other things, shall have regard to—

- (a) whether a service provider has received a notice through a means of contact made available in accordance with regulation 6(1)(c) of the Electronic Commerce (EC Directive) Regulations 2002 ([SI 2002/2013](#)); and

- (b) the extent to which any notice includes—
  - (i) the full name and address of the sender of the notice;
  - (ii) details of the infringement in question.
- (3) In this section “service provider” has the meaning given to it by regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002.
- (4) Section 177 applies in respect of this section as it applies in respect of Part 1.”.