



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

##### SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

**Modifications etc. (not altering text)**

C1 Pt. 1 Ch. 1 applied in part (1.12.1996) by [S.I. 1996/2967](#), [reg. 17\(4\)](#) (with Pt. III)

#### *Introductory*

### **1 Copyright and copyright works.**

- (1) Copyright is a property right which subsists in accordance with this Part in the following descriptions of work—
  - (a) original literary, dramatic, musical or artistic works,
  - (b) sound recordings, films [<sup>F1</sup>or broadcasts], and
  - (c) the typographical arrangement of published editions.
- (2) In this Part “copyright work” means a work of any of those descriptions in which copyright subsists.
- (3) Copyright does not subsist in a work unless the requirements of this Part with respect to qualification for copyright protection are met (see section 153 and the provisions referred to there).

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter I. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 1(1)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 5\(2\)](#) (with [regs. 31-40](#))

## 2 Rights subsisting in copyright works.

- (1) The owner of the copyright in a work of any description has the exclusive right to do the acts specified in Chapter II as the acts restricted by the copyright in a work of that description.
- (2) In relation to certain descriptions of copyright work the following rights conferred by Chapter IV (moral rights) subsist in favour of the author, director or commissioner of the work, whether or not he is the owner of the copyright—
  - (a) section 77 (right to be identified as author or director),
  - (b) section 80 (right to object to derogatory treatment of work), and
  - (c) section 85 (right to privacy of certain photographs and films).

### *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 [<sup>F2</sup>other than a database], <sup>F3</sup> . . .
  - (b) a computer program; <sup>F4</sup> . . . [<sup>F5</sup>(c) preparatory design material for a computer program][<sup>F6</sup>and
  - <sup>F6</sup>(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.

### Textual Amendments

- F2** Words in s. 3(1)(a) inserted (1.1.1998) by [S.I. 1997/3032](#), [reg. 5\(a\)](#) (with [Pt. IV](#))
- F3** Word in s. 3(1) omitted (1.1.1993) by virtue of [S.I. 1992/3233](#), [reg. 3](#)
- F4** Word in s. 3(1)(b) left out (1.1.1998) by virtue of [S.I. 1997/3032](#), [reg. 5\(b\)](#) (with [Pt. IV](#))
- F5** Word and s. 3(1)(c) inserted (1.1.1993) by [S.I. 1992/3233](#), [reg. 3](#)
- F6** S. 3(1)(d) and word preceding it inserted (1.1.1998) by [S.I. 1997/3032](#), [reg. 5\(c\)](#) (with [Pt. IV](#))

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)*

### [<sup>F7</sup>3A Databases

- (1) In this Part “database” means a collection of independent works, data or other materials which—
  - (a) are arranged in a systematic or methodical way, and
  - (b) are individually accessible by electronic or other means.
- (2) For the purposes of this Part a literary work consisting of a database is original if, and only if, by reason of the selection or arrangement of the contents of the database the database constitutes the author’s own intellectual creation.]

#### Textual Amendments

**F7** S. 3A inserted (1.1.1998) by [S.I. 1997/3032](#), [reg. 6](#) (with [Pt. IV](#))

### 4 Artistic works.

- (1) In this Part “artistic work” means—
  - (a) a graphic work, photograph, sculpture or collage, irrespective of artistic quality,
  - (b) a work of architecture being a building or a model for a building, or
  - (c) a work of artistic craftsmanship.
- (2) In this Part—

“building” includes any fixed structure, and a part of a building or fixed structure;

“graphic work” includes—

  - (a) any painting, drawing, diagram, map, chart or plan, and
  - (b) any engraving, etching, lithograph, woodcut or similar work;

“photograph” means a recording of light or other radiation on any medium on which an image is produced or from which an image may by any means be produced, and which is not part of a film;

“sculpture” includes a cast or model made for purposes of sculpture.

### [<sup>F8</sup>5A Sound recordings.

- (1) In this Part “sound recording” means—
  - (a) a recording of sounds, from which the sounds may be reproduced, or
  - (b) a recording of the whole or any part of a literary, dramatic or musical work, from which sounds reproducing the work or part may be produced,regardless of the medium on which the recording is made or the method by which the sounds are reproduced or produced.
- (2) Copyright does not subsist in a sound recording which is, or to the extent that it is, a copy taken from a previous sound recording.]

#### Textual Amendments

**F8** Ss. 5A, 5B substituted for s. 5 (1.1.1996) by [S.I. 1995/3297](#), [reg. 9\(1\)](#) (with [Pt. III](#))

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter I. (See end of Document for details)*

## **[<sup>F9</sup>5B Films.**

- (1) In this Part “film” means a recording on any medium from which a moving image may by any means be produced.
- (2) The sound track accompanying a film shall be treated as part of the film for the purposes of this Part.
- (3) Without prejudice to the generality of subsection (2), where that subsection applies—
  - (a) references in this Part to showing a film include playing the film sound track to accompany the film,
  - <sup>F10</sup>(b) references in this Part to playing a sound recording, or to communicating a sound recording to the public, do not include playing or communicating the film sound track to accompany the film,
  - (c) references in this Part to copying a work, so far as they apply to a sound recording, do not include copying the film sound track to accompany the film, and
  - (d) references in this Part to the issuing, rental or lending of copies of a work, so far as they apply to a sound recording, do not include the issuing, rental or lending of copies of the sound track to accompany the film.]
- (4) Copyright does not subsist in a film which is, or to the extent that it is, a copy taken from a previous film.
- (5) Nothing in this section affects any copyright subsisting in a film sound track as a sound recording.]

### **Textual Amendments**

**F9** Ss. 5A, 5B substituted for s. 5 (1.1.1996) by [S.I. 1995/3297](#), **reg. 9(1)** (with [Pt. III](#))

**F10** S. 5B(3)(b)-(d) substituted (1.2.2006) for s. 5B(3)(b) and preceding word by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), **reg. 2**, **Sch. para. 2** (with [reg. 8](#))

## **6 Broadcasts.**

- <sup>F11</sup>(1) In this Part a “broadcast” means an electronic transmission of visual images, sounds or other information which—
- (a) is transmitted for simultaneous reception by members of the public and is capable of being lawfully received by them, or
  - (b) is transmitted at a time determined solely by the person making the transmission for presentation to members of the public,
- and which is not excepted by subsection (1A); and references to broadcasting shall be construed accordingly.
- (1A) Excepted from the definition of “broadcast” is any internet transmission unless it is—
- (a) a transmission taking place simultaneously on the internet and by other means,
  - (b) a concurrent transmission of a live event, or
  - (c) a transmission of recorded moving images or sounds forming part of a programme service offered by the person responsible for making the transmission, being a service in which programmes are transmitted at scheduled times determined by that person.]

*Status: Point in time view as at 01/11/2013.*

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- (2) An encrypted transmission shall be regarded as capable of being lawfully received by members of the public only if decoding equipment has been made available to members of the public by or with the authority of the person making the transmission or the person providing the contents of the transmission.
- (3) References in this Part to the person making a broadcast, [<sup>F12</sup>or a transmission which is a broadcast] are—
- (a) to the person transmitting the programme, if he has responsibility to any extent for its contents, and
  - (b) to any person providing the programme who makes with the person transmitting it the arrangements necessary for its transmission;
- and references in this Part to a programme, in the context of broadcasting, are to any item included in a broadcast.
- [<sup>F13</sup>(4) For the purposes of this Part, the place from which a [<sup>F14</sup>wireless] broadcast is made is the place where, under the control and responsibility of the person making the broadcast, the programme-carrying signals are introduced into an uninterrupted chain of communication (including, in the case of a satellite transmission, the chain leading to the satellite and down towards the earth).]
- [<sup>F15</sup>(4A) Subsections (3) and (4) have effect subject to section 6A (safeguards in case of certain satellite broadcasts).]
- (5) References in this Part to the reception of a broadcast include reception of a broadcast relayed by means of a telecommunications system.
- [<sup>F16</sup>(5A) The relaying of a broadcast by reception and immediate re-transmission shall be regarded for the purposes of this Part as a separate act of broadcasting from the making of the broadcast which is so re-transmitted.]
- (6) Copyright does not subsist in a broadcast which infringes, or to the extent that it infringes, the copyright in another broadcast <sup>F17</sup>. . . .

#### Textual Amendments

- F11** S. 6(1)(1A) substituted (31.10.2003) for s. 6(1) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 4\(a\)](#) (with [regs. 31-40](#))
- F12** Words in s. 6(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 4\(b\)](#) (with [regs. 31-40](#))
- F13** S. 6(4) substituted (1.12.1996 with effect as mentioned in reg. 28 of the amending S.I.) by S.I. 1996/2967, [reg. 5](#)
- F14** Word in s. 6(4) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 4\(c\)](#) (with [regs. 31-40](#))
- F15** S. 6(4A) inserted (1.12.1996 with effect as mentioned in reg. 28 of the amending S.I.) by S.I. 1996/2967, [reg. 6\(1\)](#)
- F16** S. 6(5A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 4\(d\)](#) (with [regs. 31-40](#))
- F17** Words in s. 6(6) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter I. (See end of Document for details)*

## [<sup>F18</sup>6A Safeguards in case of certain satellite broadcasts.

- (1) This section applies where the place from which a broadcast by way of satellite transmission is made is located in a country other than an EEA State and the law of that country fails to provide at least the following level of protection—
- (a) exclusive rights in relation to [<sup>F19</sup>wireless] broadcasting equivalent to those conferred by section 20 ([<sup>F20</sup>infringement by communication to the public]) on the authors of literary, dramatic, musical and artistic works, films and broadcasts;
  - (b) a right in relation to live [<sup>F21</sup>wireless] broadcasting equivalent to that conferred on a performer by section 182(1)(b) (consent required for live broadcast of performance); and
  - (c) a right for authors of sound recordings and performers to share in a single equitable remuneration in respect of the [<sup>F21</sup>wireless] broadcasting of sound recordings.
- (2) Where the place from which the programme-carrying signals are transmitted to the satellite (“the uplink station”) is located in an EEA State—
- (a) that place shall be treated as the place from which the broadcast is made, and
  - (b) the person operating the uplink station shall be treated as the person making the broadcast.
- (3) Where the uplink station is not located in an EEA State but a person who is established in an EEA State has commissioned the making of the broadcast—
- (a) that person shall be treated as the person making the broadcast, and
  - (b) the place in which he has his principal establishment in the European Economic Area shall be treated as the place from which the broadcast is made.]

### Textual Amendments

- F18** S. 6A inserted (1.12.1996 with effect as mentioned in reg. 28 of the amending S.I.) by [S.I. 1996/2967](#), [reg. 6\(2\)](#)
- F19** Words in s. 6A(1)(a) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 5\(3\)\(a\)\(i\)](#) (with regs. 31-40)
- F20** Words in s. 6A(1)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 5\(3\)\(a\)\(ii\)](#) (with regs. 31-40)
- F21** Word in s. 6A(1)(b)(c) inserted (31.10.2003.) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 5\(3\)\(b\)](#) (with regs. 31-40)

## 7 Cable programmes.

<sup>F22</sup> .....

### Textual Amendments

- F22** S. 7 repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [regs. 2\(2\), 5\(1\)](#), [Sch. 2](#) (with regs. 31-40)

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)*

## 8 Published editions.

- (1) In this Part “published edition”, in the context of copyright in the typographical arrangement of a published edition, means a published edition of the whole or any part of one or more literary, dramatic or musical works.
- (2) Copyright does not subsist in the typographical arrangement of a published edition if, or to the extent that, it reproduces the typographical arrangement of a previous edition.

### *Authorship and ownership of copyright*

## 9 Authorship of work.

- (1) In this Part “author”, in relation to a work, means the person who creates it.
- (2) That person shall be taken to be—
  - <sup>F23</sup>[<sup>F23</sup>(aa) in the case of a sound recording, the producer;
  - <sup>F23</sup>(ab) in the case of a film, the producer and the principal director;]
  - (b) in the case of a broadcast, the person making the broadcast (see section 6(3)) or, in the case of a broadcast which relays another broadcast by reception and immediate re-transmission, the person making that other broadcast;
  - (c) <sup>F24</sup>.....
  - (d) in the case of the typographical arrangement of a published edition, the publisher.
- (3) In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken.
- (4) For the purposes of this Part a work is of “unknown authorship” if the identity of the author is unknown or, in the case of a work of joint authorship, if the identity of none of the authors is known.
- (5) For the purposes of this Part the identity of an author shall be regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if his identity is once known it shall not subsequently be regarded as unknown.

### **Textual Amendments**

**F23** S. 9(2)(aa)(ab) substituted for s. 9(2)(a) (1.12.1996 with effect in relation to films made on or after 1.7.1994) by [S.I. 1996/2967](#), **regs. 18(1), 36**

**F24** S. 9(2)(c) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **regs. 2(2), 5(4), Sch. 2** (with **regs. 31-40**)

## 10 Works of joint authorship.

- (1) In this Part a “work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of each author is not distinct from that of the other author or authors.

<sup>F25</sup>[(1A) A film shall be treated as a work of joint authorship unless the producer and the principal director are the same person.]

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter I. (See end of Document for details)*

- (2) A broadcast shall be treated as a work of joint authorship in any case where more than one person is to be taken as making the broadcast (see section 6(3)).
- (3) References in this Part to the author of a work shall, except as otherwise provided, be construed in relation to a work of joint authorship as references to all the authors of the work.

#### Textual Amendments

**F25** S. 10(1A) inserted (1.12.1996 with effect in relation to films made on or after 1.7.1994) by [S.I. 1996/2967, regs. 18\(2\), 36](#)

### [<sup>F26</sup>10A Works of co-authorship

- (1) In this Part a “work of co-authorship” means a work produced by the collaboration of the author of a musical work and the author of a literary work where the two works are created in order to be used together.
- (2) References in this Part to a work or the author of a work shall, except as otherwise provided, be construed in relation to a work of co-authorship as references to each of the separate musical and literary works comprised in the work of co-authorship and to each of the authors of such works.]

#### Textual Amendments

**F26** S. 10A inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\), regs. 1, 4 \(with regs. 11-27\)](#)

### 11 First ownership of copyright.

- (1) The author of a work is the first owner of any copyright in it, subject to the following provisions.
- (2) Where a literary, dramatic, musical or artistic work [<sup>F27</sup>, or a film,] is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary.
- (3) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 and 165) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).

#### Textual Amendments

**F27** Words in s. 11(2) inserted (1.12.1996 with effect in relation to films made on or after 1.7.1994) by [S.I. 1996/2967, regs. 18\(3\), 36](#)



*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)*

### *Duration of copyright*

#### **[<sup>F28</sup>12 Duration of copyright in literary, dramatic, musical or artistic works.**

- (1) The following provisions have effect with respect to the duration of copyright in a literary, dramatic, musical or artistic work.
- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the author dies, subject as follows.
- (3) If the work is of unknown authorship, copyright expires—
  - (a) at the end of the period of 70 years from the end of the calendar year in which the work was made, or
  - (b) if during that period the work is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available,subject as follows.
- (4) Subsection (2) applies if the identity of the author becomes known before the end of the period specified in paragraph (a) or (b) of subsection (3).
- (5) For the purposes of subsection (3) making available to the public includes—
  - (a) in the case of a literary, dramatic or musical work—
    - (i) performance in public, or
    - [<sup>F29</sup>(ii) communication to the public;]
  - (b) in the case of an artistic work—
    - (i) exhibition in public,
    - (ii) a film including the work being shown in public, or
    - [<sup>F30</sup>(iii) communication to the public;]but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.
- (6) Where the country of origin of the work is not an EEA state and the author of the work is not a national of an EEA state, the duration of copyright is that to which the work is entitled in the country of origin, provided that does not exceed the period which would apply under subsections (2) to (5).
- (7) If the work is computer-generated the above provisions do not apply and copyright expires at the end of the period of 50 years from the end of the calendar year in which the work was made.
- (8) The provisions of this section are adapted as follows in relation to a work of joint authorship [<sup>F31</sup>or a work of co-authorship]—
  - (a) the reference in subsection (2) to the death of the author shall be construed—
    - (i) if the identity of all the authors is known, as a reference to the death of the last of them to die, and
    - (ii) if the identity of one or more of the authors is known and the identity of one or more others is not, as a reference to the death of the last whose identity is known;
  - (b) the reference in subsection (4) to the identity of the author becoming known shall be construed as a reference to the identity of any of the authors becoming known;

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- (c) the reference in subsection (6) to the author not being a national of an EEA state shall be construed as a reference to none of the authors being a national of an EEA state.
- (9) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 to [F32166D]) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).]

#### Textual Amendments

- F28** S. 12 substituted (1.1.1996) by [S.I. 1995/3297, reg. 5\(1\)](#) (with Pt. III)
- F29** S. 12(5)(a)(ii) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003, ([S.I. 2003/2498](#)), reg. 2(1), {Sch. 1 para. 4(1)} (with regs. 31-40)
- F30** S. 12(5)(b)(iii) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003, ([S.I. 2003/2498](#)), reg. 2(1), {Sch. 1 para. 4(2)} (with regs. 31-40)
- F31** Words in s. 12(8) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, 5 (with regs. 11-27)
- F32** Word in s. 12(9) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 23](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

#### [F33] 13A Duration of copyright in sound recordings.

- (1) The following provisions have effect with respect to the duration of copyright in a sound recording.
- [F34](2) Subject to subsections (4) and (5) [F35 and section 191HA(4)], copyright expires—
- (a) at the end of the period of 50 years from the end of the calendar year in which the recording is made, or
  - (b) if during that period the recording is published, [F3670] years from the end of the calendar year in which it is first published, or
  - (c) if during that period the recording is not published but is made available to the public by being played in public or communicated to the public, [F3770] years from the end of the calendar year in which it is first so made available, but in determining whether a sound recording has been published, played in public or communicated to the public, no account shall be taken of any unauthorised act.]
- (3) [F38] .....
- (4) Where the author of a sound recording is not a national of an EEA state, the duration of copyright is that to which the sound recording is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under [F39 subsection (2)] .
- (5) If or to the extent that the application of subsection (4) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in [F39 subsection (2)].]

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)*

### Textual Amendments

- F33** Ss. 13A, 13B substituted for s. 13 (1.1.1996) by [S.I. 1995/3297, reg. 6\(1\)](#) (with Pt. IV)
- F34** S. 13A(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 29\(a\)](#) (with regs. 31-40)
- F35** Words in s. 13A(2) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\), regs. 1, 6\(a\)](#) (with regs. 11-27)
- F36** Word in s. 13A(2)(b) substituted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\), regs. 1, 6\(b\)](#) (with regs. 11-27)
- F37** Word in s. 13A(2)(c) substituted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\), regs. 1, 6\(b\)](#) (with regs. 11-27)
- F38** S. 13A(3) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), regs. 2\(2\), 29\(b\), Sch. 2](#) (with regs. 31-40)
- F39** Words in s. 13A(4)(5) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I.2003/2498\), reg. 29\(c\)](#) (with regs. 31-40)

### [<sup>F40</sup>13B Duration of copyright in films.

- (1) The following provisions have effect with respect to the duration of copyright in a film.
- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the following persons—
  - (a) the principal director,
  - (b) the author of the screenplay,
  - (c) the author of the dialogue, or
  - (d) the composer of music specially created for and used in the film;subject as follows.
- (3) If the identity of one or more of the persons referred to in subsection (2)(a) to (d) is known and the identity of one or more others is not, the reference in that subsection to the death of the last of them to die shall be construed as a reference to the death of the last whose identity is known.
- (4) If the identity of the persons referred to in subsection (2)(a) to (d) is unknown, copyright expires at—
  - (a) the end of the period of 70 years from the end of the calendar year in which the film was made, or
  - (b) if during that period the film is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available.
- (5) Subsections (2) and (3) apply if the identity of any of those persons becomes known before the end of the period specified in paragraph (a) or (b) of subsection (4).
- (6) For the purposes of subsection (4) making available to the public includes—
  - (a) showing in public, or
  - [<sup>F41</sup>(b) communicating to the public;]but in determining generally for the purposes of that subsection whether a film has been made available to the public no account shall be taken of any unauthorised act.
- (7) Where the country of origin is not an EEA state and the author of the film is not a national of an EEA state, the duration of copyright is that to which the work is entitled

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in the country of origin, provided that does not exceed the period which would apply under subsections (2) to (6).

- (8) In relation to a film of which there are joint authors, the reference in subsection (7) to the author not being a national of an EEA state shall be construed as a reference to none of the authors being a national of an EEA state.
- (9) If in any case there is no person falling within paragraphs (a) to (d) of subsection (2), the above provisions do not apply and copyright expires at the end of the period of 50 years from the end of the calendar year in which the film was made.
- (10) For the purposes of this section the identity of any of the persons referred to in subsection (2)(a) to (d) shall be regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if the identity of any such person is once known it shall not subsequently be regarded as unknown.]

#### Textual Amendments

- F40** Ss. 13A, 13B substituted for s. 13 (1.1.1996) by [S.I. 1995/3297](#), [reg. 6\(1\)](#) (with Pt. IV)
- F41** S. 13B(6)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 4\(3\)](#) (with regs. 31-40)

#### [<sup>F43</sup>14 Duration of copyright in broadcasts <sup>F42</sup>. . . .

- (1) The following provisions have effect with respect to the duration of copyright in a broadcast <sup>F44</sup>. . . .
- (2) Copyright in a broadcast <sup>F44</sup>. . . expires at the end of the period of 50 years from the end of the calendar year in which the broadcast was made <sup>F45</sup>. . . , subject as follows.
- (3) Where the author of the broadcast <sup>F44</sup>. . . is not a national of an EEA state, the duration of copyright in the broadcast <sup>F44</sup>. . . is that to which it is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under subsection (2).
- (4) If or to the extent that the application of subsection (3) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in subsection (2).
- (5) Copyright in a repeat broadcast <sup>F44</sup>. . . expires at the same time as the copyright in the original broadcast <sup>F44</sup>. . . ; and accordingly no copyright arises in respect of a repeat broadcast <sup>F44</sup>. . . which is broadcast <sup>F46</sup>. . . after the expiry of the copyright in the original broadcast <sup>F44</sup>. . . .
- (6) A repeat broadcast <sup>F44</sup>. . . means one which is a repeat <sup>F47</sup>. . . of a broadcast previously made <sup>F47</sup>. . . .]

#### Textual Amendments

- F42** Words in s. 14 heading repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with regs. 31-40)
- F43** S. 14 substituted (1.1.1996) by [S.I. 1995/3297](#), [reg. 7\(1\)](#) (with Pt. IV)

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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)*

- F44** Words in s. 14 repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), **Sch. 2** (with regs. 31–40)
- F45** Words in s. 14(2) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), **Sch. 2** (with regs. 31–40)
- F46** Words in s. 14(5) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), **Sch. 2** (with regs. 31–40)
- F47** Words in s. 14(6) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), **Sch. 2** (with regs. 31–40)

## 15 Duration of copyright in typographical arrangement of published editions.

Copyright in the typographical arrangement of a published edition expires at the end of the period of 25 years from the end of the calendar year in which the edition was first published.

### [<sup>F48</sup>15A Meaning of country of origin.

- (1) For the purposes of the provisions of this Part relating to the duration of copyright the country of origin of a work shall be determined as follows.
- (2) If the work is first published in a Berne Convention country and is not simultaneously published elsewhere, the country of origin is that country.
- (3) If the work is first published simultaneously in two or more countries only one of which is a Berne Convention country, the country of origin is that country.
- (4) If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then—
  - (a) if any of those countries is an EEA state, the country of origin is that country; and
  - (b) if none of those countries is an EEA state, the country of origin is the Berne Convention country which grants the shorter or shortest period of copyright protection.
- (5) If the work is unpublished or is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is—
  - (a) if the work is a film and the maker of the film has his headquarters in, or is domiciled or resident in a Berne Convention country, that country;
  - (b) if the work is—
    - (i) a work of architecture constructed in a Berne Convention country, or
    - (ii) an artistic work incorporated in a building or other structure situated in a Berne Convention country,that country;
  - (c) in any other case, the country of which the author of the work is a national.
- (6) In this section—
  - (a) a “Berne Convention country” means a country which is a party to any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886; and
  - (b) references to simultaneous publication are to publication within 30 days of first publication.]

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**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter I. (See end of Document for details)

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**Textual Amendments**

**F48** S. 15A inserted (1.1.1996) by [S.I. 1995/3297](#), **reg. 8(1)** (with Pt. IV)

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**Changes to legislation:**

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