



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER II

RIGHTS OF COPYRIGHT OWNER

Infringing copies

27 Meaning of “infringing copy”.

- (1) In this Part “infringing copy”, in relation to a copyright work, shall be construed in accordance with this section.
- (2) An article is an infringing copy if its making constituted an infringement of the copyright in the work in question.
- (3) ^{F1} . . . An article is also an infringing copy if—
 - (a) it has been or is proposed to be imported into the United Kingdom, and
 - (b) its making in the United Kingdom would have constituted an infringement of the copyright in the work in question, or a breach of an exclusive licence agreement relating to that work.
- ^{F2}(3A)
- (4) Where in any proceedings the question arises whether an article is an infringing copy and it is shown—
 - (a) that the article is a copy of the work, and
 - (b) that copyright subsists in the work or has subsisted at any time,it shall be presumed until the contrary is proved that the article was made at a time when copyright subsisted in the work.

Status: Point in time view as at 01/06/2014.

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

- (5) Nothing in subsection (3) shall be construed as applying to an article which may lawfully be imported into the United Kingdom by virtue of any enforceable [^{F3}EU] right within the meaning of section 2(1) of the ^{M1}European Communities Act 1972.
- (6) In this Part “infringing copy” includes a copy falling to be treated as an infringing copy by virtue of any of the following provisions —
- [^{F4}section 29A(3) (copies for text and data analysis for non-commercial research),]
 - [^{F5}section 31A(5) and (6) (disabled persons: copies of works for personal use),]
 - [^{F6}section 31B(11) (making and supply of accessible copies by authorised bodies),]
 - ^{F7}
...
 - ^{F8}
...
 - ^{F8}
...
 - [^{F4}section 35(5) (recording by educational establishments of broadcasts),]
 - ^{F8}
...
 - [^{F4}section 36(8) (copying and use of extracts of works by educational establishments),]
 - ^{F8}
...
 - [^{F4}section 42A(5)(b) (copying by librarians: single copies of published works),]
 - [^{F4}section 43(5)(b) (copying by librarians or archivists: single copies of unpublished works),]
 - section 56(2) (further copies, adaptations, &c. of work in electronic form retained on transfer of principal copy),
 - [^{F4}section 61(6)(b) (recordings of folksongs),]
 - section 63(2) (copies made for purpose of advertising artistic work for sale),
 - section 68(4) (copies made for purpose of broadcast ^{F9} . . .),
 - [^{F10}section 70(2) (recording for the purposes of time-shifting),
 - section 71(2) (photographs of broadcasts), or]
 - any provision of an order under section 141 (statutory licence for certain reprographic copying by educational establishments).

Textual Amendments

- F1** Words in s. 27(3) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F2** S. 27(3A) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F3** Word substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 3, 6
- F4** Words in s. 27(6) inserted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), reg. 1, **Sch. para. 2(b)**
- F5** Words in s. 27(6) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(a)**
- F6** Words in s. 27(6) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(b)**
- F7** Words in s. 27(6) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(c)**
- F8** Words in s. 27(6) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), reg. 1, **Sch. para. 2(a)**

Status: Point in time view as at 01/06/2014.

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

F9 Words in s. 27(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)

F10 S. 27(6): entries substituted (31.10.2003) for word "or" appearing at end of entry for s. 68(4) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 20\(3\)](#) (with regs. 31-40)

Marginal Citations

M1 [1972 c. 68](#).

Status:

Point in time view as at 01/06/2014.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Infringing copies.