Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER X

MISCELLANEOUS AND GENERAL

Crown and Parliamentary copyright

163 Crown copyright.

(1) Where a work is made by Her Majesty or by an officer or servant of the Crown in the course of his duties—
   (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
   (b) Her Majesty is the first owner of any copyright in the work.

(1A)...

(2) Copyright in such a work is referred to in this Part as “Crown copyright”, notwithstanding that it may be, or have been, assigned to another person.

(3) Crown copyright in a literary, dramatic, musical or artistic work continues to subsist—
   (a) until the end of the period of 125 years from the end of the calendar year in which the work was made, or
   (b) if the work is published commercially before the end of the period of 75 years from the end of the calendar year in which it was made, until the end of the period of 50 years from the end of the calendar year in which it was first so published.
(4) In the case of a work of joint authorship where one or more but not all of the authors are persons falling within subsection (1), this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.

(5) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to Crown copyright as to other copyright.

(6) This section does not apply to a work if, or to the extent that, Parliamentary copyright subsists in the work (see sections 165 [F2 to [F3166D]].)

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Textual Amendments

F1 S. 163(1A) repealed by Government of Wales Act 2006 (c. 32), ss. 160(1), 163, Sch. 10 para. 26(2), Sch. 12 (with Sch. 11 para. 22), the amending provision coming into force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.

F2 Words in s. 163(6) substituted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(4); S.I. 1998/3178, art. 2(2), Sch. 3

F3 Word in s. 163(6) substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 26(3) (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.

164 Copyright in Acts and Measures.

(1) Her Majesty is entitled to copyright in every Act of Parliament [F4Act of the Scottish Parliament] [F5, [F6Measure of the National Assembly for Wales, Act of the National Assembly for Wales,] Act of the Northern Ireland Assembly] or Measure of the General Synod of the Church of England.

(2) The copyright subsists

[F7(a)] in the case of an Act or a Measure of the General Synod of the Church of England, until the end of the period of 50 years from the end of the calendar year in which Royal Assent was given, and

(b) in the case of a Measure of the National Assembly for Wales, until the end of the period of 50 years from the end of the calendar year in which the Measure was approved by Her Majesty in Council.[]

(3) References in this Part to Crown copyright (except in section 163) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Crown copyright.

(4) No other copyright, or right in the nature of copyright, subsists in an Act or Measure.
Textual Amendments

F4  Words in s. 164(1) inserted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(5); S.I. 1998/3178, art. 2(2), Sch. 3

F5  Words in s. 164(1) inserted (2.12.1999) by 1998 c. 47, s. 99, Sch. 13 para. 8(5) (with s. 95); S.I. 1999/3209, art. 2, Sch.

F6  Words in s. 164(1) inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 27(2) (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.

F7  S. 164(2)(a)(b) substituted for words in s. 164(2) by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 27(3) (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.

165  Parliamentary copyright.

(1) Where a work is made by or under the direction or control of the House of Commons or the House of Lords—

(a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and

(b) the House by whom, or under whose direction or control, the work is made is the first owner of any copyright in the work, and if the work is made by or under the direction or control of both Houses, the two Houses are joint first owners of copyright.

(2) Copyright in such a work is referred to in this Part as “Parliamentary copyright”, notwithstanding that it may be, or have been, assigned to another person.

(3) Parliamentary copyright in a literary, dramatic, musical or artistic work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the work was made.

(4) For the purposes of this section, works made by or under the direction or control of the House of Commons or the House of Lords include—

(a) any work made by an officer or employee of that House in the course of his duties, and

(b) any sound recording, film [or live broadcast] of the proceedings of that House;

but a work shall not be regarded as made by or under the direction or control of either House by reason only of its being commissioned by or on behalf of that House.

(5) In the case of a work of joint authorship where one or more but not all of the authors are acting on behalf of, or under the direction or control of, the House of Commons or the House of Lords, this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.
(6) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to Parliamentary copyright as to other copyright.

(7) The provisions of this section also apply, subject to any exceptions or modifications specified by Order in Council, to works made by or under the direction or control of any other legislative body of a country to which this Part extends; and references in this Part to “Parliamentary copyright” shall be construed accordingly.

(8) A statutory instrument containing an Order in Council under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

166 Copyright in Parliamentary Bills.

(1) Copyright in every Bill introduced into Parliament belongs, in accordance with the following provisions, to one or both of the Houses of Parliament.

(2) Copyright in a public Bill belongs in the first instance to the House into which the Bill is introduced, and after the Bill has been carried to the second House to both Houses jointly, and subsists from the time when the text of the Bill is handed in to the House in which it is introduced.

(3) Copyright in a private Bill belongs to both Houses jointly and subsists from the time when a copy of the Bill is first deposited in either House.

(4) Copyright in a personal Bill belongs in the first instance to the House of Lords, and after the Bill has been carried to the House of Commons to both Houses jointly, and subsists from the time when it is given a First Reading in the House of Lords.

(5) Copyright under this section ceases—
   (a) on Royal Assent, or
   (b) if the Bill does not receive Royal Assent, on the withdrawal or rejection of the Bill or the end of the Session:

   Provided that, copyright in a Bill continues to subsist notwithstanding its rejection in any Session by the House of Lords if, by virtue of the Parliament Acts 1911 and 1949, it remains possible for it to be presented for Royal Assent in that Session.

(6) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
(7) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having passed in one Session, is reintroduced in a subsequent Session.

[F9166A Copyright in Bills of the Scottish Parliament.]

(1) Copyright in every Bill introduced into the Scottish Parliament belongs to the Scottish Parliamentary Corporate Body.

(2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Parliament for introduction—
   (a) until the Bill receives Royal Assent, or
   (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further parliamentary proceedings may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Parliament.]

Textual Amendments
F9 S. 166A inserted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(6); S.I. 1998/3178, art. 2(2), Sch. 3

[F10166B Copyright in Bills of the Northern Ireland Assembly.]

(1) Copyright in every Bill introduced into the Northern Ireland Assembly belongs to the Northern Ireland Assembly Commission.

(2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
   (a) until the Bill receives Royal Assent, or
   (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.]
Copyright in proposed Measures of the National Assembly for Wales

(1) Copyright in every proposed Assembly Measure introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.

(2) Copyright under this section subsists from the time when the text of the proposed Assembly Measure is handed in to the Assembly for introduction—
   (a) until the proposed Assembly Measure is approved by Her Majesty in Council, or
   (b) if the proposed Assembly Measure is not approved by Her Majesty in Council, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a proposed Assembly Measure after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a proposed Assembly Measure which, not having been approved by Her Majesty in Council, is later reintroduced into the Assembly.

Copyright in Bills of the National Assembly for Wales

(1) Copyright in every Bill introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.

(2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
   (a) until the Bill receives Royal Assent, or
   (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of
this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.]

### Textual Amendments

F11 Ss. 166C, 166D inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 28 (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(4)(5) of the amending Act.

### 167 Houses of Parliament: supplementary provisions with respect to copyright.

(1) For the purposes of holding, dealing with and enforcing copyright, and in connection with all legal proceedings relating to copyright, each House of Parliament shall be treated as having the legal capacities of a body corporate, which shall not be affected by a prorogation or dissolution.

(2) The functions of the House of Commons as owner of copyright shall be exercised by the Speaker on behalf of the House; and if so authorised by the Speaker, or in case of a vacancy in the office of Speaker, those functions may be discharged by the Chairman of Ways and Means or a Deputy Chairman.

(3) For this purpose a person who on the dissolution of Parliament was Speaker of the House of Commons, Chairman of Ways and Means or a Deputy Chairman may continue to act until the corresponding appointment is made in the next Session of Parliament.

(4) The functions of the House of Lords as owner of copyright shall be exercised by the Clerk of the Parliaments on behalf of the House; and if so authorised by him, or in case of a vacancy in the office of Clerk of the Parliaments, those functions may be discharged by the Clerk Assistant or the Reading Clerk.

(5) Legal proceedings relating to copyright—
   (a) shall be brought by or against the House of Commons in the name of “The Speaker of the House of Commons”; and
   (b) shall be brought by or against the House of Lords in the name of “The Clerk of the Parliaments”.

### Other miscellaneous provisions

### 168 Copyright vesting in certain international organisations.

(1) Where an original literary, dramatic, musical or artistic work—
   (a) is made by an officer or employee of, or is published by, an international organisation to which this section applies, and
Copyright, Designs and Patents Act 1988 (c. 48)
Part I – Copyright
Chapter X – Miscellaneous and General

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

(1) Where in the case of an unpublished literary, dramatic, musical or artistic work of unknown authorship there is evidence that the author (or, in the case of a joint work, any of the authors) was a qualifying individual by connection with a country outside the United Kingdom, it shall be presumed until the contrary is proved that he was such a qualifying individual and that copyright accordingly subsists in the work, subject to the provisions of this Part.

(2) If under the law of that country a body is appointed to protect and enforce copyright in such works, Her Majesty may by Order in Council designate that body for the purposes of this section.

(3) A body so designated shall be recognised in the United Kingdom as having authority to do in place of the copyright owner anything, other than assign copyright, which it is empowered to do under the law of that country; and it may, in particular, bring proceedings in its own name.

(4) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In subsection (1) a “qualifying individual” means an individual who at the material time (within the meaning of section 154) was a person whose works qualified under that section for copyright protection.

(6) This section does not apply if there has been an assignment of copyright in the work by the author of which notice has been given to the designated body; and nothing in this section affects the validity of an assignment of copyright made, or licence granted, by the author or a person lawfully claiming under him.
170 Transitional provisions and savings.

Schedule 1 contains transitional provisions and savings relating to works made, and acts or events occurring, before the commencement of this Part, and otherwise with respect to the operation of the provisions of this Part.

The Secretary of State may by regulations amend Schedule 1 to reduce the duration of copyright in existing works which are unpublished, other than photographs or films.

(4) “Existing works” has the same meaning as in Schedule 1.

(5) Regulations under subsection (2) may—
   (a) make different provision for different purposes;
   (b) make supplementary or transitional provision;
   (c) make consequential provision, including provision amending any enactment or subordinate legislation passed or made before that subsection comes into force.

(6) The power to make regulations under subsection (2) is exercisable by statutory instrument.

(7) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F12 S. 170 renumbered as s. 170(1) (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 76(2), 103(1)

F13 S. 170(2)-(7) inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 76(3), 103(1)

F14 S. 170(3) omitted (31.12.2020) by virtue of The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), 17 (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

171 Rights and privileges under other enactments or the common law.

(1) Nothing in this Part affects—
   (a) any right or privilege of any person under any enactment (except where the enactment is expressly repealed, amended or modified by this Act);
   (b) any right or privilege of the Crown subsisting otherwise than under an enactment;
   (c) any right or privilege of either House of Parliament;
   (d) the right of the Crown or any person deriving title from the Crown to sell, use or otherwise deal with articles forfeited under the laws relating to customs and excise;
   (e) the operation of any rule of equity relating to breaches of trust or confidence.
(2) Subject to those savings, no copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Part or some other enactment in that behalf.

(3) Nothing in this Part affects any rule of law preventing or restricting the enforcement of copyright, on grounds of public interest or otherwise.

(4) Nothing in this Part affects any right of action or other remedy, whether civil or criminal, available otherwise than under this Part in respect of acts infringing any of the rights conferred by Chapter IV (moral rights).

(5) The savings in subsection (1) have effect subject to section 164(4) and section 166(7) (copyright in Acts, Measures and Bills: exclusion of other rights in the nature of copyright).

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**Interpretation**

**172 General provisions as to construction.**

(1) This Part restates and amends the law of copyright, that is, the provisions of the Copyright Act 1956, as amended.

(2) A provision of this Part which corresponds to a provision of the previous law shall not be construed as departing from the previous law merely because of a change of expression.

(3) Decisions under the previous law may be referred to for the purpose of establishing whether a provision of this Part departs from the previous law, or otherwise for establishing the true construction of this Part.

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**Meaning of EEA and related expressions.**

(1) In this Part—
“the EEA” means the European Economic Area; and
“EEA state” means a member State, Iceland, Liechtenstein or Norway.

(2) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Textual Amendments

F15 S. 172A inserted (1.1.1996) by S.I. 1995/3297, reg. 11(1) (with Pt. III)
F16 S. 172A(1) and sidenote substituted (1.12.1996) by S.I. 1996/2967, reg. 9(5) (with Pt. III)
F17 S. 172A(1) substituted (29.4.2006) by The Intellectual Property (Enforcement, etc.) Regulations 2006 (S.I. 2006/1028), reg. 2(2), Sch. 2 para. 8(2)
F18 S. 172A(2) omitted (31.12.2020) by virtue of The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), reg. 1(2), 18 (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
F19 S. 172A(3) repealed (29.4.2006) by The Intellectual Property (Enforcement, etc.) Regulations 2006 (S.I. 2006/1028), reg. 2(4), Sch. 4

Modifications etc. (not altering text)


173 Construction of references to copyright owner.

(1) Where different persons are (whether in consequence of a partial assignment or otherwise) entitled to different aspects of copyright in a work, the copyright owner for any purpose of this Part is the person who is entitled to the aspect of copyright relevant for that purpose.

(2) Where copyright (or any aspect of copyright) is owned by more than one person jointly, references in this Part to the copyright owner are to all the owners, so that, in particular, any requirement of the licence of the copyright owner requires the licence of all of them.

Modifications etc. (not altering text)


174 Meaning of “educational establishment” and related expressions.

(1) The expression “educational establishment” in a provision of this Part means—

(a) any school, and

(b) any other description of educational establishment specified for the purposes of this Part, or that provision, by order of the Secretary of State.

(2) The Secretary of State may by order provide that the provisions of this Part relating to educational establishments shall apply, with such modifications and adaptations as may be specified in the order, in relation to teachers who are employed by a [F20 local authority (as defined in section 579(1) of the Education Act 1996) or (in Northern Ireland) a local education authority,] to give instruction elsewhere to pupils who are unable to attend an educational establishment.

(3) In subsection (1)(a) “school”—

(a) in relation to England and Wales, has the same meaning as in [F21 the Education Act 1996];

(b) in relation to Scotland, has the same meaning as in the M2 Education (Scotland) Act 1962, except that it includes an approved school within the meaning of the M3 Social Work (Scotland) Act 1968; and
(c) in relation to Northern Ireland, has the same meaning as in the \textsuperscript{M4}Education and Libraries (Northern Ireland) Order 1986.

(4) An order under subsection (1)(b) may specify a description of educational establishment by reference to the instruments from time to time in force under any enactment specified in the order.

(5) In relation to an educational establishment the expressions “teacher” and “pupil” in this Part include, respectively, any person who gives and any person who receives instruction.

(6) References in this Part to anything being done “on behalf of” an educational establishment are to its being done for the purposes of that establishment by any person.

(7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

\textbf{Textual Amendments}

\textbf{F20} Words in s. 174(2) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 36

\textbf{F21} Words in s. 174(3) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 83 (with Sch. 39)

\textbf{Modifications etc. (not altering text)}


\textbf{Marginal Citations}

\textbf{M2} 1962 c. 47.

\textbf{M3} 1968 c. 49.

\textbf{M4} S.I. 1986/594 (N.I.3).

\textbf{175 Meaning of publication and commercial publication.}

(1) In this Part “publication”, in relation to a work—

(a) means the issue of copies to the public, and

(b) includes, in the case of a literary, dramatic, musical or artistic work, making it available to the public by means of an electronic retrieval system; and related expressions shall be construed accordingly.

(2) In this Part “commercial publication”, in relation to a literary, dramatic, musical or artistic work means—

(a) issuing copies of the work to the public at a time when copies made in advance of the receipt of orders are generally available to the public, or

(b) making the work available to the public by means of an electronic retrieval system; and related expressions shall be construed accordingly.

(3) In the case of a work of architecture in the form of a building, or an artistic work incorporated in a building, construction of the building shall be treated as equivalent to publication of the work.
(4) The following do not constitute publication for the purposes of this Part and references to commercial publication shall be construed accordingly—

(a) in the case of a literary, dramatic or musical work—
   (i) the performance of the work, or
   (ii) the communication to the public of the work (otherwise than for the purposes of an electronic retrieval system);

(b) in the case of an artistic work—
   (i) the exhibition of the work,
   (ii) the issue to the public of copies of a graphic work representing, or of photographs of, a work of architecture in the form of a building or a model for a building, a sculpture or a work of artistic craftsmanship,
   (iii) the issue to the public of copies of a film including the work, or
   (iv) the communication to the public of the work (otherwise than for the purposes of an electronic retrieval system);

(c) in the case of a sound recording or film—
   (i) the work being played or shown in public, or
   (ii) the communication to the public of the work.

(5) References in this Part to publication or commercial publication do not include publication which is merely colourable and not intended to satisfy the reasonable requirements of the public.

(6) No account shall be taken for the purposes of this section of any unauthorised act.

**Textual Amendments**

F22 Words in s. 175(4)(a)(ii)(b)(iv)(c)(ii) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 6(1) (with regs. 31-40)


176 Requirement of signature: application in relation to body corporate.

(1) The requirement in the following provisions that an instrument be signed by or on behalf of a person is also satisfied in the case of a body corporate by the affixing of its seal—

   section 78(3)(b) (assertion by licensor of right to identification of author in case of public exhibition of copy made in pursuance of the licence),
   section 90(3) (assignment of copyright),
   section 91(1) (assignment of future copyright),
   section 92(1) (grant of exclusive licence).

(2) The requirement in the following provisions that an instrument be signed by a person is satisfied in the case of a body corporate by signature on behalf of the body or by the affixing of its seal—

   section 78(2)(b) (assertion by instrument in writing of right to have author identified),
   section 87(2) (waiver of moral rights).
Modifications etc. (not altering text)

177 Adaptation of expressions for Scotland.

In the application of this Part to Scotland—
“account of profits” means accounting and payment of profits;
“accounts” means count, reckoning and payment;
“assignment” means assignation;
“costs” means expenses;
“defendant” means defender;
“delivery up” means delivery;
“estoppel” means personal bar;
“injunction” means interdict;
“interlocutory relief” means interim remedy; and
“plaintiff” means pursuer.

Modifications etc. (not altering text)

178 Minor definitions.

In this Part—
“article”, in the context of an article in a periodical, includes an item of any description;
“business” includes a trade or profession;
“collective work” means—
(a) a work of joint authorship, or
(b) a work in which there are distinct contributions by different authors or in which works or parts of works of different authors are incorporated;
“computer-generated”, in relation to a work, means that the work is generated by computer in circumstances such that there is no human author of the work;
“country” includes any territory;
“the Crown” includes the Crown in right of [\textsuperscript{F23}the Scottish Administration [\textsuperscript{F24}, of the Welsh Assembly Government] or of] Her Majesty’s Government in Northern Ireland or in any country outside the United Kingdom to which this Part extends;
“electronic” means actuated by electric, magnetic, electro-mechanical energy, and “in electronic form” means in a form usable only by electronic means;
“employed”, “employee”, “employer”, and “employment” refer to employment under a contract of service or of apprenticeship;
“facsimile copy” includes a copy which is reduced or enlarged in scale;
“international organisation” means an organisation the members of which include one or more states;
“judicial proceedings” includes proceedings before any court, tribunal or person having authority to decide any matter affecting a person’s legal rights or liabilities;
"national of the United Kingdom" means—
   (a) a British citizen, a British overseas territories citizen, a British National
       (Overseas) or a British Overseas Citizen,
   (b) a person who under the British Nationality Act 1981 is a British subject,
   (c) a British protected person within the meaning of that Act, or
   (d) a body incorporated under the law of any part of the United Kingdom.

“parliamentary proceedings” includes proceedings of the Northern Ireland
Assembly [F25, of the Scottish Parliament][F26, of the New Northern Ireland
Assembly] or of the European Parliament [F27, and Assembly proceedings within
the meaning of section 1(5) of the Government of Wales Act 2006];

[F29 "private study" does not include any study which is directly or indirectly for
a commercial purpose;]

[F30 "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;]

[F31 “public library” means a library administered by or on behalf of—
   (a) in England and Wales, a library authority within the meaning of the Public
       Libraries and Museums Act 1964;
   (b) in Scotland, a statutory library authority within the meaning of the Public
       Libraries (Scotland) Act 1955;
   (c) in Northern Ireland, an Education and Library Board within the meaning
       of the Education and Libraries (Northern Ireland) Order 1986;]

[F32 ..........................................................]

[F33 “rental right” means the right of a copyright owner to authorise or prohibit the
rental of copies of the work (see section 18A);]

“reprographic copy” and “reprographic copying” refer to copying by means of a
reprographic process;

“reprographic process” means a process—
   (a) for making facsimile copies, or
   (b) involving the use of an appliance for making multiple copies,

and includes, in relation to a work held in electronic form, any copying by
electronic means, but does not include the making of a film or sound recording;

“sufficient acknowledgement” means an acknowledgement identifying the work
in question by its title or other description, and identifying the author unless—
   (a) in the case of a published work, it is published anonymously;
   (b) in the case of an unpublished work, it is not possible for a person to
ascertain the identity of the author by reasonable inquiry;

“sufficient disclaimer”, in relation to an act capable of infringing the right
conferred by section 80 (right to object to derogatory treatment of work), means a clear and reasonably prominent indication—
   (a) given at the time of the act, and
   (b) if the author or director is then identified, appearing along with the
identification,

that the work has been subjected to treatment to which the author or director has
not consented,

“telecommunications system” means a system for conveying visual images,
sounds or other information by electronic means;
"typeface" includes an ornamental motif used in printing;

"unauthorised", as regards anything done in relation to a work, means done otherwise than—

(a) by or with the licence of the copyright owner, or
(b) if copyright does not subsist in the work, by or with the licence of the author or, in a case where section 11(2) would have applied, the author’s employer or, in either case, persons lawfully claiming under him, or
(c) in pursuance of section 48 (copying, &c of certain material by the Crown);

[F34 "wireless broadcast" means a broadcast by means of wireless telegraphy; ][F35 "wireless telegraphy" means the sending of electro-magnetic energy over paths not provided by a material substance constructed or arranged for that purpose [F38 but does not include the transmission of microwave energy between terrestrial fixed points];

“writing” includes any form of notation or code, whether by hand or otherwise and regardless of the method by which, or medium in or on which, it is recorded, and “written” shall be construed accordingly

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**Textual Amendments**

F23 Words in s. 178 inserted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(7)(a); S.I. 1998/3178, art. 2(2), Sch. 3

F24 S. 178: words in definition of "the Crown" inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 29(2) (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.

F25 Words in s. 178 inserted (31.12.2020) by The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), 19 (with reg. 38) (as amended by S.I. 2020/1050, regs. (2), 4); 2020 c. 1, Sch. 5 para. 1(1)

F26 Words in s. 178 inserted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(7)(b); S.I. 1998/3178, art. 2(2), Sch. 3

F27 Words in s. 178 cease to have effect (2.12.1999) by virtue of 1998 c. 47, s. 99, Sch. 13 para. 8(7) (with s. 95); S.I. 1999/3209, art. 2, Sch.

F28 S. 178: words in definition of "parliamentary proceedings" inserted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 29(3) (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.

F29 S. 178: definition of "private study" inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 15(3) (with regs. 31-40)


F31 Definition in s. 178 inserted (1.12.1996) by S.I. 1996/2967, reg. 11(5) (with Pt. III)

F32 Definition in s. 178 omitted (1.12.1996) by virtue of S.I. 1996/2967, reg. 10(3) (with Pt. III)

F33 Definition in s. 178 inserted (1.12.1996) by S.I. 1996/2967, reg. 10(3) (with Pt. III)

F34 S. 178: definition of "wireless broadcast" inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 15(3) (with regs. 31-40)

F35 Words in s. 178 inserted (1.12.1996) by S.I. 1996/2967, reg. 8 (with Pt. III)
179  **Index of defined expressions.**

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

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[F56] needletime section 135A]

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S. 179: entry for "cable programme, cable programme service (and related expressions)" repealed

Chapter X – Miscellaneous and General

Copyright, Designs and Patents Act 1988 (c. 48)

Textual Amendments

F36 Words in s. 179 substituted (1.6.2014) by The Copyright and Rights in Performances (Disability) Regulations 2014 (S.I. 2014/1384), reg. 1(1), Sch. para. 3(a)

F37 Words in s. 179 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. 3(c)

F38 Words in s. 179 substituted (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. 6(a)

F39 Words in s. 179 inserted (1.6.2014) by The Copyright and Rights in Performances (Disability) Regulations 2014 (S.I. 2014/1384), reg. 1(1), Sch. para. 3(b)

F40 S. 179: entry for "cable programme, cable programme service (and related expressions)" 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)

F41 Words in s. 179 repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), Sch. 2 (with regs. 32, 33)

F42 Words in s. 179 inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 15(4) (with regs. 31-40)

F43 Words in s. 179 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. 6(c)

F44 Words in s. 179 inserted (1.1.1996) by S.I. 1995/3297, reg. 8(2) (with Pt. III)

F45 Words in s. 179 inserted (1.1.1998) by S.I. 1997/3032, reg. 11 (with Pt. IV)

F46 Words in s. 179 inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 21(7) (with regs. 31-40)

F47 Words in s. 179 substituted (29.4.2006) by The Intellectual Property (Enforcement, etc.) Regulations 2006 (S.I. 2006/1028), reg. 2(2), Sch. para. 9

F48 Words in s. 179 substituted (31.12.2020) by The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), 20(a) (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

F49 Words in s. 179 substituted (1.1.1996) by S.I. 1995/3297, reg. 11(2) (with Pt. III)

F50 Words in s. 179 substituted (1.1.1996) by S.I. 1995/3297, reg. 9(5)(a) (with Pt. III)

F51 Words in s. 179 inserted (1.12.1996) by S.I. 1996/2967, reg. 9(6)(b) (with Pt. III)

F52 Words in s. 179 inserted (1.1.1993) by S.I. 1992/3233, reg. 9

F53 Words in s. 179 inserted (1.12.1996) by S.I. 1996/2967, reg. 10(4) (with Pt. III)

F54 Words in s. 179 substituted (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. 6(b)

F55 Words in s. 179 inserted (31.12.2020) by The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), 20(b) (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

F56 Words inserted by Broadcasting Act 1990 (c.42, SIF 96), s. 175(3)

F57 Words in s. 179 substituted (6.5.1999) by 1998 c. 46, s. 125(1), Sch. 8 para. 25(8); S.I. 1998/3178, art. 2(2), Sch. 3

F58 Words in s. 179 substituted (2.12.1999) by 1998 c. 47, s. 99, Sch. 13 para. 8(8) (with s. 95); S.I. 1999/3209, art. 2, Sch.

F59 Words in s. 179 substituted by Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 30 (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.

F60 Words in s. 179 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. 6(d)
F61 Words in s. 179 inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 15(4) (with regs. 31-40)

F62 Words in s. 179 inserted (1.12.1996 with effect in relation to films made on or after 1.7.1994) by S.I. 1996/2967, regs. 18(6), 36 (with Pt. III)

F63 Words in s. 179 inserted (1.12.1996) by S.I. 1996/2967, reg. 11(6) (with Pt. III)

F64 Words in s. 179 substituted (1.12.1996) by S.I. 1996/2967, reg. 10(4) (with Pt. III)

F65 Words in s. 179 substituted (1.1.1996) by S.I. 1995/3297, reg. 9(5)(b) (with Pt. III)

F66 Words in s. 179 inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), Sch. 1 para. 15(4) (with regs. 31-40)

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Modifications etc. (not altering text)

Changes to legislation:
There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter X.