

Status: Point in time view as at 01/04/1999.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Powers exercisable in consequence of competition report. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 2A

LICENSING OF PERFORMERS’ PROPERTY RIGHTS

Textual Amendments

F1 Sch. 2A inserted (1.12.1996) by S.I. 1996/2967, reg. 22(2) (with Pt. III)

Powers exercisable in consequence of competition report]

- 17 (1) Where the matters specified in a report of the [^{F1}Competition Commission] as being those which in the Commission’s opinion operate, may be expected to operate or have operated against the public interest include—
- (a) conditions in licences granted by the owner of a performer’s property rights restricting the use to which a recording may be put by the licensee or the right of the owner to grant other licences, or
 - (b) a refusal of an owner of a performer’s property rights to grant licences on reasonable terms,
- the powers conferred by Part I of Schedule 8 to the Fair Trading Act 1973 (powers exercisable for purpose of remedying or preventing adverse effects specified in report of Commission) include power to cancel or modify those conditions and, instead or in addition, to provide that licences in respect of the performer’s property rights shall be available as of right.
- (2) The references in sections 56(2) and 73(2) of that Act, and sections 10(2)(b) and 12(5) of the Competition Act 1980, to the powers specified in that Part of that Schedule shall be construed accordingly.
- (3) A Minister shall only exercise the powers available by virtue of this paragraph if he is satisfied that to do so does not contravene any Convention relating to performers’ rights to which the United Kingdom is a party.
- (4) The terms of a licence available by virtue of this paragraph shall, in default of agreement, be settled by the Copyright Tribunal on an application by the person requiring the licence; and terms so settled shall authorise the licensee to do everything in respect of which a licence is so available.
- (5) Where the terms of a licence are settled by the Tribunal, the licence has effect from the date on which the application to the Tribunal was made.

Textual Amendments

F1 Words in Sch. 2A para. 17(1) substituted (1.4.1999) by S.I. 1999/506, art. 23

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