



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Presumptions

105 Presumptions relevant to sound recordings and films.

- (1) In proceedings brought by virtue of this Chapter with respect to a sound recording, where copies of the recording as issued to the public bear a label or other mark stating—
- (a) that a named person was the owner of copyright in the recording at the date of issue of the copies, or
 - (b) that the recording was first published in a specified year or in a specified country,

the label or mark shall be admissible as evidence of the facts stated and shall be presumed to be correct until the contrary is proved.

- (2) In proceedings brought by virtue of this Chapter with respect to a film, where copies of the film as issued to the public bear a statement—
- (a) that a named person was the author or director of the film,
 - (b) that a named person was the owner of copyright in the film at the date of issue of the copies, or
 - (c) that the film was first published in a specified year or in a specified country,
- the statement shall be admissible as evidence of the facts stated and shall be presumed to be correct until the contrary is proved.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 105. (See end of Document for details)*

- (3) In proceedings brought by virtue of this Chapter with respect to a computer program, where copies of the program are issued to the public in electronic form bearing a statement—
- (a) that a named person was the owner of copyright in the program at the date of issue of the copies, or
 - (b) that the program was first published in a specified country or that copies of it were first issued to the public in electronic form in a specified year,
- the statement shall be admissible as evidence of the facts stated and shall be presumed to be correct until the contrary is proved.
- (4) The above presumptions apply equally in proceedings relating to an infringement alleged to have occurred before the date on which the copies were issued to the public.
- (5) In proceedings brought by virtue of this Chapter with respect to a film, where the film as shown in public, broadcast or included in a cable programme service bears a statement—
- (a) that a named person was the author or director of the film, or
 - (b) that a named person was the owner of copyright in the film immediately after it was made,

the statement shall be admissible as evidence of the facts stated and shall be presumed to be correct until the contrary is proved.

This presumption applies equally in proceedings relating to an infringement alleged to have occurred before the date on which the film was shown in public, broadcast or included in a cable programme service.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 105.