



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

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

##### *Duration of copyright*

##### **[<sup>F1</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

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*Changes to legislation:* There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 13B. (See end of Document for details)

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- (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>F2</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 [<sup>F3</sup>the United Kingdom] and the author of the film is not a national of [<sup>F3</sup>the United Kingdom], 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 (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 [<sup>F4</sup>the United Kingdom] shall be construed as a reference to none of the authors being a national of [<sup>F4</sup>the United Kingdom].
- (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

- F1** Ss. 13A, 13B substituted for s. 13 (1.1.1996) by [S.I. 1995/3297](#), **reg. 6(1)** (with **Pt. IV**)
- F2** 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)
- F3** Words in s. 13B(7) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), **regs. 1(2)**, **6** (with **reg. 38**) (as amended by [S.I. 2020/1050](#), **regs. 1(2)**, **4**); [2020 c. 1](#), **Sch. 5 para. 1(1)**)
- F4** Words in s. 13B(8) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), **regs. 1(2)**, **6** (with **reg. 38**) (as amended by [S.I. 2020/1050](#), **regs. 1(2)**, **4**); [2020 c. 1](#), **Sch. 5 para. 1(1)**)

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 13B.