



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

##### *<sup>XI</sup> Rights of person having recording rights*

#### **188 <sup>XI</sup> Infringement of recording rights by importing, possessing or dealing with illicit recording.**

- (1) A person infringes the rights of a person having recording rights in relation to a performance who, without his consent or, in the case of a qualifying performance, that of the performer—
  - (a) imports into the United Kingdom otherwise than for his private and domestic use, or
  - (b) in the course of a business possesses, sells or lets for hire, offers or exposes for sale or hire, or distributes,a recording of the performance which is, and which that person knows or has reason to believe is, an illicit recording.
- (2) Where in an action for infringement of those rights brought by virtue of this section a defendant shows that the illicit recording was innocently acquired by him or a predecessor in title of his, the only remedy available against him in respect of the infringement is damages not exceeding a reasonable payment in respect of the act complained of.
- (3) In subsection (2) “innocently acquired” means that the person acquiring the recording did not know and had no reason to believe that it was an illicit recording.

#### **Editorial Information**

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on

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**Status:** Point in time view as at 01/07/2004. This version of this provision has been superseded.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 188. (See end of Document for details)

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1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

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There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 188.