



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER IV

##### MORAL RIGHTS

*Right to be identified as author or director*

**77 Right to be identified as author or director.**

- (1) The author of a copyright literary, dramatic, musical or artistic work, and the director of a copyright film, has the right to be identified as the author or director of the work in the circumstances mentioned in this section; but the right is not infringed unless it has been asserted in accordance with section 78.
- (2) The author of a literary work (other than words intended to be sung or spoken with music) or a dramatic work has the right to be identified whenever—
  - (a) the work is published commercially, performed in public [<sup>F1</sup>or communicated to the public]; or
  - (b) copies of a film or sound recording including the work are issued to the public; and that right includes the right to be identified whenever any of those events occur in relation to an adaptation of the work as the author of the work from which the adaptation was made.
- (3) The author of a musical work, or a literary work consisting of words intended to be sung or spoken with music, has the right to be identified whenever—
  - (a) the work is published commercially;
  - (b) copies of a sound recording of the work are issued to the public; or

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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 77. (See end of Document for details)*

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- (c) a film of which the sound-track includes the work is shown in public or copies of such a film are issued to the public;
- and that right includes the right to be identified whenever any of those events occur in relation to an adaptation of the work as the author of the work from which the adaptation was made.
- (4) The author of an artistic work has the right to be identified whenever—
- (a) the work is published commercially or exhibited in public, or a visual image of it is [<sup>F2</sup>communicated to the public];
  - (b) a film including a visual image of the work is shown in public or copies of such a film are issued to the public; or
  - (c) in the case 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, copies of a graphic work representing it, or of a photograph of it, are issued to the public.
- (5) The author of a work of architecture in the form of a building also has the right to be identified on the building as constructed or, where more than one building is constructed to the design, on the first to be constructed.
- (6) The director of a film has the right to be identified whenever the film is shown in public [<sup>F1</sup>or communicated to the public] or copies of the film are issued to the public.
- (7) The right of the author or director under this section is—
- (a) in the case of commercial publication or the issue to the public of copies of a film or sound recording, to be identified in or on each copy or, if that is not appropriate, in some other manner likely to bring his identity to the notice of a person acquiring a copy,
  - (b) in the case of identification on a building, to be identified by appropriate means visible to persons entering or approaching the building, and
  - (c) in any other case, to be identified in a manner likely to bring his identity to the attention of a person seeing or hearing the performance, exhibition, showing [<sup>F3</sup>or communication to the public] in question;
- and the identification must in each case be clear and reasonably prominent.
- (8) If the author or director in asserting his right to be identified specifies a pseudonym, initials or some other particular form of identification, that form shall be used; otherwise any reasonable form of identification may be used.
- (9) This section has effect subject to section 79 (exceptions to right).

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#### Textual Amendments

- F1** Words in s. 77(2)(a)(6) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 2\(1\), Sch. 1 para. 8\(1\)\(a\)\(b\)](#) (with regs. 31-40)
- F2** Words in s. 77(4)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 2\(1\), Sch. 1 para. 8\(2\)\(a\)](#) (with regs. 31-40)
- F3** Words in s. 77(7)(c) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 2\(1\), Sch. 1 para. 9\(1\)\(b\)](#) (with regs. 31-40)

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 77.