



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Rights and remedies of copyright owner

98 Undertaking to take licence of right in infringement proceedings.

- (1) If in proceedings for infringement of copyright in respect of which a licence is available as of right under section 144 (powers exercisable in consequence of report of [^{F1}Competition and Markets Authority]) the defendant undertakes to take a licence on such terms as may be agreed or, in default of agreement, settled by the Copyright Tribunal under that section—
 - (a) no injunction shall be granted against him,
 - (b) no order for delivery up shall be made under section 99, and
 - (c) the amount recoverable against him by way of damages or on an account of profits shall not exceed double the amount which would have been payable by him as licensee if such a licence on those terms had been granted before the earliest infringement.
- (2) An undertaking may be given at any time before final order in the proceedings, without any admission of liability.
- (3) Nothing in this section affects the remedies available in respect of an infringement committed before licences of right were available.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 98. (See end of Document for details)

Textual Amendments

- F1** Words in s. 98(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 56](#) (with art. 3)
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Modifications etc. (not altering text)

- C1** Ss. 90-93, 96-98, 101, 102 applied (1.1.1998) by [S.I. 1997/3032](#), [reg. 23](#) (with Pt. IV)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 98.