

SCHEDULES

SCHEDULE 17

INFORMATION ABOUT PROGRAMMES: COPYRIGHT

PART II

USE OF INFORMATION AS OF RIGHT

Conditions for exercise of right

- 4 (1) Where the publisher, on or after the date specified in a notice under paragraph 3(1) (b), does any act in circumstances in which this paragraph applies, he shall, if he makes the payments required by this paragraph, be in the same position as regards infringement of copyright as if he had at all material times been the holder of a licence to do so granted by the person providing the programme service.
- (2) Payments are to be made at not less than quarterly intervals in arrears.
- (3) The amount of any payment is that determined in accordance with any order of the Copyright Tribunal under paragraph 5 or, if no such order has been made—
- (a) in accordance with any proposal for terms of payment made by the person providing the programme service pursuant to a request under paragraph 3(1) (a), or
 - (b) where no proposal has been so made or the amount determined in accordance with the proposal so made appears to the publisher to be unreasonably high, in accordance with the terms of payment notified under paragraph 3(1)(b).