
STATUTORY INSTRUMENTS

1996 No. 2967

The Copyright and Related Rights Regulations 1996

PART II

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Publication right

Application of copyright provisions to publication right

17.—(1) The substantive provisions of Part I relating to copyright (but not moral rights in copyright works), that is, the relevant provisions of—

- Chapter II (rights of copyright owner),
- Chapter III (acts permitted in relation to copyright works),
- Chapter V (dealings with rights in copyright works),
- Chapter VI (remedies for infringement), and
- Chapter VII (copyright licensing),

apply in relation to publication right as in relation to copyright, subject to the following exceptions and modifications.

- (2) The following provisions do not apply—
 - (a) in Chapter III (acts permitted in relation to copyright works), sections 57, 64, 66A and 67;
 - (b) in Chapter VI (remedies for infringement), sections 104 to 106;
 - (c) in Chapter VII (copyright licensing), section 116(4).
- (3) The following provisions have effect with the modifications indicated—
 - (a) in section 107(4) and (5) (offences of making or dealing in infringing articles, &c.), the maximum punishment on summary conviction is imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both;
 - (b) in sections 116(2), 117 and 124 for “works of more than one author” substitute “works of more than one publisher”.
- (4) The other relevant provisions of Part I, that is—
 - in Chapter I, provisions defining expressions used generally in Part I,
 - Chapter VIII (the Copyright Tribunal),
 - in Chapter IX—
 - section 161 (territorial waters and the continental shelf), and
 - section 162 (British ships, aircraft and hovercraft), and in Chapter X—
 - section 171(1) and (3) (savings for other rules of law, &c.), and
 - sections 172 to 179 (general interpretation provisions),

apply, with any necessary adaptations, for the purposes of supplementing the substantive provisions of that Part as applied by this regulation.

(5) Except where the context otherwise requires, any other enactment relating to copyright (whether passed or made before or after these regulations) applies in relation to publication right as in relation to copyright.

In this paragraph “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978⁽¹⁾.

⁽¹⁾ 1978 c. 30.