
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Acts permitted in relation to copyright works and rights in performances

Amendment of provisions relating to recordings by educational establishments of broadcasts

12.—(1) Section 35 shall be amended as follows—

(a) in subsection (1) after the words “included in it” there shall be inserted “, provided that it is accompanied by a sufficient acknowledgement of the broadcast and that the educational purposes are non-commercial”;

(b) after subsection (1) there shall be inserted—

“(1A) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, whose making was by virtue of subsection (1) not an infringement of copyright, is communicated to the public by a person situated within the premises of an educational establishment provided that the communication cannot be received by any person situated outside the premises of that establishment.”;

(c) In subsection (3) for the words from “or offered” to the end of the subsection, there shall be substituted “, offered or exposed for sale or hire, or communicated from within the premises of an educational establishment to any person situated outside those premises.”.

(2) Paragraph 6 of Schedule 2 shall be amended as follows—

(a) in sub-paragraph (1) after the words “included in it” there shall be inserted “, provided that the educational purposes are non-commercial”;

(b) after sub-paragraph (1) there shall be inserted—

“(1A) The rights conferred by Part 2 are not infringed where a recording of a broadcast or a copy of such a recording, whose making was by virtue of sub-paragraph (1) not an infringement of such rights, is communicated to the public by a person situated within the premises of an educational establishment provided that the communication cannot be received by any person situated outside the premises of that establishment.

(1B) This paragraph does not apply if or to the extent that there is a licensing scheme certified for the purposes of this paragraph under paragraph 16 of Schedule 2A providing for the grant of licences.”;

(c) in sub-paragraph (2) for the words from “or offered” to the end of the sub-paragraph, there shall be substituted “, offered or exposed for sale or hire, or communicated from within the premises of an educational establishment to any person situated outside those premises.”.