



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### *[<sup>X1F1</sup>Duration of rights]*

##### **Editorial Information**

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

##### **Textual Amendments**

- F1** Crossheading substituted (1.12.1996) by [S.I. 1996/2967, reg. 21\(5\)\(a\)](#) (with Pt. III)

#### **[<sup>F2X2</sup>191 Duration of rights.**

- (1) The following provisions have effect with respect to the duration of the rights conferred by this Part.
- (2) The rights conferred by this Part in relation to a performance expire—
  - (a) at the end of the period of 50 years from the end of the calendar year in which the performance takes place, or
  - (b) if during that period a recording of the performance is released, 50 years from the end of the calendar year in which it is released,subject as follows.
- (3) For the purposes of subsection (2) a recording is "released" when it is first published, played or shown in public [<sup>F3</sup> or communicated to the public]; but in determining whether a recording has been released no account shall be taken of any unauthorised act.

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*Status: Point in time view as at 31/10/2003.*

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

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- (4) Where a performer is not a national of an EEA state, the duration of the rights conferred by this Part in relation to his performance is that to which the performance is entitled in the country of which he is a national, provided that does not exceed the period which would apply under subsections (2) and (3).
- (5) If or to the extent that the application of subsection (4) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of the rights conferred by this Part shall be as specified in subsections (2) and (3).]

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#### **Editorial Information**

- X2** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

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#### **Textual Amendments**

- F2** S. 191 substituted (1.1.1996) by S.I. 1995/3297, **reg. 10** (with Pt. III)
- F3** Words in s. 191(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), **reg. 2(1)**, **Sch. 1 para. 8(2)(d)** (with regs. 31-40)

**Status:**

Point in time view as at 31/10/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Duration of rights.