



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

##### SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

##### *Duration of copyright*

#### **12 Duration of copyright in literary, dramatic, musical or artistic works**

- (1) Copyright in a literary, dramatic, musical or artistic work expires at the end of the period of 50 years from the end of the calendar year in which the author dies, subject to the following provisions of this section.
- (2) If the work is of unknown authorship, copyright expires at the end of the period of 50 years from the end of the calendar year in which it is first made available to the public; and subsection (1) does not apply if the identity of the author becomes known after the end of that period.

For this purpose making available to the public includes—

- (a) in the case of a literary, dramatic or musical work—
  - (i) performance in public, or
  - (ii) being broadcast or included in a cable programme service;
- (b) in the case of an artistic work—
  - (i) exhibition in public,
  - (ii) a film including the work being shown in public, or
  - (iii) being included in a broadcast or cable programme service;

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*Status: This is the original version (as it was originally enacted).*

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but in determining generally for the purposes of this subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.

- (3) If the work is computer-generated neither of the above provisions applies and copyright expires at the end of the period of 50 years from the end of the calendar year in which the work was made.
- (4) In relation to a work of joint authorship—
  - (a) the reference in subsection (1) to the death of the author shall be construed —
    - (i) if the identity of all the authors is known, as a reference to the death of the last of them to die, and
    - (ii) if the identity of one or more of the authors is known and the identity of one or more others is not, as a reference to the death of the last of the authors whose identity is known; and
  - (b) the reference in subsection (2) to the identity of the author becoming known shall be construed as a reference to the identity of any of the authors becoming known.
- (5) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 to 166) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).

### **13 Duration of copyright in sound recordings and films**

- (1) Copyright in a sound recording or film expires—
  - (a) at the end of the period of 50 years from the end of the calendar year in which it is made, or
  - (b) if it is released before the end of that period, 50 years from the end of the calendar year in which it is released.
- (2) A sound recording or film is “released” when—
  - (a) it is first published, broadcast or included in a cable programme service, or
  - (b) in the case of a film or film sound-track, the film is first shown in public;
 but in determining whether a work has been released no account shall be taken of any unauthorised act.

### **14 Duration of copyright in broadcasts and cable programmes**

- (1) Copyright in a broadcast or cable programme expires at the end of the period of 50 years from the end of the calendar year in which the broadcast was made or the programme was included in a cable programme service.
- (2) Copyright in a repeat broadcast or cable programme expires at the same time as the copyright in the original broadcast or cable programme; and accordingly no copyright arises in respect of a repeat broadcast or cable programme which is broadcast or included in a cable programme service after the expiry of the copyright in the original broadcast or cable programme.
- (3) A repeat broadcast or cable programme means one which is a repeat either of a broadcast previously made or of a cable programme previously included in a cable programme service.

## **15 Duration of copyright in typographical arrangement of published editions**

Copyright in the typographical arrangement of a published edition expires at the end of the period of 25 years from the end of the calendar year in which the edition was first published.