



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER III

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

#### *[<sup>F1</sup>Computer programs: lawful users*

##### Textual Amendments

**F1** Cross-heading and ss. 50A-50C inserted (1.1.1993) by [S.I. 1992/3233](#), [reg.8](#).

#### **<sup>F2</sup>50A Back up copies.**

- (1) It is not an infringement of copyright for a lawful user of a copy of a computer program to make any back up copy of it which it is necessary for him to have for the purposes of his lawful use.
- (2) For the purposes of this section and sections 50B [<sup>F3</sup>, 50BA] and 50C a person is a lawful user of a computer program if (whether under a licence to do any acts restricted by the copyright in the program or otherwise), he has a right to use the program.
- (3) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).

##### Textual Amendments

**F2** Ss. 50A-50C inserted (1.1.1993) by [S.I. 1992/3233](#), [reg.8](#).

*Status: Point in time view as at 31/10/2003.*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: Computer programs: lawful users. (See end of Document for details)*

**F3** S. 50A(2): ", 50BA" inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 15\(2\)](#) (with [regs. 31-40](#))

**<sup>F4</sup>50B Decompilation.**

- (1) It is not an infringement of copyright for a lawful user of a copy of a computer program expressed in a low level language—
  - (a) to convert it into a version expressed in a higher level language, or
  - (b) incidentally in the course of so converting the program, to copy it, (that is, to “decompile” it), provided that the conditions in subsection (2) are met.
- (2) The conditions are that—
  - (a) it is necessary to decompile the program to obtain the information necessary to create an independent program which can be operated with the program decompiled or with another program (“the permitted objective”); and
  - (b) the information so obtained is not used for any purpose other than the permitted objective.
- (3) In particular, the conditions in subsection (2) are not met if the lawful user—
  - (a) has readily available to him the information necessary to achieve the permitted objective;
  - (b) does not confine the decompiling to such acts as are necessary to achieve the permitted objective;
  - (c) supplies the information obtained by the decompiling to any person to whom it is not necessary to supply it in order to achieve the permitted objective; or
  - (d) uses the information to create a program which is substantially similar in its expression to the program decompiled or to do any act restricted by copyright.
- (4) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).

**Textual Amendments**

**F4** Ss. 50A-50C inserted (1.1.1993) by [S.I. 1992/3233](#), [reg.8](#).

**<sup>F5</sup>50BA Observing, studying and testing of computer programs**

- (1) It is not an infringement of copyright for a lawful user of a copy of a computer program to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program if he does so while performing any of the acts of loading, displaying, running, transmitting or storing the program which he is entitled to do.
- (2) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).]

*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: Computer programs: lawful users. (See end of Document for details)*

#### Textual Amendments

- F5** S. 50BA inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 15\(1\)](#) (with [regs. 31-40](#))

#### <sup>F6</sup>**50C Other acts permitted to lawful users.**

- (1) It is not an infringement of copyright for a lawful user of a copy of a computer program to copy or adapt it, provided that the copying or adapting—
  - (a) is necessary for his lawful use; and
  - (b) is not prohibited under any term or condition of an agreement regulating the circumstances in which his use is lawful.
- (2) It may, in particular, be necessary for the lawful use of a computer program to copy it or adapt it for the purpose of correcting errors in it.
- (3) This section does not apply to any copying or adapting permitted under [<sup>F7</sup>section 50A, 50B or 50BA].]

#### Textual Amendments

- F6** Ss. 50A-50C inserted (1.1.1993) by [S.I. 1992/3233](#), [reg.8](#).
- F7** Words in s. 50C(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 15\(3\)](#) (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: Computer programs: lawful users.