



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER IV

#### MORAL RIGHTS

##### *Right to object to derogatory treatment of work*

#### **80 Right to object to derogatory treatment of work**

- (1) The author of a copyright literary, dramatic, musical or artistic work, and the director of a copyright film, has the right in the circumstances mentioned in this section not to have his work subjected to derogatory treatment.
- (2) For the purposes of this section—
  - (a) “treatment” of a work means any addition to, deletion from or alteration to or adaptation of the work, other than—
    - (i) a translation of a literary or dramatic work, or
    - (ii) an arrangement or transcription of a musical work involving no more than a change of key or register; and
  - (b) the treatment of a work is derogatory if it amounts to distortion or mutilation of the work or is otherwise prejudicial to the honour or reputation of the author or director;

and in the following provisions of this section references to a derogatory treatment of a work shall be construed accordingly.

- (3) In the case of a literary, dramatic or musical work the right is infringed by a person who—

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- (a) publishes commercially, performs in public, broadcasts or includes in a cable programme service a derogatory treatment of the work; or
  - (b) issues to the public copies of a film or sound recording of, or including, a derogatory treatment of the work.
- (4) In the case of an artistic work the right is infringed by a person who—
- (a) publishes commercially or exhibits in public a derogatory treatment of the work, or broadcasts or includes in a cable programme service a visual image of a derogatory treatment of the work,
  - (b) shows in public a film including a visual image of a derogatory treatment of the work or issues to the public copies of such a film, or
  - (c) in the case of—
    - (i) a work of architecture in the form of a model for a building,
    - (ii) a sculpture, or
    - (iii) a work of artistic craftsmanship,
 issues to the public copies of a graphic work representing, or of a photograph of, a derogatory treatment of the work.
- (5) Subsection (4) does not apply to a work of architecture in the form of a building; but where the author of such a work is identified on the building and it is the subject of derogatory treatment he has the right to require the identification to be removed.
- (6) In the case of a film, the right is infringed by a person who—
- (a) shows in public, broadcasts or includes in a cable programme service a derogatory treatment of the film; or
  - (b) issues to the public copies of a derogatory treatment of the film,
- or who, along with the film, plays in public, broadcasts or includes in a cable programme service, or issues to the public copies of, a derogatory treatment of the film sound-track.
- (7) The right conferred by this section extends to the treatment of parts of a work resulting from a previous treatment by a person other than the author or director, if those parts are attributed to, or are likely to be regarded as the work of, the author or director.
- (8) This section has effect subject to sections 81 and 82 (exceptions to and qualifications of right).

## **81 Exceptions to right**

- (1) The right conferred by section 80 (right to object to derogatory treatment of work) is subject to the following exceptions.
- (2) The right does not apply to a computer program or to any computer-generated work.
- (3) The right does not apply in relation to any work made for the purpose of reporting current events.
- (4) The right does not apply in relation to the publication in—
  - (a) a newspaper, magazine or similar periodical, or
  - (b) an encyclopaedia, dictionary, yearbook or other collective work of reference,
 of a literary, dramatic, musical or artistic work made for the purposes of such publication or made available with the consent of the author for the purposes of such publication.

Nor does the right apply in relation to any subsequent exploitation elsewhere of such a work without any modification of the published version.

- (5) The right is not infringed by an act which by virtue of section 57 (anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author) would not infringe copyright.
- (6) The right is not infringed by anything done for the purpose of—
- (a) avoiding the commission of an offence,
  - (b) complying with a duty imposed by or under an enactment, or
  - (c) in the case of the British Broadcasting Corporation, avoiding the inclusion in a programme broadcast by them of anything which offends against good taste or decency or which is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling,

provided, where the author or director is identified at the time of the relevant act or has previously been identified in or on published copies of the work, that there is a sufficient disclaimer.

## **82 Qualification of right in certain cases**

- (1) This section applies to—
- (a) works in which copyright originally vested in the author’s employer by virtue of section 11(2) (works produced in course of employment) or in the director’s employer by virtue of section 9(2)(a) (person to be treated as author of film),
  - (b) works in which Crown copyright or Parliamentary copyright subsists, and
  - (c) works in which copyright originally vested in an international organisation by virtue of section 168.
- (2) The right conferred by section 80 (right to object to derogatory treatment of work) does not apply to anything done in relation to such a work by or with the authority of the copyright owner unless the author or director—
- (a) is identified at the time of the relevant act, or
  - (b) has previously been identified in or on published copies of the work;
- and where in such a case the right does apply, it is not infringed if there is a sufficient disclaimer.

## **83 Infringement of right by possessing or dealing with infringing article**

- (1) The right conferred by section 80 (right to object to derogatory treatment of work) is also infringed by a person who—
- (a) possesses in the course of a business, or
  - (b) sells or lets for hire, or offers or exposes for sale or hire, or
  - (c) in the course of a business exhibits in public or distributes, or
  - (d) distributes otherwise than in the course of a business so as to affect prejudicially the honour or reputation of the author or director,
- an article which is, and which he knows or has reason to believe is, an infringing article.
- (2) An “infringing article” means a work or a copy of a work which—
- (a) has been subjected to derogatory treatment within the meaning of section 80, and

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- (b) has been or is likely to be the subject of any of the acts mentioned in that section in circumstances infringing that right.