



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER IX

QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

Qualification for copyright protection

153 Qualification for copyright protection.

- (1) Copyright does not subsist in a work unless the qualification requirements of this Chapter are satisfied as regards—
 - (a) the author (see section 154), or
 - (b) the country in which the work was first published (see section 155), or
 - (c) in the case of a broadcast ^{F1} . . . , the country from which the broadcast was made ^{F1} . . . (see section 156).
- (2) Subsection (1) does not apply in relation to Crown copyright or Parliamentary copyright (see sections 163 to [^{F2}166B]) or to copyright subsisting by virtue of section 168 (copyright of certain international organisations).
- (3) If the qualification requirements of this Chapter, or section 163, 165 or 168, are once satisfied in respect of a work, copyright does not cease to subsist by reason of any subsequent event.

Textual Amendments

- F1** Words in s. 153(1)(c) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), [Sch. 2](#) (with regs. 31-40)

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

- F2** Words in s. 153(2) substituted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 8(3)** (with s. 95); S.I. 1999/3209, art. 2, **Sch. 1**

Modifications etc. (not altering text)

- C1** Ss. 153, 154 extended by S.I. 1989/988, **art. 2(1)**
- C2** S. 153 extended (1.7.1992) by S.I. 1992/1313, **art. 2**
- C3** Ss. 153, 154 applied (with modifications) (4.5.1993) by S.I. 1993/942, **arts. 2, 3, 4, 5, Sch. 4** (with art. 6)
- Ss. 153-155 applied (with modifications) (22.7.1999) by S.I. 1999/1751, **arts. 2(1)(2), 5, Sch. 1, Sch. 5** (as amended 22.4.2003 by S.I. 2003/774, **arts. 2-5**)
- Ss. 153, 154, 155 applied (with modifications) (22.7.1999) by S.I. 1999/1751, **arts. 2(1)(2), 3, 5, Sch. 1, Sch. 2, Sch. 5** (as amended 22.4.2003 by S.I. 2003/774, **arts. 2-5**)
- Ss. 153, 154, 156 applied (with modifications) (22.7.1999) by S.I. 1999/1751, **arts. 4(1)(2)(5), 5** (as amended 22.4.2003 by S.I. 2003/774, **arts. 2-5**)

154 Qualification by reference to author.

- (1) A work qualifies for copyright protection if the author was at the material time a qualifying person, that is—
- a British citizen, a British Dependent Territories citizen, a British National (Overseas), a British Overseas citizen, a British subject or a British protected person within the meaning of the ^{M1}British Nationality Act 1981, or
 - an individual domiciled or resident in the United Kingdom or another country to which the relevant provisions of this Part extend, or
 - a body incorporated under the law of a part of the United Kingdom or of another country to which the relevant provisions of this Part extend.
- (2) Where, or so far as, provision is made by Order under section 159 (application of this Part to countries to which it does not extend), a work also qualifies for copyright protection if at the material time the author was a citizen or subject of, an individual domiciled or resident in, or a body incorporated under the law of, a country to which the Order relates.
- (3) A work of joint authorship qualifies for copyright protection if at the material time any of the authors satisfies the requirements of subsection (1) or (2); but where a work qualifies for copyright protection only under this section, only those authors who satisfy those requirements shall be taken into account for the purposes of—
- section 11(1) and (2) (first ownership of copyright; entitlement of author or author's employer),
- [^{F3}section 12 (duration of copyright), and section 9(4) (meaning of “unknown authorship”) so far as it applies for the purposes of section 12, and]
- section 57 (anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author).
- (4) The material time in relation to a literary, dramatic, musical or artistic work is—
- in the case of an unpublished work, when the work was made or, if the making of the work extended over a period, a substantial part of that period;
 - in the case of a published work, when the work was first published or, if the author had died before that time, immediately before his death.
- (5) The material time in relation to other descriptions of work is as follows—

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- (a) in the case of a sound recording or film, when it was made;
- (b) in the case of a broadcast, when the broadcast was made;
- (c) ^{F4}
- (d) in the case of the typographical arrangement of a published edition, when the edition was first published.

Textual Amendments

F3 Paragraph in s. 154(3) substituted (1.1.1996) by [S.I. 1995/3297](#), **reg. 5(3)** (with Pt. III)

F4 S. 154(5)(c) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), **reg. 2(2)**, **Sch. 2** (with regs. 31-40)

Modifications etc. (not altering text)

C4 Ss. 153, 154 extended by [S.I. 1989/988](#), **art. 2(1)**

C5 S. 154 extended (1.7.1992) by [S.I. 1992/1313](#), **art. 2**

C6 Ss. 153, 154 applied (with modifications) (4.5.1993) by [S.I. 1993/942](#), **arts. 2, 3, 4, 5**, **Sch. 4** (with art. 6)

Ss. 153-155 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), **arts. 2(1)(2), 5**, **Sch. 1**, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)

Ss. 153, 154, 155 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), **arts. 2(1)(2), 3, 5**, **Sch. 1**, **Sch. 2**, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)

Ss. 153, 154, 156 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), **arts. 4(1)(2)(5), 5**, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)

Marginal Citations

M1 1981 c. 61.

155 Qualification by reference to country of first publication.

- (1) A literary, dramatic, musical or artistic work, a sound recording or film, or the typographical arrangement of a published edition, qualifies for copyright protection if it is first published—
 - (a) in the United Kingdom, or
 - (b) in another country to which the relevant provisions of this Part extend.
- (2) Where, or so far as, provision is made by Order under section 159 (application of this Part to countries to which it does not extend), such a work also qualifies for copyright protection if it is first published in a country to which the Order relates.
- (3) For the purposes of this section, publication in one country shall not be regarded as other than the first publication by reason of simultaneous publication elsewhere; and for this purpose publication elsewhere within the previous 30 days shall be treated as simultaneous.

Modifications etc. (not altering text)

C7 S. 155 extended with modifications by [S.I. 1989/1293](#), **arts. 2(1), 3, 5, 6**, **Schs. 1, 2, 3, 4**

C8 S. 155 extended (1.7.1992) by [S.I. 1992/1313](#), **art.2**

C9 S. 155 applied (with modifications) (4.5.1993) by [S.I. 1993/942](#), **arts.2, 3, 5**, **Sch. 4** (with art. 6)

Ss. 153-155 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), **arts. 2(1)(2), 5**, **Sch. 1**, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)

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Ss. 153, 154, 155 applied (with modifications) (22.7.1999) by S.I. 1999/1751, arts. 2(1)(2), 3, 5, Sch. 1, Sch. 2, **Sch. 5** (as amended 22.4.2003 by S.I. 2003/774, **arts. 2-5**)

156 Qualification by reference to place of transmission.

- (1) A broadcast qualifies for copyright protection if it is made from ^{F5} . . . a place in—
- (a) the United Kingdom, or
 - (b) another country to which the relevant provisions of this Part extend.
- (2) Where, or so far as, provision is made by Order under section 159 (application of this Part to countries to which it does not extend), a broadcast ^{F5} . . . also qualifies for copyright protection if it is made from ^{F5} . . . a place in a country to which the Order relates.

Textual Amendments

F5 Words in s. 156(1)(2) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003](#) (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

Modifications etc. (not altering text)

C10 S. 156 extended (1.7.1992) by S.I. 1992/1313, **art.2**

C11 S. 156 applied (with modifications) (4.5.1993) by S.I. 1993/942, art.4, 5, **Sch. 4** (with art. 6)

Ss. 153, 154, 156 applied (with modifications) (22.7.1999) by S.I. 1999/1751, **arts. 4(1)(2)(5)**, 5 (as amended 22.4.2003 by S.I. 2003/774, **arts. 2-5**)

Status:

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Changes to legislation:

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