



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 4

QUALIFICATION FOR PROTECTION, EXTENT AND INTERPRETATION

[^{F1X1} Interpretation

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** Ss. 206-212 become Pt. 2 Ch. 4 (1.2.2006) by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(7\)](#) (with [reg. 8](#))

^{x2}**211 Expressions having same meaning as in copyright provisions.**

- (1) The following expressions have the same meaning in this Part as in Part I (copyright)

[^{F2}assignment (in Scotland),]

broadcast,

business,

^{F3}

.....

^{F4}

.....

Status: Point in time view as at 29/04/2006.

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

[^{F5}communication to the public,]
 country,
 defendant (in Scotland),
 delivery up (in Scotland),
 [^{F6}the EEA,]
 [^{F6}EEA state,]
 film,
 [^{F7}injunction (in Scotland)]
 literary work,
 published, ^{F8} . . .
 [^{F9}signed,]
 [^{F10}sound recording, and]
 [^{F11}wireless broadcast.]

- (2) [^{F12} The provisions of—
- (a) section 5B(2) and (3) (supplementary provisions relating to films), and
 - (b) section 6(3) to (5A) and section 19(4) (supplementary provisions relating to broadcasting),
- apply] for the purposes of this Part, and in relation to an infringement of the rights conferred by this Part, as they apply for the purposes of Part I and in relation to an infringement of copyright.

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.

Textual Amendments

- F2** S. 211(1): entry inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), reg. 2, **Sch. para. 6(2)** (with reg. 8)
- F3** S. 211(1): entry 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)
- F4** S. 211(1): entry 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)
- F5** S. 211(1): entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 15(5)(a)(i)** (with regs. 31-40)
- F6** S. 211(1): entries relating to "the EEA," and "EEA state," substituted (29.4.2006) for entry relating to "EEA national," by [The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#), reg. 2(2), **Sch. 2 para. 12**
- F7** S. 211(1): entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 15(5)(a)(i)** (with regs. 31-40)
- F8** Word in s. 211(1) 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)
- F9** S. 211(1): entry inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), reg. 2, **Sch. para. 6(2)** (with reg. 8)
- F10** S. 211(1): entry substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 2(1)**, {Sch. 1 para. 15(5)(a)(ii)} (with regs. 31-40)

Status: Point in time view as at 29/04/2006.

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

- F11** S. 211(1): entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 15(5)(a)(i)** (with regs. 31-40)
- F12** Words in s. 211(2) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), reg. 2, **Sch. para. 6(3)** (with reg. 8)

^{x3}212 Index of defined expressions.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used only in the same section)—

[^{F13} assignment (in Scotland)	section 211(1) (and section 177);]
broadcast (and related expressions)	section 211 (and section 6)
business	section 211(1) (and section 178)
^{F14}	
[^{F15} communication to the public	section 211(1) (and section 20)]
[^{F16} consent of performer (in relation to performer's property rights)]	[^{F17} section 191A(2)]
country	section 211(1) (and section 178)
defendant (in Scotland)	section 211(1) (and section 177)
delivery up (in Scotland)	section 211(1) (and section 177)
[^{F18} distribution right]	[^{F19} section 182B(5)]
[^{F20} the EEA and EEA state]	[^{F21} section 211(1) (and section 172A)]
exclusive recording contract	section 185(1)
film	section 211(1) (and [^{F22} section 5B])
[^{F23} group	section 205C(4);]
illicit recording	section 197
[^{F24} injunction (in Scotland)]	section 211(1) (and section 177)]
[^{F25} issue to the public	section 182B;]
literary work	section 211(1) (and section 3(1))
[^{F26} lending right]	[^{F27} section 182C(7)]
[^{F28} making available right	section 182CA]
performance	section 180(2)
[^{F29} performer's non-property rights]	[^{F30} section 192A(1)]
[^{F31} performer's property rights]	[^{F32} section 191A(1)]
published	section 211(1) (and section 175)
qualifying country	section 206(1)
qualifying individual	section 206(1) and (2)
qualifying performance	section 181

Status: Point in time view as at 29/04/2006.

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

qualifying person	section 206(1) and (3)
recording (of a performance)	section 180(2)
recording rights (person having)	section 185(2) and (3)
[^{F33} rental right)]	[^{F34} section 182C(7)]
[^{F35} reproduction right]	[^{F36} section 182A(3)]
[^{F37} rights owner (in relation to performer's property rights)]	[^{F38} section 191A(3) and (4).]
[^{F39} signed	section 211(1) (and section 176);]
sound recording	section 211(1) (and [^{F40} section 5A]).
[^{F41} wireless broadcast	section 211(1) (and section 178).]]

Editorial Information

- X3** 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

- F13** S. 212: entry inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 2](#), [Sch. para. 7](#) (with [reg. 8](#))
- F14** S. 212: entry 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](#))
- F15** S. 212: entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 15\(6\)](#) (with [regs. 31-40](#))
- F16** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F17** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F18** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(4\)](#) (with Pt. III)
- F19** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(4\)](#) (with Pt. III)
- F20** S. 212: words in entry substituted (29.4.2006) by [The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#), [reg. 2\(2\)](#), [Sch. 2 para. 13](#)
- F21** Words in s. 212 inserted (1.1.1996) by [S.I. 1995/3297](#), [reg. 11\(4\)](#) (with Pt. III)
- F22** Words in s. 212 substituted (1.1.1996) by [S.I. 1995/3297](#), [reg. 9\(6\)\(a\)](#) (with Pt. III)
- F23** S. 212: entry inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 2](#), [Sch. para. 7](#) (with [reg. 8](#))
- F24** S. 212: entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 15\(6\)](#) (with [regs. 31-40](#))
- F25** S. 212: entry inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 2](#), [Sch. para. 7](#) (with [reg. 8](#))
- F26** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(4\)](#) (with Pt. III)
- F27** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(4\)](#) (with Pt. III)
- F28** S. 212: entry inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 15\(6\)](#) (with [regs. 31-40](#))
- F29** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F30** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F31** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F32** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(6\)](#) (with Pt. III)
- F33** Words in s. 212 inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(4\)](#) (with Pt. III)

Status: Point in time view as at 29/04/2006.

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

- F34** Words in s. 212 inserted (1.12.1996) by S.I. 1996/2967, **reg. 20(4)** (with Pt. III)
- F35** Words in s. 212 inserted (1.12.1996) by S.I. 1996/2967, **reg. 20(4)** (with Pt. III)
- F36** Words in s. 212 inserted (1.12.1996) by S.I. 1996/2967, **reg. 20(4)** (with Pt. III)
- F37** Words in s. 212 inserted (1.12.1996) by S.I. 1996/2967, **reg. 21(6)** (with Pt. III)
- F38** Words in s. 212 inserted (1.12.1996) by S.I. 1996/2967, **reg. 21(6)** (with Pt. III)
- F39** S. 212: entry inserted (1.2.2006) by The Performances (Moral Rights, etc.) Regulations 2006 (S.I. 2006/18), **reg. 2, Sch. para. 7** (with reg. 8)
- F40** Words in s. 212 substituted (1.1.1996) by S.I. 1995/3297, **reg. 9(6)(b)** (with Pt. III)
- F41** S. 212: entry inserted (1.2.2006) by The Performances (Moral Rights, etc.) Regulations 2006 (S.I. 2006/18), **reg. 2, Sch. para. 7** (with reg. 8)

Status:

Point in time view as at 29/04/2006.

Changes to legislation:

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