

Status: Point in time view as at 01/02/1991.

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

SCHEDULES

SCHEDULE 1

COPYRIGHT: TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1 Sch. 1 applied (with modifications) by S.I. 1989/1293, **art. 4(4)(5)(6)**
- C1 Sch. 1 applied (with modifications)(4.5.1993) by S.I. 1993/942, arts. 2(3), 5, **Sch. 4** (with art. 6)
- C1 Sch. 1 applied (4.5.1993) by S.I. 1993/942, arts.4, 5, **Sch. 4** (with art. 6)
- C1 Sch. 1 applied (with modifications) (22.7.1999) by S.I. 1999/1751, arts. 2(3), 3, 4(3)-(5), 6, **Sch. 5** (subject to arts. 5, 7) (as amended (22.4.2003) by S.I. 2003/774, **arts. 2-5**)
- C1 Sch. 1 extended in part (with modifications) by [The Copyright \(Bermuda\) Order 2003 \(S.I. 2003/1517\)](#), **art. 2, Sch.** (the amendment coming into force in accordance with art. 1 of the amending S.I.)
- C1 Sch. 1 extended in part (with modifications) by [The Copyright \(Gibraltar\) Order 2005 \(S.I. 2005/853\)](#), **art. 2, Sch.** (the amendment coming into force in accordance with art. 1 of the amending S.I.)

Assignments and licences

- 25 (1) Any document made or event occurring before commencement which had any operation—
- (a) affecting the ownership of the copyright in an existing work, or
 - (b) creating, transferring or terminating an interest, right or licence in respect of the copyright in an existing work,
- has the corresponding operation in relation to copyright in the work under this Act.
- (2) Expressions used in such a document shall be construed in accordance with their effect immediately before commencement.
- 26 (1) Section 91(1) of this Act (assignment of future copyright: statutory vesting of legal interest on copyright coming into existence) does not apply in relation to an agreement made before 1st June 1957.
- (2) The repeal by this Act of section 37(2) of the 1956 Act (assignment of future copyright: devolution of right where assignee dies before copyright comes into existence) does not affect the operation of that provision in relation to an agreement made before commencement.
- 27 (1) Where the author of a literary, dramatic, musical or artistic work was the first owner of the copyright in it, no assignment of the copyright and no grant of any interest in it, made by him (otherwise than by will) after the passing of the 1911 Act and before 1st June 1957, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of 25 years from the death of the author.
- (2) The reversionary interest in the copyright expectant on the termination of that period may after commencement be assigned by the author during his life but in the absence

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of any assignment shall, on his death, devolve on his legal personal representatives as part of his estate.

- (3) Nothing in this paragraph affects—
- (a) an assignment of the reversionary interest by a person to whom it has been assigned,
 - (b) an assignment of the reversionary interest after the death of the author by his personal representatives or any person becoming entitled to it, or
 - (c) any assignment of the copyright after the reversionary interest has fallen in.
- (4) Nothing in this paragraph applies to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.
- (5) In sub-paragraph (4) “collective work” means—
- (a) any encyclopaedia, dictionary, yearbook, or similar work;
 - (b) a newspaper, review, magazine, or similar periodical; and
 - (c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated.
- 28 (1) This paragraph applies where copyright subsists in a literary, dramatic, musical or artistic work made before 1st July 1912 in relation to which the author, before the commencement of the 1911 Act, made such an assignment or grant as was mentioned in paragraph (a) of the proviso to section 24(1) of that Act (assignment or grant of copyright or performing right for full term of the right under the previous law).
- (2) If before commencement any event has occurred or notice has been given which by virtue of paragraph 38 of Schedule 7 to the 1956 Act had any operation in relation to copyright in the work under that Act, the event or notice has the corresponding operation in relation to copyright under this Act.
- (3) Any right which immediately before commencement would by virtue of paragraph 38(3) of that Schedule have been exercisable in relation to the work, or copyright in it, is exercisable in relation to the work or copyright in it under this Act.
- (4) If in accordance with paragraph 38(4) of that Schedule copyright would, on a date after the commencement of the 1956 Act, have reverted to the author or his personal representatives and that date falls after the commencement of the new copyright provisions—
- (a) the copyright in the work shall revert to the author or his personal representatives, as the case may be, and
 - (b) any interest of any other person in the copyright which subsists on that date by virtue of any document made before the commencement of the 1911 Act shall thereupon determine.
- 29 Section 92(2) of this Act (rights of exclusive licensee against successors in title of person granting licence) does not apply in relation to an exclusive licence granted before commencement.

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