

Status: Point in time view as at 31/10/2003.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: Duration of copyright in existing works. (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.)

Duration of copyright in existing works

- 12 (1) The following provisions have effect with respect to the duration of copyright in existing works.

The question which provision applies to a work shall be determined by reference to the facts immediately before commencement; and expressions used in this paragraph which were defined for the purposes of the 1956 Act have the same meaning as in that Act.

- (2) Copyright in the following descriptions of work continues to subsist until the date on which it would have expired under the 1956 Act—
- (a) literary, dramatic or musical works in relation to which the period of 50 years mentioned in the proviso to section 2(3) of the 1956 Act (duration of copyright in works made available to the public after the death of the author) has begun to run;
 - (b) engravings in relation to which the period of 50 years mentioned in the proviso to section 3(4) of the 1956 Act (duration of copyright in works published after the death of the author) has begun to run;
 - (c) published photographs and photographs taken before 1st June 1957;
 - (d) published sound recordings and sound recordings made before 1st June 1957;
 - (e) published films and films falling within section 13(3)(a) of the 1956 Act (films registered under former enactments relating to registration of films).
- (3) Copyright in anonymous or pseudonymous literary, dramatic, musical or artistic works (other than photographs) continues to subsist—
- (a) if the work is published, until the date on which it would have expired in accordance with the 1956 Act, and

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- (b) if the work is unpublished, until the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force or, if during that period the work is first made available to the public within the meaning of [F1section 12(3)] (duration of copyright in works of unknown authorship), the date on which copyright expires in accordance with that provision;

unless, in any case, the identity of the author becomes known before that date, in which case [F2section 12(2)] applies (general rule: life of the author [F3plus 70]).

- (4) Copyright in the following descriptions of work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force—
- (a) literary, dramatic and musical works of which the author has died and in relation to which none of the acts mentioned in paragraphs (a) to (e) of the proviso to section 2(3) of the 1956 Act has been done;
 - (b) unpublished engravings of which the author has died;
 - (c) unpublished photographs taken on or after 1st June 1957.
- (5) Copyright in the following descriptions of work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force—
- (a) unpublished sound recordings made on or after 1st June 1957;
 - (b) films not falling within sub-paragraph (2)(e) above,
- unless the recording or film is published before the end of that period in which case copyright in it shall continue until the end of the period of 50 years from the end of the calendar year in which the recording or film is published.
- (6) Copyright in any other description of existing work continues to subsist until the date on which copyright in that description of work expires in accordance with sections 12 to 15 of this Act.
- (7) The above provisions do not apply to works subject to Crown or Parliamentary copyright (see paragraphs 41 to 43 below).

Textual Amendments

- F1** Words in Sch. 1 para. 12(3)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 18(3)(a)** (with regs. 31-40)
- F2** Words in Sch. 1 para. 12(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I.2003/2498\)](#), reg. 2(1), **Sch. 1 para. 18(3)(b)** (with regs. 31-40)
- F3** Words in Sch. 1 para. 12(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 18(3)(c)** (with regs. 31-40)

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