



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Offences

107 Criminal liability for making or dealing with infringing articles, &c.

- (1) A person commits an offence who, without the licence of the copyright owner—
- (a) makes for sale or hire, or
 - (b) imports into the United Kingdom otherwise than for his private and domestic use, or
 - (c) possesses in the course of a business with a view to committing any act infringing the copyright, or
 - (d) in the course of a business —
 - (i) sells or lets for hire, or
 - (ii) offers or exposes for sale or hire, or
 - (iii) exhibits in public, or
 - (iv) distributes, or
 - (e) distributes otherwise than in the course of a business to such an extent as to affect prejudicially the owner of the copyright,
- an article which is, and which he knows or has reason to believe is, an infringing copy of a copyright work.
- (2) A person commits an offence who—

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 107. (See end of Document for details)

- (a) makes an article specifically designed or adapted for making copies of a particular copyright work, or
 - (b) has such an article in his possession,
- knowing or having reason to believe that it is to be used to make infringing copies for sale or hire or for use in the course of a business.
- [^{F1}(2A) A person (“P”) who infringes copyright in a work by communicating the work to the public commits an offence if P—
- (a) knows or has reason to believe that P is infringing copyright in the work, and
 - (b) either—
 - (i) intends to make a gain for P or another person, or
 - (ii) knows or has reason to believe that communicating the work to the public will cause loss to the owner of the copyright, or will expose the owner of the copyright to a risk of loss.
- (2B) For the purposes of subsection (2A)—
- (a) “gain” and “loss”—
 - (i) extend only to gain or loss in money, and
 - (ii) include any such gain or loss whether temporary or permanent, and
 - (b) “loss” includes a loss by not getting what one might get.]
- (3) Where copyright is infringed (otherwise than by reception of a [^{F2}communication to the public])—
- (a) by the public performance of a literary, dramatic or musical work, or
 - (b) by the playing or showing in public of a sound recording or film,
- any person who caused the work to be so performed, played or shown is guilty of an offence if he knew or had reason to believe that copyright would be infringed.
- (4) A person guilty of an offence under subsection (1)(a), (b), (d)(iv) or (e) is liable—
- (a) on summary conviction to imprisonment for a term not exceeding six months or [^{F3}a fine], or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding [^{F4}ten] years, or both.
- [^{F5}(4A) A person guilty of an offence under subsection (2A) is liable—
- (a) on summary conviction to imprisonment for a term not exceeding three months or [^{F6}a fine], or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding [^{F7}ten] years, or both.]
- (5) A person guilty of any other offence under this section is liable on summary conviction to imprisonment for a term not exceeding [^{F8}three] months or a fine not exceeding level 5 on the standard scale, or both.
- (6) Sections 104 to 106 (presumptions as to various matters connected with copyright) do not apply to proceedings for an offence under this section; but without prejudice to their application in proceedings for an order under section 108 below.

Textual Amendments

- F1** S. 107(2A)(2B) substituted for s. 107(2A) (1.10.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. **32(2)**, **118(6)** (with s. **32(6)**); S.I. 2017/765, reg. 3(a)

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- F2** Words in s. 107(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 9(2)** (with regs. 31-40)
- F3** Words in s. 107(4)(a) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 17(2)(a)** (with reg. 5(1))
- F4** Word in s. 107(4)(b) substituted (20.11.2002) by 2002 c. 25, s. 1(2)(5); S.I. 2002/2749, **art. 2**
- F5** S. 107(4A) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 26(1)(b)** (with regs. 31-40)
- F6** Words in s. 107(4A)(a) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 17(2)(b)** (with reg. 5(1))
- F7** Word in s. 107(4A)(b) substituted (1.10.2017) by Digital Economy Act 2017 (c. 30), **ss. 32(3)**, 118(6) (with s. 32(6)); S.I. 2017/765, reg. 3(a)
- F8** Word in s. 107(5) substituted (1.1.2011) by The Copyright, Designs and Patents Act 1988 (Amendment) Regulations 2010 (S.I. 2010/2694), **art. 5**

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