



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VII

COPYRIGHT LICENSING

Factors to be taken into account in certain classes of case

133 Licences to reflect payments in respect of underlying rights.

^{F1}[(1) In considering what charges should be paid for a licence—

- (a) on a reference or application under this Chapter relating to licences for the rental or lending of copies of a work, or
 - (b) on an application under section 142 (royalty or other sum payable for lending of certain works), the Copyright Tribunal shall take into account any reasonable payments which the owner of the copyright in the work is liable to make in consequence of the granting of the licence, or of the acts authorised by the licence, to owners of copyright in works included in that work.]
- (2) On any reference or application under this Chapter relating to licensing in respect of the copyright in sound recordings, films [^{F2}or broadcasts], the Copyright Tribunal shall take into account, in considering what charges should be paid for a licence, any reasonable payments which the copyright owner is liable to make in consequence of the granting of the licence, or of the acts authorised by the licence, in respect of any performance included in the recording, film [^{F3}or broadcast].

Textual Amendments

F1 S. 133(1) substituted (1.12.1996) by [S.I. 1996/2967](#), [reg. 13\(1\)](#) (with [Pt. III](#))

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 133. (See end of Document for details)

- F2** Words in s. 133(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 3 para. 3(2)(b)** (with regs. 31-40)
- F3** Words in s. 133(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 3 para. 3(1)(k)** (with regs. 31-40)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 133.