



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER IX

QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

Qualification for copyright protection

154 Qualification by reference to author.

- (1) A work qualifies for copyright protection if the author was at the material time a qualifying person, that is—
 - (a) a British citizen,^{F1} ... a British Dependent Territories citizen, a British National (Overseas), a British Overseas citizen, a British subject or a British protected person within the meaning of the ^{M1}British Nationality Act 1981, or
 - [^{F2}(b) an individual domiciled or resident in the United Kingdom ^{F3}... or in the Channel Islands, the Isle of Man or Gibraltar or in a country to which the relevant provisions of this Part extend,] or
 - [^{F4}(c) a body incorporated under the law of a part of the United Kingdom ^{F5}... or of the Channel Islands, the Isle of Man or Gibraltar or of a country to which the relevant provisions of this Part extend.]
- (2) Where, or so far as, provision is made by Order under section 159 (application of this Part to countries to which it does not extend), a work also qualifies for copyright protection if at the material time the author was a citizen or subject of, an individual domiciled or resident in, or a body incorporated under the law of, a country to which the Order relates.
- (3) A work of joint authorship qualifies for copyright protection if at the material time any of the authors satisfies the requirements of subsection (1) or (2); but where a

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work qualifies for copyright protection only under this section, only those authors who satisfy those requirements shall be taken into account for the purposes of—

section 11(1) and (2) (first ownership of copyright; entitlement of author or author’s employer),

[^{F6}section 12 (duration of copyright), and section 9(4) (meaning of “unknown authorship”) so far as it applies for the purposes of section 12, and]

section 57 (anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author).

- (4) The material time in relation to a literary, dramatic, musical or artistic work is—
- (a) in the case of an unpublished work, when the work was made or, if the making of the work extended over a period, a substantial part of that period;
 - (b) in the case of a published work, when the work was first published or, if the author had died before that time, immediately before his death.
- (5) The material time in relation to other descriptions of work is as follows—
- (a) in the case of a sound recording or film, when it was made;
 - (b) in the case of a broadcast, when the broadcast was made;
 - (c) ^{F7}
 - (d) in the case of the typographical arrangement of a published edition, when the edition was first published.

Textual Amendments

- F1** Words in s. 154(1)(a) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **14(a)** (with reg. 38) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 154(1)(b) substituted (1.12.2016 for specified purposes, 6.4.2017 in so far as not already in force) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 22(1)(b)**, 24(1); [S.I. 2016/1139](#), arts. 2, 3 (with art. 4)
- F3** Words in s. 154(1)(b) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **14(b)** (with reg. 38) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 154(1)(c) substituted (1.12.2016 for specified purposes, 6.4.2017 in so far as not already in force) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 22(1)(c)**, 24(1); [S.I. 2016/1139](#), arts. 2, 3 (with art. 4)
- F5** Words in s. 154(1)(c) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **14(b)** (with reg. 38) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Paragraph in s. 154(3) substituted (1.1.1996) by [S.I. 1995/3297](#), **reg. 5(3)** (with Pt. III)
- F7** S. 154(5)(c) 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)

Modifications etc. (not altering text)

- C1** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **4** (with art. 13)
- C2** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **6** (with art. 13)
- C3** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **9** (with art. 13)
- C4** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **7** (with art. 13)

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- C5** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **2** (with art. 13)
- C6** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **3** (with art. 13)
- C7** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 5, **Sch. Pt. 1** (with art. 13)
- C8** Pt. 1 applied (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **8** (with art. 13)
- C9** Ss. 153, 154 extended by [S.I. 1989/988](#), **art. 2(1)**
- C10** S. 154 extended (1.7.1992) by [S.I. 1992/1313](#), **art. 2**
- C11** Ss. 153, 154 applied (with modifications) (4.5.1993) by [S.I. 1993/942](#), arts. 2, 3, 4, 5, **Sch. 4** (with art. 6)
- Ss. 153-155 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), arts. 2(1)(2), 5, Sch. 1, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)
- Ss. 153, 154, 155 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), arts. 2(1)(2), 3, 5, Sch. 1, Sch. 2, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)
- Ss. 153, 154, 156 applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), arts. 4(1)(2)(5), 5, **Sch. 5** (as amended 22.4.2003 by [S.I. 2003/774](#), **arts. 2-5**)

Marginal Citations

- M1** 1981 c. 61.

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