



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER X

MISCELLANEOUS AND GENERAL

Interpretation

178 Minor definitions.

In this Part—

“article”, in the context of an article in a periodical, includes an item of any description;

“business” includes a trade or profession;

“collective work” means—

(a) a work of joint authorship, or

(b) a work in which there are distinct contributions by different authors or in which works or parts of works of different authors are incorporated;

“computer-generated”, in relation to a work, means that the work is generated by computer in circumstances such that there is no human author of the work;

“country” includes any territory;

“the Crown” includes the Crown in right of [^{F1}the Scottish Administration [^{F2}, of the Welsh Assembly Government] or of] Her Majesty’s Government in Northern Ireland or in any country outside the United Kingdom to which this Part extends;

“electronic” means actuated by electric, magnetic, electro-mechanical energy, and

“in electronic form” means in a form usable only by electronic means;

“employed”, “employee”, “employer”, and “employment” refer to employment under a contract of service or of apprenticeship;

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“facsimile copy” includes a copy which is reduced or enlarged in scale;

“international organisation” means an organisation the members of which include one or more states;

“judicial proceedings” includes proceedings before any court, tribunal or person having authority to decide any matter affecting a person’s legal rights or liabilities;

[^{F3}“national of the United Kingdom” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas Citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject,
- (c) a British protected person within the meaning of that Act, or
- (d) a body incorporated under the law of any part of the United Kingdom.]

“parliamentary proceedings” includes proceedings of the Northern Ireland Assembly [^{F4}of the Scottish Parliament][^{F5}, of the New Northern Ireland Assembly] or of the European Parliament [^{F6}and Assembly proceedings within the meaning of section 1(5) of the Government of Wales Act 2006];

[^{F7}“ private study ” does not include any study which is directly or indirectly for a commercial purpose;]

[^{F8}“producer”, in relation to a sound recording or a film, means the person by whom the arrangements necessary for the making of the sound recording or film are undertaken;]

[^{F9}“public library” means a library administered by or on behalf of—

- (a) in England and Wales, a library authority within the meaning of the Public Libraries and Museums Act 1964;
- (b) in Scotland, a statutory library authority within the meaning of the Public Libraries (Scotland) Act 1955;
- (c) in Northern Ireland, an Education and Library Board within the meaning of the Education and Libraries (Northern Ireland) Order 1986;]

[^{F10}.....

[^{F11}“rental right” means the right of a copyright owner to authorise or prohibit the rental of copies of the work (see section 18A);]

“reprographic copy” and “reprographic copying” refer to copying by means of a reprographic process;

“reprographic process” means a process—

- (a) for making facsimile copies, or
- (b) involving the use of an appliance for making multiple copies,

and includes, in relation to a work held in electronic form, any copying by electronic means, but does not include the making of a film or sound recording;

“sufficient acknowledgement” means an acknowledgement identifying the work in question by its title or other description, and identifying the author unless—

- (a) in the case of a published work, it is published anonymously;
- (b) in the case of an unpublished work, it is not possible for a person to ascertain the identity of the author by reasonable inquiry;

“sufficient disclaimer”, in relation to an act capable of infringing the right conferred by section 80 (right to object to derogatory treatment of work), means a clear and reasonably prominent indication—

- (a) given at the time of the act, and
- (b) if the author or director is then identified, appearing along with the identification,

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that the work has been subjected to treatment to which the author or director has not consented,

“telecommunications system” means a system for conveying visual images, sounds or other information by electronic means;

“typeface” includes an ornamental motif used in printing;

“unauthorised”, as regards anything done in relation to a work, means done otherwise than—

(a) by or with the licence of the copyright owner, or

(b) if copyright does not subsist in the work, by or with the licence of the author or, in a case where section 11(2) would have applied, the author’s employer or, in either case, persons lawfully claiming under him, or

(c) in pursuance of section 48 (copying, &c of certain material by the Crown);

[^{F12} “ wireless broadcast ” means a broadcast by means of wireless telegraphy;]

“wireless telegraphy” means the sending of electro-magnetic energy over paths not provided by a material substance constructed or arranged for that purpose [^{F13}, but does not include the transmission of microwave energy between terrestrial fixed points];

“writing” includes any form of notation or code, whether by hand or otherwise and regardless of the method by which, or medium in or on which, it is recorded, and “written” shall be construed accordingly

Textual Amendments

- F1** Words in s. 178 inserted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(7)(a)**; S.I. 1998/3178, art. 2(2), **Sch. 3**
- F2** S. 178: words in definition of "the Crown" inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), **Sch. 10 para. 29(2)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F3** Words in s. 178 inserted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **19** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); [2020 c. 1](#), Sch. 5 para. 1(1)
- F4** Words in s. 178 inserted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(7)(b)**; S.I. 1998/3178, art. 2(2), **Sch. 3**
- F5** Words in s. 178 cease to have effect (2.12.1999) by virtue of 1998 c. 47, s. 99, **Sch. 13 para. 8(7)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**
- F6** S. 178: words in definition of "parliamentary proceedings" inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), **Sch. 10 para. 29(3)** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- F7** S. 178: definition of "private study" inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 15(3)** (with [regs. 31-40](#))
- F8** Definition in s. 178 inserted (1.12.1996 with effect in relation to films made on or after 31.7.1994) by [S.I. 1996/2967](#), **regs. 18(5)**, 36 (with [Pt. III](#))
- F9** Definition in s. 178 inserted (1.12.1996) by [S.I. 1996/2967](#), **reg. 11(5)** (with [Pt. III](#))
- F10** Definition in s. 178 omitted (1.12.1996) by virtue of [S.I. 1996/2967](#), **reg. 10(3)** (with [Pt. III](#))

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- F11** Definition in s. 178 inserted (1.12.1996) by S.I. 1996/2967, **reg. 10(3)** (with Pt. III)
- F12** S. 178: definition of "wireless broadcast" inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 2(1), Sch. 1 para. 15(3)** (with regs. 31-40)
- F13** Words in s. 178 inserted (1.12.1996) by S.I. 1996/2967, **reg. 8** (with Pt. III)

Modifications etc. (not altering text)

- C1** Ss. 161, 162, 171(1)(3), 172-179 applied (1.12.1996) by S.I. 1996/2967, **reg. 17(4)** (with Pt. III)

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