



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### [<sup>F1</sup>CHAPTER 2

#### ECONOMIC RIGHTS]

#### *[<sup>FIX1</sup>Performers' property rights]*

#### [<sup>FIX1</sup>191] **Prospective ownership of a performer's property rights.**

- (1) This section applies where by an agreement made in relation to a future recording of a performance, and signed by or on behalf of the performer, the performer purports to assign his performer's property rights (wholly or partially) to another person.
- (2) If on the rights coming into existence the assignee or another person claiming under him would be entitled as against all other persons to require the rights to be vested in him, they shall vest in the assignee or his successor in title by virtue of this subsection.
- (3) A licence granted by a prospective owner of a performer's property rights is binding on every successor in title to his interest (or prospective interest) in the rights, except a purchaser in good faith for valuable consideration and without notice (actual or constructive) of the licence or a person deriving title from such a purchaser.

References in [<sup>F2</sup>this Chapter] to doing anything with, or without, the licence of the rights owner shall be construed accordingly.

- (4) In subsection (3) "prospective owner" in relation to a performer's property rights means a person who is prospectively entitled to those rights by virtue of such an agreement as is mentioned in subsection (1).]

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*Status: Point in time view as at 01/02/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 191C. (See end of Document for details)*

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#### **Editorial Information**

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

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#### **Textual Amendments**

- F1** Ss. 191A-191M inserted (1.12.1996) by [S.I. 1996/2967](#), **reg. 21(1)** (with Pt. III)
- F2** Words in s. 191C(3) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006](#) (S.I. 2006/18), **reg. 2**, **Sch. para. 8** (with **reg. 8**)

**Status:**

Point in time view as at 01/02/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 191C.