



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

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

#### ECONOMIC RIGHTS]

#### <sup>x1</sup>[<sup>F1</sup>Performers' property rights]

#### [<sup>F1</sup>191HA] Assignment of performer's property rights in a sound recording

- (1) This section applies where a performer has [<sup>F2</sup>by an agreement] assigned the following rights concerning a sound recording to the producer of the sound recording—
  - (a) reproduction, distribution and making available rights, or
  - (b) performer's property rights.
- (2) If, at the end of the 50-year period, the producer has failed to meet one or both of the following conditions, the performer may give a notice in writing to the producer of the performer's intention to terminate the agreement—
  - (a) condition 1 is to issue to the public copies of the sound recording in sufficient quantities;
  - (b) condition 2 is to make the sound recording available to the public by electronic transmission in such a way that a member of the public may access the recording from a place and at a time chosen by him or her.
- (3) If, at any time after the end of the 50-year period, the producer, having met one or both of the conditions referred to in subsection (2), fails to do so, the performer may give a notice in writing to the producer of the performer's intention to terminate the agreement.

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

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- (4) If at the end of the period of 12 months beginning with the date of the notice, the producer has not met the conditions referred to in subsection (2), the agreement terminates and the copyright in the sound recording expires with immediate effect.
- (5) An agreement is of no effect in so far as it purports to exclude or restrict the right to give a notice under subsection (2) or (3).
- (6) A reference in this section to the assignment of rights includes any arrangement having that effect, whether made directly between the parties or through intermediaries.
- (7) In this section—
- “50-year period” means
- (a) where the sound recording is published during the initial period, the period of 50 years from the end of the calendar year in which the sound recording is first published, or
  - (b) where during the initial period the sound recording is not published but is made available to the public by being played in public or communicated to the public, the period of 50 years from the end of the calendar year in which it was first made available to the public,
- but in determining whether a sound recording has been published, played in public or communicated to the public, no account shall be taken of any unauthorised act,
- “initial period” means the period beginning on the date the recording is made and ending 50 years from the end of the calendar year in which the sound recording is made,
- “producer” means the person for the time being entitled to the copyright in the sound recording,
- “sufficient quantities” means such quantity as to satisfy the reasonable requirements of the public for copies of the sound recording,
- “unauthorised act” has the same meaning as in section 178.]

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#### Textual Amendments

- F1** Ss. 191HA-191HB inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, **9** (with regs. 11-27)
- F2** Words in s. 191HA(1) inserted (6.4.2014) by [The Copyright and Duration of Rights in Performances \(Amendment\) Regulations 2014 \(S.I. 2014/434\)](#), regs. 1, **2**

**Changes to legislation:**

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