



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

^{x1}[^{F1}Performers' property rights]

^{x1}[^{F1}191K] Undertaking to take licence of right in infringement proceedings.

- (1) If in proceedings for infringement of a performer's property rights in respect of which a licence is available as of right under paragraph 17 of Schedule 2A (powers exercisable in consequence of competition report) the defendant undertakes to take a licence on such terms as may be agreed or, in default of agreement, settled by the Copyright Tribunal under that paragraph—
 - (a) no injunction shall be granted against him,
 - (b) no order for delivery up shall be made under section 195, and
 - (c) the amount recoverable against him by way of damages or on an account of profits shall not exceed double the amount which would have been payable by him as licensee if such a licence on those terms had been granted before the earliest infringement.
- (2) An undertaking may be given at any time before final order in the proceedings, without any admission of liability.
- (3) Nothing in this section affects the remedies available in respect of an infringement committed before licences of right were available.]

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

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)

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