



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 3

MORAL RIGHTS

Right to be identified as performer

[^{F1}205D Requirement that right be asserted

- (1) A person does not infringe the right conferred by section 205C (right to be identified as performer) by doing any of the acts mentioned in that section unless the right has been asserted in accordance with the following provisions so as to bind him in relation to that act.
- (2) The right may be asserted generally, or in relation to any specified act or description of acts—
 - (a) by instrument in writing signed by or on behalf of the performer, or
 - (b) on an assignment of a performer's property rights, by including in the instrument effecting the assignment a statement that the performer asserts in relation to the performance his right to be identified.
- (3) The persons bound by an assertion of the right under subsection (2) are—
 - (a) in the case of an assertion under subsection (2)(a), anyone to whose notice the assertion is brought;
 - (b) in the case of an assertion under subsection (2)(b), the assignee and anyone claiming through him, whether or not he has notice of the assertion.
- (4) In an action for infringement of the right the court shall, in considering remedies, take into account any delay in asserting the right.]

Status: Point in time view as at 01/02/2006.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 205D. (See end of Document for details)

Textual Amendments

- F1** Ss. 205C-205N and cross-headings inserted (1.2 2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), **art. 6** (with **reg. 8**) (which inserted provisions accordingly become Pt. 2 Ch. 3 (1.2.2006) by virtue of [S.I. 2006/18](#), **art. 4(6)** (with **reg. 8**))

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 205D.