



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER II

#### RIGHTS OF COPYRIGHT OWNER

##### *Infringing copies*

#### **27 Meaning of “infringing copy”.**

- (1) In this Part “infringing copy”, in relation to a copyright work, shall be construed in accordance with this section.
- (2) An article is an infringing copy if its making constituted an infringement of the copyright in the work in question.
- (3) <sup>F1</sup>... An article is also an infringing copy if—
  - (a) it has been or is proposed to be imported into the United Kingdom, and
  - (b) its making in the United Kingdom would have constituted an infringement of the copyright in the work in question, or a breach of an exclusive licence agreement relating to that work.

<sup>F2</sup>(3A) .....

- (4) Where in any proceedings the question arises whether an article is an infringing copy and it is shown—
  - (a) that the article is a copy of the work, and
  - (b) that copyright subsists in the work or has subsisted at any time,it shall be presumed until the contrary is proved that the article was made at a time when copyright subsisted in the work.

---

*Changes to legislation:* There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 27. (See end of Document for details)

---

- (5) Nothing in subsection (3) shall be construed as applying to an article which—
- [<sup>F3</sup>(a) may lawfully be imported into the United Kingdom by virtue of anything which forms part of assimilated law as a result of section 3 of the European Union (Withdrawal) Act 2018, or
  - (b) has been or is proposed to be imported into the United Kingdom after being put into circulation in the EEA by or with the consent of the copyright owner.]
- [<sup>F4</sup>(5A) In subsection (5)(a), the reference to assimilated law is to be read, until the coming into force of paragraph 2(6) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023, as a reference to retained EU law.]
- (6) In this Part “infringing copy” includes a copy falling to be treated as an infringing copy by virtue of any of the following provisions —
- [<sup>F5</sup>section 29A(3) (copies for text and data analysis for non-commercial research),]
  - [<sup>F6</sup>section 28B(7) and (9) (personal copies for private use),]
  - [<sup>F7</sup>section 31A(5) and (6) (disabled persons: copies of works for personal use),]
  - [<sup>F8</sup>section 31B(11) (making and supply of accessible copies by authorised bodies),]
  - [<sup>F5</sup>section 35(5) (recording by educational establishments of broadcasts),]
  - [<sup>F5</sup>section 36(8) (copying and use of extracts of works by educational establishments),]
  - [<sup>F5</sup>section 42A(5)(b) (copying by librarians: single copies of published works),]
  - [<sup>F5</sup>section 61(6)(b) (recordings of folksongs),]
  - <sup>F9</sup> ...
  - <sup>F10</sup> ...
  - <sup>F10</sup> ...
  - <sup>F10</sup> ...
  - <sup>F10</sup> ...
  - <sup>F10</sup> ...
  - section 56(2) (further copies, adaptations, &c. of work in electronic form retained on transfer of principal copy),
  - section 63(2) (copies made for purpose of advertising artistic work for sale),
  - section 68(4) (copies made for purpose of broadcast <sup>F11</sup> . . . ),
  - [<sup>F12</sup>section 70(2) (recording for the purposes of time-shifting),
  - section 71(2) (photographs of broadcasts), or]
  - any provision of an order under section 141 (statutory licence for certain reprographic copying by educational establishments).

#### Textual Amendments

- F1** Words in s. 27(3) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F2** S. 27(3A) omitted (1.12.1996) by virtue of S.I. 1996/2967, **reg. 9(4)** (with Pt. III)
- F3** S. 27(5)(a)(b) substituted for words in s. 27(5) (31.12.2023) by The Intellectual Property (Exhaustion of Rights) (Amendment) Regulations 2023 (S.I. 2023/1287), regs. 1(b), **4(2)(a)**
- F4** S. 27(5A) inserted (31.12.2023) by The Intellectual Property (Exhaustion of Rights) (Amendment) Regulations 2023 (S.I. 2023/1287), regs. 1(b), **4(2)(b)**
- F5** Words in s. 27(6) inserted (1.6.2014) by The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014 (S.I. 2014/1372), reg. 1, **Sch. para. 2(b)**

---

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 27. (See end of Document for details)

---

- F6** Words in s. 27(6) inserted (1.10.2014) by [The Copyright and Rights in Performances \(Personal Copies for Private Use\) Regulations 2014 \(S.I. 2014/2361\)](#), reg. 1(1), **4(1)** (with reg. 5) (but note that the amending S.I. was quashed with prospective effect by the High Court in the case of *R (British Academy of Songwriters, Composers and Authors and others) v Secretary of State for Business, Innovation and Skills* [2015] EWHC 2041 (Admin), 17 July 2015)
- F7** Words in s. 27(6) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(a)**
- F8** Words in s. 27(6) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(b)**
- F9** Words in s. 27(6) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 1(c)**
- F10** Words in s. 27(6) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), reg. 1, **Sch. para. 2(a)**
- F11** Words in s. 27(6) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(2), **Sch. 2** (with regs. 31-40)
- F12** S. 27(6): entries substituted (31.10.2003) for word "or" appearing at end of entry for s. 68(4) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 20(3)** (with regs. 31-40)

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 27.