



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER V

DEALINGS WITH RIGHTS IN COPYRIGHT WORKS

Moral rights

95 Transmission of moral rights on death

- (1) On the death of a person entitled to the right conferred by section 77 (right to identification of author or director), section 80 (right to object to derogatory treatment of work) or section 85 (right to privacy of certain photographs and films)—
 - (a) the right passes to such person as he may by testamentary disposition specifically direct,
 - (b) if there is no such direction but the copyright in the work in question forms part of his estate, the right passes to the person to whom the copyright passes, and
 - (c) if or to the extent that the right does not pass under paragraph (a) or (b) it is exercisable by his personal representatives.
- (2) Where copyright forming part of a person's estate passes in part to one person and in part to another, as for example where a bequest is limited so as to apply—
 - (a) to one or more, but not all, of the things the copyright owner has the exclusive right to do or authorise, or
 - (b) to part, but not the whole, of the period for which the copyright is to subsist, any right which passes with the copyright by virtue of subsection (1) is correspondingly divided.

Status: This is the original version (as it was originally enacted).

- (3) Where by virtue of subsection (1)(a) or (b) a right becomes exercisable by more than one person—
 - (a) it may, in the case of the right conferred by section 77 (right to identification of author or director), be asserted by any of them;
 - (b) it is, in the case of the right conferred by section 80 (right to object to derogatory treatment of work) or section 85 (right to privacy of certain photographs and films), a right exercisable by each of them and is satisfied in relation to any of them if he consents to the treatment or act in question; and
 - (c) any waiver of the right in accordance with section 87 by one of them does not affect the rights of the others.
- (4) A consent or waiver previously given or made binds any person to whom a right passes by virtue of subsection (1).
- (5) Any infringement after a person's death of the right conferred by section 84 (false attribution) is actionable by his personal representatives.
- (6) Any damages recovered by personal representatives by virtue of this section in respect of an infringement after a person's death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.