



Digital Economy Act 2017

2017 CHAPTER 30

PART 4

INTELLECTUAL PROPERTY

32 Offences: infringing copyright and making available right

- (1) The Copyright, Designs and Patents Act 1988 is amended as follows.
- (2) In section 107 (criminal liability for making or dealing with infringing articles, etc), for subsection (2A) substitute—
 - “(2A) A person (“P”) who infringes copyright in a work by communicating the work to the public commits an offence if P—
 - (a) knows or has reason to believe that P is infringing copyright in the work, and
 - (b) either—
 - (i) intends to make a gain for P or another person, or
 - (ii) knows or has reason to believe that communicating the work to the public will cause loss to the owner of the copyright, or will expose the owner of the copyright to a risk of loss.
 - (2B) For the purposes of subsection (2A)—
 - (a) “gain” and “loss”—
 - (i) extend only to gain or loss in money, and
 - (ii) include any such gain or loss whether temporary or permanent, and
 - (b) “loss” includes a loss by not getting what one might get.”
- (3) In subsection (4A)(b) of that section, for “two” substitute “ten”.
- (4) In section 198 (criminal liability for making, dealing with or using illicit recordings), for subsection (1A) substitute—

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 32. (See end of Document for details)

“(1A) A person (“P”) who infringes a performer's making available right in a recording commits an offence if P—

- (a) knows or has reason to believe that P is infringing the right, and
- (b) either—
 - (i) intends to make a gain for P or another person, or
 - (ii) knows or has reason to believe that infringing the right will cause loss to the owner of the right, or expose the owner of the right to a risk of loss.

(1B) For the purposes of subsection (1A)—

- (a) “gain” and “loss”—
 - (i) extend only to gain or loss in money, and
 - (ii) include any such gain or loss whether temporary or permanent, and
- (b) “loss” includes a loss by not getting what one might get.”

(5) In subsection (5A)(b) of that section, for “two” substitute “ ten ”.

(6) The amendments made by this section do not apply in relation to offences committed before this section comes into force.

Commencement Information

II S. 32 in force at 1.10.2017 by [S.I. 2017/765](#), [reg. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 32.