
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Sanctions and remedies

New criminal offences

26.—(1) Section 107 shall be amended as follows—

(a) after subsection (2) there shall be inserted—

“(2A) A person who infringes copyright in a work by communicating the work to the public—

(a) in the course of a business, or

(b) otherwise than in the course of a business to such an extent as to affect prejudicially the owner of the copyright,

commits an offence if he knows or has reason to believe that, by doing so, he is infringing copyright in that work.”;

(b) after subsection (4) there shall be inserted—

“(4A) A person guilty of an offence under subsection (2A) is liable—

(a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.”.

(2) In the following provisions—

(i) section 109(1)(a);

(ii) section 109(4);

(iii) section 114A(2)(a);

(iv) section 114B(15);

for the words “section 107(1) or (2)” there shall be substituted “section 107(1), (2) or (2A)”.

(3) Section 198 shall be amended as follows—

(a) after subsection (1) there shall be inserted—

“(1A) A person who infringes a performer’s making available right—

(a) in the course of a business, or

(b) otherwise than in the course of a business to such an extent as to affect prejudicially the owner of the making available right,

commits an offence if he knows or has reason to believe that, by doing so, he is infringing the making available right in the recording.”;

(b) after subsection (5) there shall be inserted—

“(5A) A person guilty of an offence under subsection (1A) is liable—

(a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.”.

(4) In the following provisions—

(a) section 200(1)(a);

(b) section 200(3A);

(c) section 204A(2)(a);

(d) section 204B(15);

for the words “section 198(1)” there shall be substituted “section 198(1) or (1A)”.