
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

Injunctions against service providers

27.—(1) After section 97 there shall be inserted—

“Injunctions against service providers

97A.—(1) The High Court (in Scotland, the Court of Session) shall have power to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe copyright.

(2) In determining whether a service provider has actual knowledge for the purpose of this section, a court shall take into account all matters which appear to it in the particular circumstances to be relevant and, amongst other things, shall have regard to—

- (a) whether a service provider has received a notice through a means of contact made available in accordance with regulation 6(1)(c) of the Electronic Commerce (EC Directive) Regulations 2002 ([SI 2002/2013](#)); and
- (b) the extent to which any notice includes—
 - (i) the full name and address of the sender of the notice;
 - (ii) details of the infringement in question.

(3) In this section “service provider” has the meaning given to it by regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002.”.

(2) After section 191J there shall be inserted—

“Injunctions against service providers

191JA.—(1) The High Court (in Scotland, the Court of Session) shall have power to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe a performer’s property right.

(2) In determining whether a service provider has actual knowledge for the purpose of this section, a court shall take into account all matters which appear to it in the particular circumstances to be relevant and, amongst other things, shall have regard to—

- (a) whether a service provider has received a notice through a means of contact made available in accordance with regulation 6(1)(c) of the Electronic Commerce (EC Directive) Regulations 2002 ([SI 2002/2013](#)); and

- (b) the extent to which any notice includes—
 - (i) the full name and address of the sender of the notice;
 - (ii) details of the infringement in question.
- (3) In this section “service provider” has the meaning given to it by regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002.
- (4) Section 177 applies in respect of this section as it applies in respect of Part 1.”.