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STATUTORY INSTRUMENTS

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**2003 No. 2498**

**The Copyright and Related Rights Regulations 2003**

**PART 2**

**AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988**

*Acts permitted in relation to copyright works and rights in performances*

**Making temporary copies**

8.—(1) After the heading “*General*” appearing before section 29 there shall be inserted—

**“Making of temporary copies**

**28A** Copyright in a literary work, other than a computer program or a database, or in a dramatic, musical or artistic work, the typographical arrangement of a published edition, a sound recording or a film, is not infringed by the making of a temporary copy which is transient or incidental, which is an integral and essential part of a technological process and the sole purpose of which is to enable—

- (a) a transmission of the work in a network between third parties by an intermediary; or
- (b) a lawful use of the work;

and which has no independent economic significance.”.

(2) After paragraph 1 of Schedule 2 there shall be inserted—

*“Making of temporary copies*

**1A.** The rights conferred by Part 2 are not infringed by the making of a temporary copy of a recording of a performance which is transient or incidental, which is an integral and essential part of a technological process and the sole purpose of which is to enable—

- (a) a transmission of the recording in a network between third parties by an intermediary;  
or
- (b) a lawful use of the recording;

and which has no independent economic significance.”.

(3) After section 182A(1) there shall be inserted—

“(1A) In subsection (1), making a copy of a recording includes making a copy which is transient or is incidental to some other use of the original recording.”.