



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER I

SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

Duration of copyright

12 Duration of copyright in literary, dramatic, musical or artistic works.

- (1) Copyright in a literary, dramatic, musical or artistic work expires at the end of the period of 50 years from the end of the calendar year in which the author dies, subject to the following provisions of this section.
- (2) If the work is of unknown authorship, copyright expires at the end of the period of 50 years from the end of the calendar year in which it is first made available to the public; and subsection (1) does not apply if the identity of the author becomes known after the end of that period.

For this purpose making available to the public includes—

- (a) in the case of a literary, dramatic or musical work—
 - (i) performance in public, or
 - (ii) being broadcast or included in a cable programme service;
- (b) in the case of an artistic work—
 - (i) exhibition in public,
 - (ii) a film including the work being shown in public, or
 - (iii) being included in a broadcast or cable programme service;

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Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Duration of copyright. (See end of Document for details)

but in determining generally for the purposes of this subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.

- (3) If the work is computer-generated neither of the above provisions applies and copyright expires at the end of the period of 50 years from the end of the calendar year in which the work was made.
- (4) In relation to a work of joint authorship—
 - (a) the reference in subsection (1) to the death of the author shall be construed —
 - (i) if the identity of all the authors is known, as a reference to the death of the last of them to die, and
 - (ii) if the identity of one or more of the authors is known and the identity of one or more others is not, as a reference to the death of the last of the authors whose identity is known; and
 - (b) the reference in subsection (2) to the identity of the author becoming known shall be construed as a reference to the identity of any of the authors becoming known.
- (5) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 to 166) or to copyright which subsists by virtue of section 168 (copyright of certain international organisations).

VALID FROM 01/01/1996

[^{F1}13A Duration of copyright in sound recordings.

- (1) The following provisions have effect with respect to the duration of copyright in a sound recording.
- (2) Copyright expires—
 - (a) at the end of the period of 50 years from the end of the calendar year in which it is made, or
 - (b) if during that period it is released, 50 years from the end of the calendar year in which it is released;
 subject as follows.
- (3) For the purposes of subsection (2) a sound recording is “released” when it is first published, played in public, broadcast or included in a cable programme service; but in determining whether a sound recording has been released no account shall be taken of any unauthorised act.
- (4) Where the author of a sound recording is not a national of an EEA state, the duration of copyright is that to which the sound recording is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under subsections (2) and (3).
- (5) If or to the extent that the application of subsection (4) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in subsections (2) and (3).]

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Textual Amendments

F1 Ss. 13A, 13B substituted for s. 13 (1.1.1996) by **S.I. 1995/3297, reg. 6(1)** (with Pt. IV)

VALID FROM 01/01/1996

[^{F2}13B Duration of copyright in films.

- (1) The following provisions have effect with respect to the duration of copyright in a film.
- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the following persons—
 - (a) the principal director,
 - (b) the author of the screenplay,
 - (c) the author of the dialogue, or
 - (d) the composer of music specially created for and used in the film;subject as follows.
- (3) If the identity of one or more of the persons referred to in subsection (2)(a) to (d) is known and the identity of one or more others is not, the reference in that subsection to the death of the last of them to die shall be construed as a reference to the death of the last whose identity is known.
- (4) If the identity of the persons referred to in subsection (2)(a) to (d) is unknown, copyright expires at—
 - (a) the end of the period of 70 years from the end of the calendar year in which the film was made, or
 - (b) if during that period the film is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available.
- (5) Subsections (2) and (3) apply if the identity of any of those persons becomes known before the end of the period specified in paragraph (a) or (b) of subsection (4).
- (6) For the purposes of subsection (4) making available to the public includes—
 - (a) showing in public, or
 - (b) being broadcast or included in a cable programme service;but in determining generally for the purposes of that subsection whether a film has been made available to the public no account shall be taken of any unauthorised act.
- (7) Where the country of origin is not an EEA state and the author of the film is not a national of an EEA state, the duration of copyright is that to which the work is entitled in the country of origin, provided that does not exceed the period which would apply under subsections (2) to (6).
- (8) In relation to a film of which there are joint authors, the reference in subsection (7) to the author not being a national of an EEA state shall be construed as a reference to none of the authors being a national of an EEA state.

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- (9) If in any case there is no person falling within paragraphs (a) to (d) of subsection (2), the above provisions do not apply and copyright expires at the end of the period of 50 years from the end of the calendar year in which the film was made.
- (10) For the purposes of this section the identity of any of the persons referred to in subsection (2)(a) to (d) shall be regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if the identity of any such person is once known it shall not subsequently be regarded as unknown.]

Textual Amendments

F2 Ss. 13A, 13B substituted for s. 13 (1.1.1996) by S.I. 1995/3297, reg. 6(1) (with Pt. IV)

13 Duration of copyright in sound recordings and films.

- (1) Copyright in a sound recording or film expires—
- (a) at the end of the period of 50 years from the end of the calendar year in which it is made, or
 - (b) if it is released before the end of that period, 50 years from the end of the calendar year in which it is released.
- (2) A sound recording or film is “released” when—
- (a) it is first published, broadcast or included in a cable programme service, or
 - (b) in the case of a film or film sound-track, the film is first shown in public;
- but in determining whether a work has been released no account shall be taken of any unauthorised act.

14 Duration of copyright in broadcasts and cable programmes.

- (1) Copyright in a broadcast or cable programme expires at the end of the period of 50 years from the end of the calendar year in which the broadcast was made or the programme was included in a cable programme service.
- (2) Copyright in a repeat broadcast or cable programme expires at the same time as the copyright in the original broadcast or cable programme; and accordingly no copyright arises in respect of a repeat broadcast or cable programme which is broadcast or included in a cable programme service after the expiry of the copyright in the original broadcast or cable programme.
- (3) A repeat broadcast or cable programme means one which is a repeat either of a broadcast previously made or of a cable programme previously included in a cable programme service.

15 Duration of copyright in typographical arrangement of published editions.

Copyright in the typographical arrangement of a published edition expires at the end of the period of 25 years from the end of the calendar year in which the edition was first published.

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[^{F3}15A Meaning of country of origin.

- (1) For the purposes of the provisions of this Part relating to the duration of copyright the country of origin of a work shall be determined as follows.
- (2) If the work is first published in a Berne Convention country and is not simultaneously published elsewhere, the country of origin is that country.
- (3) If the work is first published simultaneously in two or more countries only one of which is a Berne Convention country, the country of origin is that country.
- (4) If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then—
 - (a) if any of those countries is an EEA state, the country of origin is that country; and
 - (b) if none of those countries is an EEA state, the country of origin is the Berne Convention country which grants the shorter or shortest period of copyright protection.
- (5) If the work is unpublished or is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is—
 - (a) if the work is a film and the maker of the film has his headquarters in, or is domiciled or resident in a Berne Convention country, that country;
 - (b) if the work is—
 - (i) a work of architecture constructed in a Berne Convention country, or
 - (ii) an artistic work incorporated in a building or other structure situated in a Berne Convention country,that country;
 - (c) in any other case, the country of which the author of the work is a national.
- (6) In this section—
 - (a) a “Berne Convention country” means a country which is a party to any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886; and
 - (b) references to simultaneous publication are to publication within 30 days of first publication.]

Textual Amendments

F3 S. 15A inserted (1.1.1996) by [S.I. 1995/3297](#), [reg. 8\(1\)](#) (with [Pt. IV](#))

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