



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER II

#### RIGHTS OF COPYRIGHT OWNER

##### *Infringing copies*

#### 27 Meaning of “infringing copy”

- (1) In this Part “infringing copy”, in relation to a copyright work, shall be construed in accordance with this section.
- (2) An article is an infringing copy if its making constituted an infringement of the copyright in the work in question.
- (3) An article is also an infringing copy if—
  - (a) it has been or is proposed to be imported into the United Kingdom, and
  - (b) its making in the United Kingdom would have constituted an infringement of the copyright in the work in question, or a breach of an exclusive licence agreement relating to that work.
- (4) Where in any proceedings the question arises whether an article is an infringing copy and it is shown—
  - (a) that the article is a copy of the work, and
  - (b) that copyright subsists in the work or has subsisted at any time,it shall be presumed until the contrary is proved that the article was made at a time when copyright subsisted in the work.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Nothing in subsection (3) shall be construed as applying to an article which may lawfully be imported into the United Kingdom by virtue of any enforceable Community right within the meaning of section 2(1) of the European Communities Act 1972.
- (6) In this Part “infringing copy” includes a copy falling to be treated as an infringing copy by virtue of any of the following provisions—
- section 32(5) (copies made for purposes of instruction or examination),
  - section 35(3) (recordings made by educational establishments for educational purposes),
  - section 36(5) (reprographic copying by educational establishments for purposes of instruction),
  - section 37(3)(b) (copies made by librarian or archivist in reliance on false declaration),
  - section 56(2) (further copies, adaptations, &c. of work in electronic form retained on transfer of principal copy),
  - section 63(2) (copies made for purpose of advertising artistic work for sale),
  - section 68(4) (copies made for purpose of broadcast or cable programme), or
  - any provision of an order under section 141 (statutory licence for certain reprographic copying by educational establishments).