



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Presumptions

104 Presumptions relevant to literary, dramatic, musical and artistic works

- (1) The following presumptions apply in proceedings brought by virtue of this Chapter with respect to a literary, dramatic, musical or artistic work.
- (2) Where a name purporting to be that of the author appeared on copies of the work as published or on the work when it was made, the person whose name appeared shall be presumed, until the contrary is proved—
 - (a) to be the author of the work;
 - (b) to have made it in circumstances not falling within section 11(2), 163, 165 or 168 (works produced in course of employment, Crown copyright, Parliamentary copyright or copyright of certain international organisations).
- (3) In the case of a work alleged to be a work of joint authorship, subsection (2) applies in relation to each person alleged to be one of the authors.
- (4) Where no name purporting to be that of the author appeared as mentioned in subsection (2) but—
 - (a) the work qualifies for copyright protection by virtue of section 155 (qualification by reference to country of first publication), and
 - (b) a name purporting to be that of the publisher appeared on copies of the work as first published,

Status: This is the original version (as it was originally enacted).

the person whose name appeared shall be presumed, until the contrary is proved, to have been the owner of the copyright at the time of publication.

- (5) If the author of the work is dead or the identity of the author cannot be ascertained by reasonable inquiry, it shall be presumed, in the absence of evidence to the contrary—
- (a) that the work is an original work, and
 - (b) that the plaintiff's allegations as to what was the first publication of the work and as to the country of first publication are correct.