



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER X

##### MISCELLANEOUS AND GENERAL

##### *Interpretation*

#### **175 Meaning of publication and commercial publication**

- (1) In this Part “publication”, in relation to a work—
  - (a) means the issue of copies to the public, and
  - (b) includes, in the case of a literary, dramatic, musical or artistic work, making it available to the public by means of an electronic retrieval system;and related expressions shall be construed accordingly.
- (2) In this Part “commercial publication”, in relation to a literary, dramatic, musical or artistic work means—
  - (a) issuing copies of the work to the public at a time when copies made in advance of the receipt of orders are generally available to the public, or
  - (b) making the work available to the public by means of an electronic retrieval system;and related expressions shall be construed accordingly.
- (3) In the case of a work of architecture in the form of a building, or an artistic work incorporated in a building, construction of the building shall be treated as equivalent to publication of the work.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The following do not constitute publication for the purposes of this Part and references to commercial publication shall be construed accordingly—
- (a) in the case of a literary, dramatic or musical work—
    - (i) the performance of the work, or
    - (ii) the broadcasting of the work or its inclusion in a cable programme service (otherwise than for the purposes of an electronic retrieval system);
  - (b) in the case of an artistic work—
    - (i) the exhibition of the work,
    - (ii) the issue to the public of copies of a graphic work representing, or of photographs of, a work of architecture in the form of a building or a model for a building, a sculpture or a work of artistic craftsmanship,
    - (iii) the issue to the public of copies of a film including the work, or
    - (iv) the broadcasting of the work or its inclusion in a cable programme service (otherwise than for the purposes of an electronic retrieval system);
  - (c) in the case of a sound recording or film—
    - (i) the work being played or shown in public, or
    - (ii) the broadcasting of the work or its inclusion in a cable programme service.
- (5) References in this Part to publication or commercial publication do not include publication which is merely colourable and not intended to satisfy the reasonable requirements of the public.
- (6) No account shall be taken for the purposes of this section of any unauthorised act.