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STATUTORY INSTRUMENTS

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**1995 No. 3297**

**The Duration of Copyright and Rights  
in Performances Regulations 1995**

**Part II**

**Amendments of the Copyright, Designs and Patents Act 1988**

*Copyright*

**Treatment of film sound tracks**

**9.—(1)** For section 5 (sound recordings and films) substitute—

**“5A Sound recordings.**

(1) In this Part “sound recording” means—

- (a) a recording of sounds, from which the sounds may be reproduced, or
- (b) a recording of the whole or any part of a literary, dramatic or musical work, from which sounds reproducing the work or part may be produced,

regardless of the medium on which the recording is made or the method by which the sounds are reproduced or produced.

(2) Copyright does not subsist in a sound recording which is, or to the extent that it is, a copy taken from a previous sound recording.

**5B Films.**

(1) In this Part “film” means a recording on any medium from which a moving image may by any means be produced.

(2) The sound track accompanying a film shall be treated as part of the film for the purposes of this Part.

(3) Without prejudice to the generality of subsection (2), where that subsection applies—

- (a) references in this Part to showing a film include playing the film sound track to accompany the film, and
- (b) references to playing a sound recording do not include playing the film sound track to accompany the film.

(4) Copyright does not subsist in a film which is, or to the extent that it is, a copy taken from a previous film.

(5) Nothing in this section affects any copyright subsisting in a film sound track as a sound recording.”.

(2) In section 80(6) (derogatory treatment of film), omit the words following paragraph (b).

- (3) In section 117 (licensing schemes to which ss.118 to 123 apply)—
  - (a) in paragraph (a) omit “(or film sound-tracks when accompanying a film)”, and
  - (b) in paragraph (b) omit “(other than film sound-tracks when accompanying a film)”.
- (4) In section 124 (licences to which ss.125 to 128 apply)—
  - (a) in paragraph (a) omit “(or film sound-tracks when accompanying a film)”, and
  - (b) in paragraph (b) omit “(other than a film sound-track when accompanying a film)”.
- (5) In section 179(1) (index of defined expressions: Part I)—
  - (a) in the entry relating to the expression “film” for “section 5” substitute “section 5B”; and
  - (b) in the entry relating to the expression “sound recording” for “sections 5 and 135A” substitute “sections 5A and 135A”
- (6) In section 212 (index of defined expressions: Part II)—
  - (a) in the entry relating to the expression “film” for “section 5” substitute “section 5B”; and
  - (b) in the entry relating to the expression “sound recording” for “section 5” substitute “section 5A”.

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(1) Section 179 was amended by the Broadcasting Act 1990 (c. 42), section 175(3)(b).