

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Copyright, Designs and Patents Act 1988 (“the Act”). Article 5(3) (e) of Directive 2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ No L167, 22.6.2001. p.10) permits Member States to provide for an exception to the copyright and related rights provided under the Directive in the case of use to ensure the proper performance or reporting of administrative proceedings. These Regulations amend the way in which this exception is implemented in the UK.

Regulation 2 amends sections 47 and 48 of the Act. These sections contain exceptions to copyright in respect of the copying and issue to members of the public of documents which are open to public inspection or on an official register and of material which is communicated to the Crown in the course of public business. The amendments extend the exception so as to permit the relevant public bodies to publish the material on the internet so that members of the public may access it on-line.

Regulation 3 repeals section 118A of the Patents Act 1977 (inserted by the Patents Act 1977 (Amendment) Regulations 2011, which amended the Patents Act 1977 to permit documents comprised in patent files to be made available for inspection by the public on-line).

A full impact assessment of the effect that this instrument will have on the cost of business and the voluntary sector is available from the Intellectual Property Office, Concept House, Cardiff Road, Newport, NP10 8QQ and is annexed to the Explanatory Memorandum (together with a transposition note) which is available alongside the instrument on www.legislation.gov.uk.