



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

##### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *Miscellaneous: literary, dramatic, musical and artistic works*

- 57 Anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author.**
- (1) Copyright in a literary, dramatic, musical or artistic work is not infringed by an act done at a time when, or in pursuance of arrangements made at a time when—
- (a) it is not possible by reasonable inquiry to ascertain the identity of the author, and
  - (b) it is reasonable to assume—
    - (i) that copyright has expired, or
    - (ii) that the author died [<sup>F1</sup>70 years] or more before the beginning of the calendar year in which the act is done or the arrangements are made.
- (2) Subsection (1)(b)(ii) does not apply in relation to—
- (a) a work in which Crown copyright subsists, or
  - (b) a work in which copyright originally vested in an international organisation by virtue of section 168 and in respect of which an Order under that section specifies a copyright period longer than [<sup>F1</sup>70 years].
- (3) In relation to a work of joint authorship—

*Status: Point in time view as at 31/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Miscellaneous: literary, dramatic, musical and artistic works. (See end of Document for details)*

- (a) the reference in subsection (1) to its being possible to ascertain the identity of the author shall be construed as a reference to its being possible to ascertain the identity of any of the authors, and
- (b) the reference in subsection (1)(b)(ii) to the author having died shall be construed as a reference to all the authors having died.

#### Textual Amendments

**F1** Words in s. 57(1)(b)(ii)(2)(b) substituted (with saving) (1.1.1996) by [S.I. 1995/3297, regs. 5\(2\), 15\(2\)](#) (with [Pt. III](#))

### 58 Use of notes or recordings of spoken words in certain cases.

- (1) Where a record of spoken words is made, in writing or otherwise, for the purpose—
  - (a) of reporting current events, or
  - (b) of [<sup>F2</sup>communicating to the public] the whole or part of the work,
 it is not an infringement of any copyright in the words as a literary work to use the record or material taken from it (or to copy the record, or any such material, and use the copy) for that purpose, provided the following conditions are met.
- (2) The conditions are that—
  - (a) the record is a direct record of the spoken words and is not taken from a previous record or from a broadcast <sup>F3</sup> . . . ;
  - (b) the making of the record was not prohibited by the speaker and, where copyright already subsisted in the work, did not infringe copyright;
  - (c) the use made of the record or material taken from it is not of a kind prohibited by or on behalf of the speaker or copyright owner before the record was made; and
  - (d) the use is by or with the authority of a person who is lawfully in possession of the record.

#### Textual Amendments

**F2** Words in s. 58(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 2\(1\), Sch. 1 para. 12\(a\)](#) (with [regs. 31-40](#))

**F3** Words in s. 58(2)(b) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\), reg. 2\(2\), Sch. 2](#) (with [regs. 31-40](#))

### 59 Public reading or recitation.

- (1) The reading or recitation in public by one person of a reasonable extract from a published literary or dramatic work does not infringe any copyright in the work if it is accompanied by a sufficient acknowledgement.
- (2) Copyright in a work is not infringed by the making of a sound recording, or the [<sup>F4</sup>communication to the public], of a reading or recitation which by virtue of subsection (1) does not infringe copyright in the work, provided that the recording [<sup>F5</sup>or communication to the public] consists mainly of material in relation to which it is not necessary to rely on that subsection.

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#### Textual Amendments

- F4** Words in s. 59(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 5(b)** (with regs. 31-40)
- F5** Words in s. 59(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 9(1)(a)** (with regs. 31-40)

### 60 Abstracts of scientific or technical articles.

- (1) Where an article on a scientific or technical subject is published in a periodical accompanied by an abstract indicating the contents of the article, it is not an infringement of copyright in the abstract, or in the article, to copy the abstract or issue copies of it to the public.
- (2) This section does not apply if or to the extent that there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

### 61 Recordings of folksongs.

- (1) A sound recording of a performance of a song may be made for the purpose of including it in an archive maintained by a [<sup>F6</sup>body not established or conducted for profit] without infringing any copyright in the words as a literary work or in the accompanying musical work, provided the conditions in subsection (2) below are met.
- (2) The conditions are that—
  - (a) the words are unpublished and of unknown authorship at the time the recording is made,
  - (b) the making of the recording does not infringe any other copyright, and
  - (c) its making is not prohibited by any performer.
- [<sup>F7</sup>(3) A single copy of a sound recording made in reliance on subsection (1) and included in an archive referred to in that subsection may be made and supplied by the archivist without infringing copyright in the recording or the works included in it, provided that—
  - (a) the copy is supplied in response to a request from a person who has provided the archivist with a declaration in writing which includes the information set out in subsection (4), and
  - (b) the archivist is not aware that the declaration is false in a material particular.
- (4) The information which must be included in the declaration is—
  - (a) the name of the person who requires the copy and the sound recording which is the subject of the request,
  - (b) a statement that the person has not previously been supplied with a copy of that sound recording by any archivist, and
  - (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person.
- (5) Where an archive makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.

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- (6) Where a person (“P”) makes a declaration under this section that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by P—
- (a) P is liable for infringement of copyright as if P had made the copy, and
  - (b) the copy supplied to P is to be treated as an infringing copy for all purposes.
- (7) In this section references to an archivist include a person acting on behalf of an archivist.]

#### Textual Amendments

- F6** Words in s. 61(1) substituted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **7(1)**
- F7** S. 61(3)-(7) substituted (1.6.2014) for s. 61(3)-(6) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **7(2)**

## 62 Representation of certain artistic works on public display.

- (1) This section applies to—
- (a) buildings, and
  - (b) sculptures, models for buildings and works of artistic craftsmanship, if permanently situated in a public place or in premises open to the public.
- (2) The copyright in such a work is not infringed by—
- (a) making a graphic work representing it,
  - (b) making a photograph or film of it, or
  - (c) [<sup>F8</sup>making a broadcast of] a visual image of it.
- (3) Nor is the copyright infringed by the issue to the public of copies, or the [<sup>F9</sup>communication to the public], of anything whose making was, by virtue of this section, not an infringement of the copyright.

#### Textual Amendments

- F8** Words in s. 62(2)(c) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 14** (with regs. 31-40)
- F9** Words in s. 62(3)(c) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 5(c)** (with regs. 31-40)

## 63 Advertisement of sale of artistic work.

- (1) It is not an infringement of copyright in an artistic work to copy it, or to issue copies to the public, for the purpose of advertising the sale of the work.
- (2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with for any other purpose, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose “dealt with” means sold or let for hire, offered or exposed for sale or hire, exhibited in public [<sup>F10</sup>, distributed or communicated to the public].

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#### Textual Amendments

**F10** Words in s. 63(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 17](#) (with [regs. 31-40](#))

#### **64 Making of subsequent works by same artist.**

Where the author of an artistic work is not the copyright owner, he does not infringe the copyright by copying the work in making another artistic work, provided he does not repeat or imitate the main design of the earlier work.

#### **65 Reconstruction of buildings.**

Anything done for the purposes of reconstructing a building does not infringe any copyright—

- (a) in the building, or
- (b) in any drawings or plans in accordance with which the building was, by or with the licence of the copyright owner, constructed.

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