



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Provision for preventing importation of infringing copies

111 Infringing copies may be treated as prohibited goods.

- (1) The owner of the copyright in a published literary, dramatic or musical work may give notice in writing to the Commissioners of Customs and Excise—
 - (a) that he is the owner of the copyright in the work, and
 - (b) that he requests the Commissioners, for a period specified in the notice, to treat as prohibited goods printed copies of the work which are infringing copies.
 - (2) The period specified in a notice under subsection (1) shall not exceed five years and shall not extend beyond the period for which copyright is to subsist.
 - (3) The owner of the copyright in a sound recording or film may give notice in writing to the Commissioners of Customs and Excise—
 - (a) that he is the owner of the copyright in the work,
 - (b) that infringing copies of the work are expected to arrive in the United Kingdom at a time and a place specified in the notice, and
 - (c) that he requests the Commissioners to treat the copies as prohibited goods.
- ^{F1}^{F2}(3A) The Commissioners may treat as prohibited goods only infringing copies of works which arrive in the United Kingdom—
 - (a) from outside the European Economic Area, or

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(b) from within that Area but not having been entered for free circulation.

[^{F2}(3B) This section does not apply to goods placed in, or expected to be placed in, one of the situations referred to in Article 1(1), in respect of which an application may be made under Article 5(1), of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights.]]

(4) When a notice is in force under this section the importation of goods to which the notice relates, otherwise than by a person for his private and domestic use, [^{F3}subject to subsections (3A) and (3B), is prohibited]; but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.

Textual Amendments

F1 S. 111(3A)(3B) inserted (1.7.1995) by S.I. 1995/1445, reg. 2(2)

F2 S. 111(3B) substituted (1.7.2004) by The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004 (S.I. 2004/1473), reg. 12 (with reg. 2(2)(3))

F3 Words in s. 111(4) substituted (1.7.1995) by S.I. 1995/1445, reg. 2(3)

112 Power of Commissioners of Customs and Excise to make regulations.

(1) The Commissioners of Customs and Excise may make regulations prescribing the form in which notice is to be given under section 111 and requiring a person giving notice—

- (a) to furnish the Commissioners with such evidence as may be specified in the regulations, either on giving notice or when the goods are imported, or at both those times, and
- (b) to comply with such other conditions as may be specified in the regulations.

(2) The regulations may, in particular, require a person giving such a notice—

- (a) to pay such fees in respect of the notice as may be specified by the regulations;
- (b) to give such security as may be so specified in respect of any liability or expense which the Commissioners may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained;
- (c) to indemnify the Commissioners against any such liability or expense, whether security has been given or not.

(3) The regulations may make different provision as respects different classes of case to which they apply and may include such incidental and supplementary provisions as the Commissioners consider expedient.

(4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) ^{F4}

Textual Amendments

F4 S. 112(5) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 50(6), 52(2), 53(1), Sch. 4 para. 38, Sch. 5; S.I. 2005/1126, art. 2(2)(h)(i)

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