



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

##### SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

##### *Duration of copyright*

##### **[<sup>F1</sup>15A Meaning of country of origin.**

- (1) For the purposes of the provisions of this Part relating to the duration of copyright the country of origin of a work shall be determined as follows.
- (2) If the work is first published in a Berne Convention country and is not simultaneously published elsewhere, the country of origin is that country.
- (3) If the work is first published simultaneously in two or more countries only one of which is a Berne Convention country, the country of origin is that country.
- (4) If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then—
  - [<sup>F2</sup>(a) if the United Kingdom is one of those countries, the country of origin is the United Kingdom; and]
  - (b) [<sup>F3</sup>if the United Kingdom is not one of those countries], the country of origin is the Berne Convention country which grants the shorter or shortest period of copyright protection.
- (5) If the work is unpublished or is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is—

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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 15A. (See end of Document for details)*

- (a) if the work is a film and the maker of the film has his headquarters in, or is domiciled or resident in a Berne Convention country, that country;
  - (b) if the work is—
    - (i) a work of architecture constructed in a Berne Convention country, or
    - (ii) an artistic work incorporated in a building or other structure situated in a Berne Convention country,
 that country;
  - (c) in any other case, the country of which the author of the work is a national.
- (6) In this section—
- (a) a “Berne Convention country” means a country which is a party to any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886; and
  - (b) references to simultaneous publication are to publication within 30 days of first publication.]

#### Textual Amendments

- F1** S. 15A inserted (1.1.1996) by [S.I. 1995/3297](#), **reg. 8(1)** (with Pt. IV)
- F2** S. 15A(4)(a) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), **regs. 1(2), 8(a)** (with **reg. 38**) (as amended by [S.I. 2020/1050](#), **regs. 1(2), 4**); [2020 c. 1](#), Sch. 5 para. 1(1)
- F3** Words in s. 15A(4)(b) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), **regs. 1(2), 8(b)** (with **reg. 38**) (as amended by [S.I. 2020/1050](#), **regs. 1(2), 4**); [2020 c. 1](#), Sch. 5 para. 1(1)

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