



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

Remedies for infringement

197 Meaning of “illicit recording”

- (1) In this Part “illicit recording”, in relation to a performance, shall be construed in accordance with this section.
- (2) For the purposes of a performer’s rights, a recording of the whole or any substantial part of a performance of his is an illicit recording if it is made, otherwise than for private purposes, without his consent.
- (3) For the purposes of the rights of a person having recording rights, a recording of the whole or any substantial part of a performance subject to the exclusive recording contract is an illicit recording if it is made, otherwise than for private purposes, without his consent or that of the performer.
- (4) For the purposes of sections 198 and 199 (offences and orders for delivery up in criminal proceedings), a recording is an illicit recording if it is an illicit recording for the purposes mentioned in subsection (2) or subsection (3).
- (5) In this Part “illicit recording” includes a recording falling to be treated as an illicit recording by virtue of any of the following provisions of Schedule 2—
 - paragraph 4(3) (recordings made for purposes of instruction or examination),
 - paragraph 6(2) (recordings made by educational establishments for educational purposes),
 - paragraph 12(2) (recordings of performance in electronic form retained on transfer of principal recording), or
 - paragraph 16(3) (recordings made for purposes of broadcast or cable programme),

Status: This is the original version (as it was originally enacted).

but otherwise does not include a recording made in accordance with any of the provisions of that Schedule.

(6) It is immaterial for the purposes of this section where the recording was made.