



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Fraudulent reception of transmissions*

#### **298 Rights and remedies in respect of apparatus, &c. for unauthorised reception of transmissions.**

- (1) A person who—
  - (a) makes charges for the reception of programmes included in a broadcasting or cable programme service provided from a place in the United Kingdom, or
  - (b) sends encrypted transmissions of any other description from a place in the United Kingdom,is entitled to the following rights and remedies.
- (2) He has the same rights and remedies against a person who—
  - (a) makes, imports or sells or lets for hire any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so, or
  - (b) publishes any information which is calculated to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so,as a copyright owner has in respect of an infringement of copyright.
- (3) Further, he has the same rights under section 99 or 100 (delivery up or seizure of certain articles) in relation to any such apparatus or device as a copyright owner has in relation to an infringing copy.
- (4) Section 72 of the <sup>M1</sup>Supreme Court Act 1981, section 15 of the <sup>M2</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 and section 94A of the <sup>M3</sup>Judicature (Northern Ireland) Act 1978 (withdrawal of privilege against self-incrimination in

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 298. (See end of Document for details)*

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certain proceedings relating to intellectual property) apply to proceedings under this section as to proceedings under Part I of this Act (copyright).

- (5) In section 97(1) (innocent infringement of copyright) as it applies to proceedings for infringement of the rights conferred by this section, the reference to the defendant not knowing or having reason to believe that copyright subsisted in the work shall be construed as a reference to his not knowing or having reason to believe that his acts infringed the rights conferred by this section.
- (6) Section 114 of this Act applies, with the necessary modifications, in relation to the disposal of anything delivered up or seized by virtue of subsection (3) above.

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**Marginal Citations**

**M1** 1981 c. 54.

**M2** 1985 c. 37.

**M3** 1978 c. 23.

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**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 298.