



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

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

###### *Descriptions of work and related provisions*

### 3 Literary, dramatic and musical works.

(1) In this Part—

“literary work” means any work, other than a dramatic or musical work, which is written, spoken or sung, and accordingly includes—

- (a) a table or compilation [<sup>F1</sup>other than a database], <sup>F2</sup>. . .
- (b) a computer program; <sup>F3</sup>. . . [<sup>F4</sup>(c) preparatory design material for a computer program][<sup>F5</sup>and
- <sup>F5</sup>(d) a database]

“dramatic work” includes a work of dance or mime; and

“musical work” means a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music.

(2) Copyright does not subsist in a literary, dramatic or musical work unless and until it is recorded, in writing or otherwise; and references in this Part to the time at which such a work is made are to the time at which it is so recorded.

(3) It is immaterial for the purposes of subsection (2) whether the work is recorded by or with the permission of the author; and where it is not recorded by the author, nothing in that subsection affects the question whether copyright subsists in the record as distinct from the work recorded.

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*Status: Point in time view as at 01/01/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 3. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in s. 3(1)(a) inserted (1.1.1998) by S.I. 1997/3032, **reg. 5(a)** (with Pt. IV)
- F2** Word in s. 3(1) omitted (1.1.1993) by virtue of S.I. 1992/3233, **reg. 3**
- F3** Word in s. 3(1)(b) left out (1.1.1998) by virtue of S.I. 1997/3032, **reg. 5(b)** (with Pt. IV)
- F4** Word and s. 3(1)(c) inserted (1.1.1993) by S.I. 1992/3233, **reg. 3**
- F5** S. 3(1)(d) and word preceding it inserted (1.1.1998) by S.I. 1997/3032, **reg. 5(c)** (with Pt. IV)

**Status:**

Point in time view as at 01/01/1998.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 3.