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STATUTORY INSTRUMENTS

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**1996 No. 2967**

**The Copyright and Related Rights Regulations 1996**

**PART II**

**AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988**

*Publication right*

**Publication right**

**16.**—(1) A person who after the expiry of copyright protection, publishes for the first time a previously unpublished work has, in accordance with the following provisions, a property right (“publication right”) equivalent to copyright.

(2) For this purpose publication includes any communication to the public, in particular—

- (a) the issue of copies to the public;
- (b) making the work available by means of an electronic retrieval system;
- (c) the rental or lending of copies of the work to the public;
- (d) the performance, exhibition or showing of the work in public; or
- (e) broadcasting the work or including it in a cable programme service.

(3) No account shall be taken for this purpose of any unauthorised act.

In relation to a time when there is no copyright in the work, an unauthorised act means an act done without the consent of the owner of the physical medium in which the work is embodied or on which it is recorded.

(4) A work qualifies for publication right protection only if—

- (a) first publication is in the European Economic Area, and
- (b) the publisher of the work is at the time of first publication a national of an EEA state. Where two or more persons jointly publish the work, it is sufficient for the purposes of paragraph (b) if any of them is a national of an EEA state.

(5) No publication right arises from the publication of a work in which Crown copyright or Parliamentary copyright subsisted.

(6) Publication right expires at the end of the period of 25 years from the end of the calendar year in which the work was first published.

(7) In this regulation a “work” means a literary, dramatic, musical or artistic work or a film.

(8) Expressions used in this regulation (other than “publication”) have the same meaning as in Part I.