

# Copyright, Designs and Patents Act 1988

*As amended by the legislation indicated overleaf*

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- (a) any painting, drawing, diagram, map, chart or plan, and
  - (b) any engraving, etching, lithograph, woodcut or similar work;
- "photograph" means a recording of light or other radiation on any medium on which an image is produced or from which an image may by any means be produced, and which is not part of a film;
- "sculpture" includes a cast or model made for purposes of sculpture.

**5A<sup>4</sup> Sound recordings**

- (1) In this Part "sound recording" means –
  - (a) a recording of sounds, from which the sounds may be reproduced, or
  - (b) a recording of the whole or any part of a literary, dramatic or musical work, from which sounds reproducing the work or part may be produced,regardless of the medium on which the recording is made or the method by which the sounds are reproduced or produced.
- (2) Copyright does not subsist in a sound recording which is, or to the extent that it is, a copy taken from a previous sound recording.

**5B Films**

- (1) In this Part "film" means a recording on any medium from which a moving image may by any means be produced.
- (2) The sound track accompanying a film shall be treated as part of the film for the purposes of this Part.
- (3) Without prejudice to the generality of subsection (2), where that subsection applies –
  - (a) references in this Part to showing a film include playing the film sound track to accompany the film,
  - (b) references in this Part to playing a sound recording, or to communicating a sound recording to the public, do not include playing or communicating the film sound track to accompany the film,
  - (c) references in this Part to copying a work, so far as they apply to a sound recording, do not include copying the film sound track to accompany the film, and
  - (d) references in this Part to the issuing, rental or lending of copies of a work, so far as they apply to a sound recording, do not include the issuing, rental or lending of copies of the sound track to accompany the film.
- (4) Copyright does not subsist in a film which is, or to the extent that it is, a copy taken from a previous film.
- (5) Nothing in this section affects any copyright subsisting in a film sound track as a sound recording.

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<sup>4</sup>Original s.5 replaced by ss.5A & 5B, SI 1995/3297.

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copyright in a sound recording.

- (2) Subject to subsections (4) and (5), copyright expires -
  - (a) at the end of the period of 50 years from the end of the calendar year in which the recording is made, or
  - (b) if during that period the recording is published, 50 years from the end of the calendar year in which it is first published, or
  - (c) if during that period the recording is not published but is made available to the public by being played in public or communicated to the public, 50 years from the end of the calendar year in which it is first so made available,

but in determining whether a sound recording has been published, played in public or communicated to the public, no account shall be taken of any unauthorised act.

[(3)]

- (4) Where the author of a sound recording is not a national of an EEA state, the duration of copyright is that to which the sound recording is entitled in the country of which the author is a national, provided that does not exceed the period which would apply under subsection (2).
- (5) If or to the extent that the application of subsection (4) would be at variance with an international obligation to which the United Kingdom became subject prior to 29th October 1993, the duration of copyright shall be as specified in subsection (2).

**13B Duration of copyright in films**

- (1) The following provisions have effect with respect to the duration of copyright in a film.
- (2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the following persons -
  - (a) the principal director,
  - (b) the author of the screenplay,
  - (c) the author of the dialogue, or
  - (d) the composer of music specially created for and used in the film;

subject as follows.

- (3) If the identity of one or more of the persons referred to in subsection (2)(a) to (d) is known and the identity of one or more others is not, the reference in that subsection to the death of the last of them to die shall be construed as a reference to the death of the last whose identity is known.
- (4) If the identity of the persons referred to in subsection (2)(a) to (d) is unknown, copyright expires at -
  - (a) the end of the period of 70 years from the end of the calendar year in which the film was made, or