



19 March 2021

(21-2299)

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

UNITED KINGDOM: THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988
(AMENDMENT) REGULATIONS 2010

Notifying Member	UNITED KINGDOM
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Details of the notified legal text

Title	The Copyright, Designs and Patents Act 1988 (Amendment) Regulations 2010
Subject matter	Copyright and related rights
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2021/IP/GBR/21_1485_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/GBR/C/1

Brief description of the notified legal text

Provide a right to ensure that a single equitable remuneration is paid by the user, if a phonogram published for commercial purposes, or a reproduction of such a phonogram, is used for broadcasting by wireless means or for any communication to the public.

Section 67 of the Act provides that it is not an infringement of copyright in a sound recording to play it as part of the activities of, or for the benefit of a club, society or other organization if conditions in the section are met. Regulation 3(1) repeals section 67 and regulation 3(2) removes the equivalent exception in relation to performers' rights. Section 72(1B)(a) of the Act provides that the showing or playing in public of a broadcast to an audience who have not paid for admission to the place where the broadcast is to be seen or heard does not infringe any copyright in an "excepted sound recording" (as defined in section 72(1A)) if the playing or showing of that broadcast in public forms part of the activities of an organization that is not established or conducted for profit. Regulation 4(1) repeals section 72(1B)(a) and regulation 4(2) removes the equivalent exception in relation to performers' rights.

Regulation 5 reduces the maximum penalty that can be imposed by way of imprisonment for an offence to which section 107(5) of the Act applies from six months to three months.

Section 128A provides that a licensing body must notify any licence or licensing scheme to the Secretary of State if that licence or scheme will authorize the playing in public of excepted sound recordings, as defined in section 72(1A) of the Act, included in broadcasts. The Secretary of State has powers to refer the licence or scheme to the Copyright Tribunal for a determination of whether the licence or scheme is reasonable in the circumstances. Section 128B applies to a reference made under section 128A. Regulation 5 repeals section 128A and section 128B.

Language(s) of notified legal text	English
Entry into force	1 January 2011
Other date	

Notification details

Submission date of notification	9 February 2021
Other information	https://www.legislation.gov.uk/ukxi/2010/2694/note/made
Agency or authority responsible	<p>UK Intellectual Property Office</p> <p>Concept House Cardiff Road Newport South Wales NP10 8QQ United Kingdom</p> <p>information@ipo.gov.uk</p> <p>0300 300 2000</p> <p>Outside the UK: +44 (0)1633 814000</p>

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.