Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. XXXX

COPYRIGHT
RIGHTS IN PERFORMANCES

The Copyright and Rights in Performances (Quotation and Parody) Regulations 2014

Made - - - -	*2014*
Coming into force - -	*1st June 2014*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to matters relating to copyright and rights in performances(**2**).

In accordance with paragraph 2(2) of Schedule 2 to that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Copyright and Rights in Performances (Quotation and Parody) Regulations 2014 and come into force on 1st June 2014.

Amendments to the Copyright, Designs and Patents Act 1988

2. The Copyright, Designs and Patents Act 1988(**3**) is amended in accordance with these Regulations.

Quotation: amendments to section 30

3.—(1) Section 30(**4**) is amended as follows.

(**1**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part 1 of the Schedule.
(**2**) S.I. 1992/707 and S.I. 1993/595.
(**3**) 1988 c.48.
(**4**) Section 30 was amended by S.I. 2003/2498, regulations 3 and 10(1).

(2) In the heading, after "review" insert ", quotation".

(3) In subsection (1), after "acknowledgement" insert "(unless this would be impossible for reasons of practicality or otherwise)".

(4) After subsection (1) insert—

"(1ZA) Copyright in a work is not infringed by the use of a quotation from the work (whether for criticism or review or otherwise) provided that—

(a) the work has been made available to the public,

(b) the use of the quotation is fair dealing with the work,

(c) the extent of the quotation is no more than is required by the specific purpose for which it is used, and

(d) the quotation is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise)."

(5) In subsection (1A)—

(a) for "subsection (1)" substitute "subsections (1) and (1ZA)", and

(b) for "that subsection" substitute "those subsections".

(6) After subsection (3) insert—

"(4) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of subsection (1ZA), would not infringe copyright, that term is unenforceable."

Quotation: amendments to Schedule 2

4.—(1) Paragraph 2(**5**) of Schedule 2 is amended as follows.

(2) In the heading, after "reviews" insert ", quotation".

(3) After sub-paragraph (1) insert—

"(1ZA) The rights conferred by this Chapter in a performance or a recording of a performance are not infringed by the use of a quotation from the performance or recording (whether for criticism or review or otherwise) provided that—

(a) the performance or recording has been made available to the public,

(b) the use of the quotation is fair dealing with the performance or recording, and

(c) the extent of the quotation is no more than is required by the specific purpose for which it is used."

(4) After sub-paragraph (1A) insert—

"(1B) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of sub-paragraph (1ZA), would not infringe any right conferred by this Chapter, that term is unenforceable."

Parody

5.—(1) After section 30 insert—

"**Caricature, parody or pastiche**

30A.—(1) Fair dealing with a work for the purposes of caricature, parody or pastiche does not infringe copyright in the work.

(**5**) Paragraph 2 of Schedule 2 was amended by S.I. 2003/2498, regulations 3 and 10(2).