



1989 No. 1070 COPYRIGHT

The Copyright (Industrial Process and Excluded Articles)
(No. 2) Order 1989

<i>Made</i>	<i>26th June 1989</i>
<i>Laid before Parliament</i>	<i>4th July 1989</i>
<i>Coming into force</i>	<i>1st August 1989</i>

The Secretary of State, in exercise of the powers conferred upon him by section 52(4) of the Copyright, Designs and Patents Act 1988¹ (“the Act”), hereby makes the following Order:—

1. This Order may be cited as the Copyright (Industrial Process and Excluded Articles) (No. 2) Order 1989 and shall come into force on 1st August 1989.

2. An article is to be regarded for the purposes of section 52 of the Act (limitation of copyright protection for design derived from artistic work) as made by an industrial process if—

- (a) it is one of more than fifty articles which—
 - (i) all fall to be treated for the purposes of Part I of the Act as copies of a particular artistic work, but
 - (ii) do not all together constitute a single set of articles as defined in section 44(1) of the Registered Designs Act 1949²; or
- (b) it consists of goods manufactured in lengths or pieces, not being hand-made goods.

3.—

- (1) There are excluded from the operation of section 52 of the Act—
 - (a) works of sculpture, other than casts or models used or intended to be used as models or patterns to be multiplied by any industrial process;
 - (b) wall plaques, medals and medallions; and
 - (c) printed matter primarily of a literary or artistic character, including book jackets, calendars, certificates, coupons, dress-making patterns, greetings cards, labels, leaflets, maps, plans, playing cards, postcards, stamps, trade advertisements, trade forms and cards, transfers and similar articles.
- (2) Nothing in article 2 of this Order shall be taken to limit the meaning of “industrial process” in paragraph (1)(a) of this article.

4. The Copyright (Industrial Designs) Rules 1957³ and the Copyright (Industrial Process and Excluded Articles) Order 1989⁴ are hereby revoked.

Eric Forth
Parliamentary Under Secretary of State,
Department of Trade and Industry

¹1988 c.48.

²1949 c.88.

³S.I. 1957/867.

⁴S.I. 1989/1010; the Order was made on 13th June 1989, but was not laid before Parliament.



26th June 1989

EXPLANATORY NOTE

(This note is not part of the Order)

Section 52 of the Copyright, Designs and Patents Act 1988 limits the duration of copyright in artistic works to 25 years in respect of the exploitation of those works by an industrial process. This Order defines the meaning of “industrial process” for that purpose and excludes certain articles of a literary or artistic character from the operation of the section. It reproduces the effect of the Copyright (Industrial Designs) Rules 1957 (which are revoked by this Order) and the application of rule 26 of the Designs Rules 1984 (S.I. 1984/1989) by section 10(4) of the Copyright Act 1956 (c.74). The Order revokes the Copyright (Industrial Process and Excluded Articles) Order 1989 (which was defective) before that Order comes into force.