



Copyright Notice: public exhibition of copyright works

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What is a Copyright Notice?

Copyright Notices are published by the Intellectual Property Office to help explain specific areas of copyright law in the UK. This notice is aimed at museums, galleries, libraries, archives and other institutions which may wish to exhibit works which are protected by copyright.

This Notice is not meant as a substitute for legal advice on individual cases, but it can help readers understand some of the issues involved. It is not a conclusive view of the law – only a decision of the court can provide that.

Public exhibition of copyright works

The basics

In the UK, public exhibition is not an act restricted by copyright. This means that it is not an infringement of copyright to put a literary, dramatic, musical or artistic work on public display (for example, in a display cabinet in a museum or gallery).

Performance, showing or playing a work in public

Despite it being lawful to exhibit a literary, dramatic, musical or artistic work, it would usually be an infringement of copyright to perform such a work in public.¹ This means that, although a musical or dramatic work in the form of writing or notation can be put on display (for example, the script of a play or a piece of sheet music), the public performance of such a work would be restricted by copyright. The term “performance” would include delivery of the work in lectures, addresses, speeches or sermons, as well as any mode of visual or acoustic presentation.²

¹ Copyright, Designs and Patents Act 1988, s.19(1).

² Copyright, Designs and Patents Act 1988, s.19(2).

Likewise, playing or showing a sound recording, film or broadcast in a public place would usually be an infringement of copyright.³

However, certain exceptions to the public performance right exist. For example, educational establishments are permitted to perform, play or show copyright works without infringing copyright, provided it is done for the purposes of instruction and the audience is solely composed of individuals directly connected to the establishment (namely staff and students).⁴

Copyright Notice number three on the [public performance of live music](#) was published in January 2015.

What is meant by “any mode of visual or acoustic presentation”?

No strict definition is provided in the Copyright Designs and Patents Act 1988 for what constitutes a visual or acoustic presentation of a work, other than that it would include presentation by means of a sound recording, film or broadcast.⁵ However, it is generally accepted that the term “visual or acoustic presentation” refers to the presentation of a work by means of a technical process⁶, and so would not include the public exhibition of a physical copy of a literary, dramatic or musical work.

One case which considered the public performance of a literary work via a mode of visual presentation was *Bookmakers’ Afternoon Greyhound Services Ltd v Wilf Gilbert (Staffordshire) Ltd*.⁷ In this case the Court held that showing a broadcast of static literary text on a TV screen in a public place was an infringement of the public performance right in the literary work under the 1956 Copyright Act. However, it is not clear whether or not the same decision would be reached today, as the use of the work in this particular case would be more likely to fall within the scope of the more recently introduced act of communication to the public.⁸

Effect of public exhibition on other aspects of copyright law

Putting a work on public display may have an impact on how the work can be used in the future.

For example, certain exceptions, such as those for criticism, review or quotation, only apply where a work has been previously made available to the public.⁹ This means that, by exhibiting a work in public, it becomes possible for third parties to make use of it under one of these exceptions.

Also, the public exhibition of a previously unpublished work may preclude such a work from benefitting from the publication right.¹⁰ The publication right is a 25-year right analogous to copyright granted to the person who publishes for the first time a previously unpublished work for which copyright has expired. With regards to the publication right, a work which has been previously exhibited in public would not qualify as an unpublished work.¹¹

With respect to the scenarios outlined above, only acts which have been authorised by the rights holder are taken into account. This means that an unauthorised exhibition of a work would not have an effect on how the work can be used in the future.

For further information about Copyright Notices, email copyrightnotices@ipo.gov.uk.

To ask for a Copyright Notice on another topic please complete the [online form](#).

³ Copyright, Designs and Patents Act 1988, s.19(3).

⁴ Copyright, Designs and Patents Act 1988, s.34.

⁵ Copyright, Designs and Patents Act 1988, s.19(2)(b).

⁶ See also the definition of “performance” provided in s.48 of the Copyright Act 1956, which provides that the term “visual or acoustic presentation” would include “...presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a cinematograph film, or the by the use of a record...”

⁷ [1994] FSR 723.

⁸ Copyright, Designs and Patents Act 1988, s.20.

⁹ Copyright, Designs and Patents Act 1988, s.30.

¹⁰ The Copyright and Related Rights Regulations 1996 (SI 1996 No. 2967), regulation 16.

¹¹ The Copyright and Related Rights Regulations 1996 (SI 1996 No. 2967), regulation 16 (2).

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