A. Protection of Artistic or Literary reputation:

At the front of the "B" Museum, located in the country "X", there is an enormous wall of a unique architectural structure, faced with basalt stone made by the Basalt Co. Ltd. incorporated in your country. The Basalt Co. photographed the basalt wall of the museum without the consent of the architect and made use of the photograph in order to market its products. The company also copied and constructed an identical basalt wall at the front of its offices in your country. The architect sued Basalt Co. in your country, claiming infringement of copyright, loss of reputation, unlawful enrichment, and petitioned for compensation for damage; compensation without proof of damage; compensation due to unlawful enrichment and punitive compensation. The architect also applied for an injunction; an order for submission of accounts in order to learn of the profit derived by the company from the publicity; and an Anton Piller order for the purpose of seizure and demolition.

[Where the term “author” is used, this is intended to mean the creator of a work. In this scenario, an architect would be an author as far as the CDPA is concerned.]

Q1. On what terms will a work (of art, music, literature) from a foreign country enjoy copyright protection in your country?

1. The primary legislation which determines copyright protection in the UK is the Copyright Designs and Patents Act 1988 (the “CDPA”). The Act is territorial in that it only applies to activities in the UK. However, the scope of the CDPA is extended by secondary legislation (namely Orders of Council) to countries where the protection is reciprocal.

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1 s.16(1) CDPA
2 under s.157 and s.159 CDPA
3 Reciprocity is required under s.159(3)
2. The Order affords different levels of protection depending on the type of work involved and the country of origin. Such levels are identified in the Schedule to the relevant Order. The current Order in force is the Copyright and Performances (Application to Other Countries) Order 2012/799 (the “Order”).

3. Accordingly, the wall in question will be covered if country “X” is included in the Schedule and if it otherwise fulfils the criteria under the CDPA. These are:
   - that the artist must be a citizen or subject of, an individual domiciled or resident in, or a body incorporated under the law of, a country to which the Order relates; and
   - that the work is sufficiently original.

4. Assuming the wall was built after August 1989 (when the CDPA came into force) it is likely to qualify for protection under the Act.

5. The UK courts also have jurisdiction to deal with a claim for infringement of a foreign copyright as a matter of English common law.

Q2. What works of art are covered by copyright in your country?

6. To be covered by copyright, a work of art must fall within a category of work defined in the CDPA and be sufficiently original.

Categories

7. The CDPA specifies different categories of works in which copyright may exist. One such category is “artistic works”.

8. Artistic works are defined in s. 4 CDPA as:
   - a graphic work, photograph, sculpture or collage irrespective of artistic quality,
   - a work of architecture being a building or model for a building, or

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4 The scope of protection extended to a country is determined by whether that country is a signatory of International Treaties on Intellectual Property rights i.e. the Rome Convention, the Berne Copyright Convention, WTO Agreement on Trade Related Aspects of IP Rights (TRIPS), World Intellectual Property Organisation Performance and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty.
5 s.154(2) CDPA
6 S.1(1)(a) CDPA
7 Lucasfilm Ltd v Ainsworth [2012] 1 A.C. 208
8 The categories are set out in s.1 CDPA and are i) original literary, dramatic, musical or artistic works, ii) sounds recordings, films or broadcasts and iii) typographical arrangements of published editions. A work may fall into more than one category.
• a work of artistic craftsmanship.

9. A “building” is further defined as including any fixed structure or part thereof. The definition was left deliberately wide and was intended to include structures designed by engineers, rather than architects, such as a bridge. It is worth noting that “architecture” is not qualified as attracting copyright irrespective of artistic quality and this implies that such works do require artistic character in order to attract copyright. It is suggested that this need not involve aesthetic judgment but may exist in the process of design.9

10. “Graphic works” includes (inter alia) any drawing, diagram, map or plan which, in itself, does not need to contain elements of artistic expression.

11. As such, the wall in this scenario is likely to qualify as a work of architecture as it is a fixed structure. However, copyright is also likely to arise in the drawings and diagrams underlying the structure.

Originality

12. Even if a work falls within the category set out above, it must be sufficiently original to attract copyright. The ECJ held in Infopaq11 that the test was whether a work was the author’s own intellectual creation and that it was for the national court to decide. As such, there is a risk of irreconcilable judgments if similar infringement claims against various defendants, each based on varying domestic legal grounds, are run simultaneously. However, in Painer12, the ECJ stated that it was for the domestic court to assess, in the light of all the elements of the case, whether there was such a risk in determining the actions separately.

13. The UK Courts have determined originality as meaning that the author has created the work through his own skill, judgment and individual effort and that it is not copied from other works13. It is generally considered to have a low threshold, which is likely to be satisfied in the case of the basalt wall as it is described as being “a unique architectural structure”.

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9 Hansard, HL Vol.493, col. 1071
10 Copinger and Skon James on Copyright, ed.16, vol. 1, 3-64
11 C-5/08[2010] FSR 20
13 Ascot Jockey Club Ltd v Simons [1968] 64 WWR 411
14. It is worth noting that copyright is of a set duration. In the case of artistic works, it will last for 70 years from end of the calendar year in which the author dies\(^\text{14}\). However, this is not an issue here as the Architect is still alive.

**Did Basalt Co. Ltd constitute an infringement of copyright or moral rights or injured the architect's reputation by:***

(a) **Photograph of an architectural work located in a public place?**

(b) **Copying a unique wall from a museum building? What are the tests?**

*Copyright - photograph*

15. A photograph would, on the face of it, appear to infringe the Architect’s copyright in the work (assuming the Architect owns the copyright, which would have to be proved). However, there is a statutory defence in the CDPA which may exonerate the Basalt Co. Ltd..

16. The CDPA sets out the “acts restricted by copyright”\(^\text{15}\). The copyright holder has the exclusive right to:

- (i) copy the work;
- (ii) issue copies of the work to the public;
- (iii) rent or lend the work to the public;
- (iv) perform, show or play the work in public;
- (v) communicate the work to the public (by electronic transmission\(^\text{16}\)); and
- (vi) make an adaptation of the work or do any of the above in relation to an adaptation.

However, only acts (i), (ii) and (v) apply to an artistic work.

17. “Copying” an artistic work means reproducing the work in any material form, directly or indirectly, and can include making a two-dimensional copy of a three-dimensional work\(^\text{17}\). There must be a sufficient degree of objective similarity (in that the copy must, in some real sense, represent the original) which is caused by the copyright work being copied\(^\text{18}\). It may still be an infringement to copy only part of the work and the test is whether the copy contains "elements which are the expression of the intellectual creation of the author"\(^\text{19}\).

18. A photograph could qualify as a copy as it is a two-dimensional reproduction of the work. If the photograph has been used in the Basalt Co Ltd’s marketing, it may have

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\(^{14}\) s.12 (2) CDPA  
\(^{15}\) s.13 CPDA  
\(^{16}\) s.20 (2) CDPA  
\(^{17}\) s.17 (2) and (3) CDPA  
\(^{18}\) Copinger, 7-11  
\(^{19}\) The Newspaper Licensing Agency Ltd and others v Meltwater
been issued to the public. Depending on the form of the marketing, it may have been
communicated to the public by means of electronic transmission (e.g. during a
television advertisement). As such, the photograph may constitute an infringement of
the Architect’s copyright.

19. However, there is a complete defence to this infringement in s.62 CDPA which states
that making a photograph of a building or permanent work of artistic craftsmanship is
not an infringing act and nor is any subsequent issuance or communication to the
public (see paragraph 48 and 49 below). The defence is also likely to protect the
photographer from an infringement claim regarding the copyright in the underlying
plans although the point currently remains undecided by the courts.

Copyright – reproducing the wall
20. Due to the exception set out in s.62, it appears that in relation to a building,
infringement is confined to making a three-dimensional copy. As such, reproducing
the wall could constitute making a copy and be an infringement of the Architect’s
copyright in both the work itself and the plans or design documents underlying the
work.

21. As set out above, the test would be whether the replica wall:
   i) has a sufficient degree of objective similarity to the original (in that the
copy must, in some real sense, represent the original); and
   ii) this is caused by the copyright work being copied.

22. It is for the claimant (i.e. the Architect) to demonstrate sufficient similarity and the
court will then have regard to whether the particular similarities relied on are
sufficiently close, numerous or extensive. Here, the wall is described as being
“identical” and so will constitute an infringing copy.

Moral rights and the Architect’s reputation
23. The CDPA codifies an author’s moral rights\textsuperscript{20} as:
   i) the right to be identified as the author;
   ii) the right to object to derogatory treatment;
   iii) the right not to suffer false attribution; and
   iv) the right to privacy in respect of certain films and photographs.

\textsuperscript{20} ss.77-85 CDPA.
Rights (i), (ii) and (iv) only exist in relation to works covered by copyright and last for the normal term of the copyright\(^{21}\). They may exist in relation to a substantial part of a work, as well as the whole. All the rights are personal and can be waived but not assigned and all relate to artistic works\(^ {22}\). However, the only ones relevant to this scenario are (i) and (ii).

**Right to be identified as the author - photograph**

24. Under s.77(4)(c) CDPA, the Architect has the right to be identified as the author whenever a photograph of the work is issued to the public. The identification must be reasonably clear and prominent\(^ {23}\). However, the right must be asserted before it can be infringed\(^ {24}\). As such, if the Architect has not previously asserted his right to be identified as the author of the wall in the photograph, his moral right is not infringed.

**Right to be identified as the author – replica wall**

25. Basalt Co. Ltd.’s copy of the wall would not infringe this right as, under the CDPA, the Architect only has the right to be identified on the original structure or the first of the structures if they are identical.

**Right to object to derogatory treatment of his work - photograph**

26. Under s.80, the Architect has the right to object to derogatory treatment of his artistic work. He must satisfy both the definition of “treatment” and of “derogatory”, and the type of treatment must be within the specific circumstances listed in the provision.

27. “Treatment” is defined as any addition to, deletion from, alteration or adaptation of the work. “Derogatory” is where the treatment amounts to a distortion or mutilation or is otherwise prejudicial to the author’s honour or reputation. Whether something is derogatory is judged objectively (following the libel jurisprudence in which there is a similar concept) and the Architect would have to adduce evidence that his reputation has been affected in the eyes of others or would be likely to be so. There is no need for this right to be asserted before there can be an infringement.

28. With regards to the photograph, there is nothing in the facts to suggest anything derogatory has taken place. Further, the specific circumstances listed in s.80(4)

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\(^{21}\) Right (iii) lasts until 20 years after the copyright holder’s death.

\(^{22}\) Rights (i) to (iv) above do not apply to all categories and cannot subsist in sound recordings, broadcasts or typographical arrangements.

\(^{23}\) s.77 (7) CDPA

\(^{24}\) ss77(1) and 78 CDPA
(which relate to works of architecture) do not include taking photographs of a building\textsuperscript{25}. As such, the photograph will not constitute an infringement of the Architect’s reputational rights under the CDPA.

\textit{Right to object to derogatory treatment of his work – replica wall}

29. With regards to the copy of the wall, it is unlikely to satisfy the first part of the test as it is identical to the original. As such, the Architect would not be able to make a claim for damage to his reputation for the copy. However, his claim for damages for copyright infringement may include a claim for “moral prejudice”\textsuperscript{26}, which is a factor to be taken into consideration when awarding damages and equates to compensation for a claimant's mental distress.

Q3. Are there other actionable claims which can be brought to protect the reputation of the architect or any artists and authors, other than claims based on infringement of copyright?

30. The Architect could seek to rely on the law of defamation to protect his reputation. In general, defamatory statements (which need not be spoken) are those which are untrue and which lower the claimant’s reputation in the eyes of right thinking members of society\textsuperscript{27}.

31. Specifically, statements which injure a person’s reputation in their profession are defamatory although, to be actionable, the statement must impute some quality which would be detrimental, or the absence of some quality which is essential, to the successful carrying on of the relevant profession\textsuperscript{28}. The mere fact that words tend to injure the claimant in the way of his profession is insufficient. An architect’s reputation within their profession would be worthy of protection as their livelihood depends on providing services to other\textsuperscript{29}.

32. In this scenario, the Architect has created a unique design for a museum. He may feel it is demeaning as an artist for his work to be used in commercial marketing. However, whether this was capable of being defamatory is an objective question for the court and whether it is defamatory is an objective question for the jury.

\textsuperscript{25} it does, however, cover photographs of a model of a building.
\textsuperscript{26} Enforcement Directive (2004/48/EC), implemented by Intellectual Property (Enforcement etc.) Regulations 2006 (SI 2006/1028)
\textsuperscript{27} Sim v Stretch [1936] 2 All E.R. 1237
\textsuperscript{28} Gatley on Libel and Slander, ed. 11, 2.26
\textsuperscript{29} In comparison, a sportsman reputation is less problematic.
Can he obtain compensation by virtue of the "unlawful enrichment" laws?

33. Under s. 96(2) CDPA, “all such relief...as is available in respect of the infringement of any other property right” would be available to the Architect in an infringement claim. This includes both damages and the equitable remedy of an account of profits. However, the claimant cannot pursue both as the two are mutually exclusive and, as such, he must elect between the two.

34. Theoretically, the Architect could elect to claim the money Basalt Co. Ltd. has saved in failing to licence its use of the Architect’s work and for any profits received from the marketing.

Q4. If damages can be claimed for loss of, or injury to, reputation:
(a) What type(s) of damages can be awarded – eg. compensatory or punitive?
(b) How are the damages to be proved and measured?

Moral rights under the CDPA

35. In general, damages are available for infringement of a moral right because it is actionable as a breach of a statutory duty. Both general (compensatory) and special (punitive) damages will be available. The Architect’s problems in bringing these claims are noted above but, even if a breach were successfully proved, the damages would be difficult to assess. See also paragraph [29].

36. In the case of a breach of the right to be identified as the author, the damages may be assessed on the Architect’s loss of publicity or loss of opportunity to promote himself. For derogatory treatment of his work, a court would have regard to the damage to the Architect’s career and any loss of sales or commissions.

Additional damages

37. It is worth noting that the CDPA specifically caters for “additional” damages where copyright has been infringed. These are awarded where the court considers they are required in the justice of the case, having regard to all the circumstances and in particular:
- the flagrancy of the infringement; and
- any benefit accruing to the defendant by reason of the infringement

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30 s.97(2)
38. “Flagrancy” has been taken by the courts to mean a deliberate and calculated infringement and such damages have previously been awarded where an infringement was in breach of a court order\(^31\) or based on knowledge of a criminal act (theft)\(^32\). The High Court has suggested that additional damages are on a restitutionary and aggravated\(^33\) basis and has questioned whether exemplary\(^34\) damages would be appropriate\(^35\).

39. However, such additional damages are only available for the infringement of copyright and not for damage to the claimant’s reputation.

**Damages in Defamation**

40. Damages in defamation claims are intended to compensate the claimant for the effects of the defamatory statement. They act as consolation for his distress and serve to repair the damage to and to vindicate his reputation\(^36\). They are usually assessed by a jury (if there is a jury trial) with reasonable guidance from the Judge who will direct them to use the awards in personal injury cases as a comparator. There is no other mechanical or objective formula and as such, the damages are un-liquidated. Actual financial loss is recoverable if it is not too remote.

41. The court is entitled to take into consideration (inter alia) the conduct of both parties, the nature of the libel, the mode and extent of publication and the absence or refusal of any retraction or apology.

**Q5. What permitted uses can be made of a protected work or reputation without constituting infringement of copyright? What is fair use?**

42. There are a number of permitted acts under the CDPA in relation to copyright works. Most would not be applicable to this scenario but a full list is annexed to this questionnaire (Annex 1).

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\(^31\) *Computer Entertainment Inc v Owen* [2002] EWHC 45  
\(^32\) *Nottinghamshire Healthcare National Health Service Trust v News Group Newspapers Ltd* [2002] EWHC 109  
\(^33\) Damages to provide compensation for mental distress or injury to feelings caused by the manner or motive with which a wrong was committed or by the defendant’s conduct subsequent to the wrong.  
\(^34\) Damages awarded in excess of the claimant’s loss which are intended to punish the defendant or to mark the court’s disapproval of the defendant’s conduct.  
\(^35\) Ibid  
\(^36\) *Gatley on Libel and Slander*, ed. 11, 9.2
Fair Dealing

43. There are three primary limitations on an author’s rights known as the “fair dealing provisions” \(^{37}\). It may be possible for a non-rights holder to deal with a copyright work i) for the purposes of commercial research or private study, ii) for criticism or review or iii) for the purpose of news reporting. Where any of these three provisions apply, there will be a complete defence to an infringement claim. However, the dealing must be fair. This not only requires sufficient acknowledgement of the author (unless, in the case of (i) and (iii), it would be impractical to do so) but also other considerations (developed by case law) including how much of the work is copied, to what extent that is a fundamental part of the work and the intention behind the infringer’s actions.

44. It is highly unlikely that any of the fair dealing provisions will be applicable here.

Incidental inclusion

45. A further permitted act is the incidental inclusion of copyright material. In the leading case\(^{38}\) on this permitted act, the Court of Appeal identified the following principles:

- There was no necessary dichotomy between a work (A) that had been included in a work (B) being "integral" and "incidental". Where an artistic work appeared in a photograph because it was part of the setting in which the photographer found his subject, it could properly be said to be an integral part of the photograph. However, that did not mean that the inclusion of the artistic work in the photograph was or was not incidental.

- Whether the inclusion of the work A in work B was or was not incidental turned on the question of why, having regard to the circumstances in which work B was created, had work A been included in work B?

- In addressing that question, there was no reason why, if the circumstances so required, consideration could not be given to the commercial reason why work A had been included in work B, as well as any aesthetic reason. The conclusion did not depend on the subjective intent of the person who had created the image, but on an objective assessment of the circumstances in which the image was created.

\(^{37}\) ss.29 and 30 CDPA  
\(^{38}\) Football Association Premier League Ltd v Panini UK Ltd [2003] EWCA Civ 995
46. Applying this to the marketing materials in the current scenario, Basalt Co. Ltd.’s objective in using the photograph was to promote its own product (the basalt). Its commercial purpose was not to highlight the Architect’s work but to promote the material making up the wall. As such, even though the work was integral to the photograph, its inclusion in the marketing material might be accepted as incidental although that is unlikely.

47. However, Basalt Co. Ltd. could not rely on this exception for their copy of the wall, or for the original photograph itself, as the wall was not incidental to either article.

Representation of certain artistic works on public display
48. As discussed in paragraph [19], it is permitted to make a photograph, film or graphic representation of, or to broadcast, buildings which are permanently situated in a permanent place or in premises open to the public\(^39\). In addition, the photograph etc. can then be issued or communicated to the public without infringing copyright\(^40\).

49. However, it is still possible that the photograph could infringe the Architect’s plans or underlying design documents and the UK courts have not yet determined the application of the defence in these circumstances.

\(^{39}\) s.62(1)  
\(^{40}\) s.62(2)
B. The Court’s use of experts or assessors

Q1. Does your country have a specialist Court or Tribunal that hears intellectual property disputes?
   50. Yes. The Patents Court (which is a division of the Chancery Division of the High Court) hears high value or complex intellectual property disputes and the Patents County Court hears claims which are less complex and small value claims. Both courts cover both registered and unregistered intellectual property rights and are the designated Community Design Courts under the Council Regulation (EC) 6/2002.

   51. Claims relating to patents and registered designs must be started in these courts41. Claims relating to other Intellectual Property may be started in the Chancery Division, the Patents County Court or a county court where there is also a Chancery District Registry42.

Q2. Does the Court/Tribunal which hears intellectual property disputes in your country use experts or assessors:
   to assist in determining liability; and/or
   to assist in quantifying damages or determining the appropriate form of remedy?
   52. Generally, any use of experts or assessor by the Court is rare. Nonetheless, the Court has the power to direct that a scientific adviser be appointed43. It may also appoint a court expert to give to the Court a series of seminars in the material technology44.

   53. However, an expert or assessor’s role would be solely to assist the judge in understanding the technology. They would have no part in the decision making process on liability or quantum.

Q3. If not, does the Court/Tribunal have the power to refer the dispute or part of the dispute to an independent expert or assessor who has relevant specialist knowledge? If so, is this power often used and how effective is it?
   54. The parties may agree to have the dispute considered by a specialist arbitrator or mediator (depending on the nature of the dispute) and, in general, the courts are in favour of such alternative dispute resolution (“ADR”). In this regard, the courts have the power to stay litigation in order for the parties to pursue ADR45.

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41 CPR 63.3(2)
42 CPR 63.13(1)
43 s.70(3) Senior Courts Act 1981
44 as occurred in Kirin Amgen Inc v Hoechst Marion Roussel Ltd [2004] UKHL 46.
45 under its case management powers in CPR 3.1(2)
55. However, once proceedings are commenced, the courts will never refer the dispute to an independent expert or assessor and will instead rely on assistance from a specialist adviser, or the parties’ expert evidence, to facilitate the dispute being resolved through the courts.

Q4. Do specialists (that is, non-lawyers with specialist training in the field of intellectual property) sit on the Court/Tribunal? If so, what is the role of the specialist? Eg solely to assist the Court/Tribunal to understand the specialist subject matter of the intellectual property dispute or does the specialist have a decision-making role?

56. No, non-lawyers do not hear the cases in court. However, there are specialist Patent Judges, many of whom have both scientific and law degrees as well as significant experience in practising intellectual property law.

57. Where a specialist judge is not available and a case needs to be heard urgently, it will be heard by another judge of appropriate specialist experience nominated by the Chancellor of the High Court.

Q5. Does the Court/Tribunal hear expert evidence on specialist subject matters in intellectual property disputes? How is the evidence given? Eg in writing, in person or by both means?

58. The parties are also allowed to adduce expert evidence and the role of such experts is principally to educate the court so that it can establish what the skilled man would have thought of the issues in dispute.

59. A party should not have more than one independent expert witness on each topic but the parties can agree a single joint expert where appropriate.

60. On the specific types of Intellectual Property, the Courts have found that there is little purpose in having expert evidence in the following types of cases:
   - registered design cases concerned with ordinary consumer articles;
   - cases involving confusion between trade marks (as the test is the viewpoint of the average consumer); and
   - copyright cases where the issue is whether or not there has been any copying or whether or not the articles are commonplace (as this is a question for the court).

46 There is a list of the relevant judiciary in the Patents Court and Patents County Court Guide.
47 CPR 63.9(2)
At first instance, expert evidence is given in written and/or oral form as appropriate.

Q6. What other processes are used by the Court/Tribunal to assist in understanding specialist subject matter in an intellectual property dispute, and where experts have differences of opinion on a topic, to assist in deciding which opinion to accept?

62. Under its general case management powers, a court may decide to hear part of a case as a preliminary issue or to narrow the issues in the case. Both of these powers will assist in keeping the focus on the key issues. This will make it easier to adduce expert evidence which is pertinent to the case and accordingly, more helpful to the court. It will have the same effect on the advice of the Court’s special adviser.

63. The courts may also order that the parties produce a “primer” which is an agreed statement of the technical facts.

64. At trial, the parties’ expert witnesses are subject to cross-examination by the lawyers for the opposing party.

65. If the parties’ experts do not agree, a court will have to weigh up whose evidence is more convincing. However, the role of such experts is principally to educate the court so that it can establish what the skilled man would have thought. As such, the court must be careful not to weigh an expert’s ability to give evidence over the reasons for his views:

“...in weighing the views of rival experts, ...a judge should be careful to distinguish his views on the experts as to whether they are good witnesses or good teachers – good at answering the questions asked and not others, not argumentative and so on, from the more fundamental reasons for their opinions. Ultimately it is the latter which matter – are they reasons which would be perceived by the skilled man?”

Q7. What processes do you think would be useful for the Court/Tribunal to adopt or implement to assist in deciding intellectual property disputes where the making of the decision requires specialist knowledge on a non-legal topic?

66. The processes currently available to the Court (detailed above) appear sufficient to facilitate specialist help where required. Further, the Court has a variety of case management powers which can be employed to make suitable directions where

49 Civil Procedure; White Book Service (Sweet & Maxwell) 2012, para. 2F-9.6
50 Apotex Europe Ltd v SmithKline Beecham Plc [2004] EWCA Civ 1568, per Lord Justice Jacob at 53.
additional assistance is required (e.g. requiring the parties to provide specialist advice to the Court at an earlier stage of the proceedings).

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27 September 2013
Annex 1

- Temporary copies which are transient or incidental and for the transmission or lawful use of the work (s.28A CDPA)
- Visually impaired persons (ss. 31A – 31F CDPA)
- Educational purposes (ss. 32-36A CDPA)
- Libraries and archives (ss. 37-44A CDPA)
- Public administration (ss. 45-5 CDPA)
- Computer programs (ss. 50A – 50D CDPA)
- Designs (ss. 51-53 CDPA)
- Recording of folksongs subject to certain conditions (s.61 CDPA)
- Reconstructing buildings (this is understood to be reconstruction of the building itself and not a copy of the building) (s.65 CDPA)
- Lending to the public of copies of certain works subject to payment of a reasonable royalty (allowed by the Secretary of State) (s.66 CDPA)
- Recording for the purposes of controlling and supervising broadcasts (s.69 CDPA)
- Various acts of reception and re-transmission of wireless broadcasts by cable (s.73 CDPA)
- Sub-titled copies of broadcasts (s.74 CDPA)
- Recording of broadcasts for archival purposes (s.75 CDPA)