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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2018**

**PART 3**

**Amendments to subordinate legislation**

**Amendments to the Duration of Copyright and Rights in Performances Regulations 1995**

**26.**—(1) The Duration of Copyright and Rights in Performances Regulations 1995<sup>(1)</sup> are amended as follows.

(2) In regulation 16 (duration of copyright: application of new provisions), in paragraph (d) for “another EEA state” substitute “an EEA state”.

(3) In regulation 29 (duration of rights in performances: application of new provisions), in paragraph (d) for “another EEA state” substitute “an EEA state”.

(4) In regulation 36 (construction of references to EEA states)—

(a) in paragraphs (1) and (2) for “another EEA state”, in each place it occurs, substitute “an EEA state”;

(b) omit paragraph (3).

**Amendments to the Copyright and Related Rights Regulations 1996**

**27.**—(1) The Copyright and Related Rights Regulations 1996<sup>(2)</sup> are amended as follows.

(2) In regulation 2 (interpretation) at the appropriate place insert ““national of the United Kingdom” has the meaning given by section 178 of the Copyright, Designs and Patents Act 1988”.

(3) In regulation 16(4) (publication right)—

(a) in sub-paragraph (a), after “European Economic Area” insert “or in the United Kingdom”;

(b) in sub-paragraph (b), after “an EEA state” insert “or a national of the United Kingdom”;

(c) in the full out words of that paragraph, after “an EEA state” insert “or a national of the United Kingdom”.

(4) In regulation 29(1)(a) (satellite broadcasting: international co-production agreements) after “an EEA state” insert “or a national of the United Kingdom”.

**Amendments to the Copyright and Rights in Databases Regulations 1997**

**28.**—(1) The Copyright and Rights in Databases Regulations 1997<sup>(3)</sup> are amended as follows.

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(1) [S.I. 1995/3297](#), amended by [S.I. 2006/1028](#), [S.I. 2016/1210](#).

(2) [S.I. 1996/2967](#), amended by [S.I. 2003/2498](#), [S.I. 2006/1028](#).

(3) [S.I. 1997/3032](#), amended by [S.I. 2003/2501](#); there are other amending instruments but none is relevant.

(2) In regulation 12(1) (interpretation) at the appropriate place insert ““national of the United Kingdom” has the meaning given by section 178 of the 1988 Act”.

(3) In regulation 18 (qualification for database right)—

(a) in paragraph (1)—

(i) for “the EEA” substitute “the United Kingdom”;

(ii) in sub-paragraph (a), for “an EEA state” substitute “the United Kingdom”;

(iii) in sub-paragraphs (b) and (c), for “an EEA state” substitute “any part of the United Kingdom”;

(b) in paragraph (2), for “the EEA” and for “an EEA state”, in each place it occurs, substitute “the United Kingdom”;

(c) in paragraph (4), omit sub-paragraph (a).

#### **Amendments to the Artist’s Resale Right Regulations 2006**

**29.**—(1) The Artist’s Resale Right Regulations 2006(4) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) omit the definition of “EEA state”;

(b) at the appropriate place insert ““national of the United Kingdom” has the meaning given by section 178 of the Copyright, Designs and Patents Act 1988”.

(3) In regulation 10 (requirements as to nationality), in paragraph (a) for “an EEA state” and for “EEA states” substitute “the United Kingdom”.

(4) In regulation 17 (review of regulations) omit paragraph (2).

#### **Amendments to the Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014**

**30.** In regulation 5(1)(d) of the Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014(5) (application for authorisation), for “European Economic Area” substitute “the United Kingdom”.

#### **Amendments to the Copyright and Rights in Performances (Licensing of Orphan Works) Regulations 2014**

**31.** In regulation 4 of the Copyright and Rights in Performances (Licensing of Orphan Works) Regulations 2014(6) (diligent search)—

(a) in paragraph (3)—

(i) in sub-paragraph (a) omit “and the relevant databases maintained by the Office for Harmonization in the Internal Market”;

(ii) in sub-paragraph (b) omit “or databases”;

(b) in paragraph (5) omit sub-paragraph (b).

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(4) [S.I. 2006/346](#), amended by [S.I. 2009/2792](#), [S.I. 2011/2873](#).

(5) [S.I. 2014/2588](#), amended by [S.I. 2016/221](#).

(6) [S.I. 2014/2863](#).

### **Amendments to the Collective Management of Copyright (EU Directive) Regulations 2016**

**32.**—(1) The Collective Management of Copyright (EU Directive) Regulations 2016<sup>(7)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation and application), in the definition of “multi-territorial licence”, for “more than one member State” substitute “the United Kingdom and at least one member State”.

(3) In regulation 4 (particular obligations of collective management organisations in relation to right holders), in paragraph (a) for “member State” substitute “country”.

(4) In regulation 15(3) (licensing), for “a member State” substitute “the United Kingdom”.

(5) In regulation 22(2) (application), for “Articles 101 and 102 of the Treaty on the Functioning of the European Union” substitute “Part I of the Competition Act 1998”.

(6) In regulation 51 (review) omit paragraph (2).

### **Amendments to the Copyright and Performances (Application to Other Countries) Order 2016**

**33.** In regulation 1 of the Copyright and Performances (Application to Other Countries) Order 2016<sup>(8)</sup> (citation, commencement, interpretation and revocation), in paragraph (2), in the definition of “relevant country”, for “another EEA state” substitute “an EEA state”.

### **Revocation of the Portability of Online Content Services Regulations 2018**

**34.** The Portability of Online Content Services Regulations 2018 are revoked<sup>(9)</sup>.

### **Amendments to the Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018**

**35.** Omit regulation 20(4) of the Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (review)<sup>(10)</sup>.

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<sup>(7)</sup> S.I. 2016/221.

<sup>(8)</sup> S.I. 2016/1219.

<sup>(9)</sup> S.I. 2018/249.

<sup>(10)</sup> S.I. 2018/995.