Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER IX

QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

Extent and application of this Part

157 Countries to which this Part extends.

(1) This Part extends to England and Wales, Scotland and Northern Ireland.

(2) Her Majesty may by Order in Council direct that this Part shall extend, subject to such exceptions and modifications as may be specified in the Order, to—
   (a) any of the Channel Islands,
   (b) the Isle of Man, or
   (c) any colony.

(3) That power includes power to extend, subject to such exceptions and modifications as may be specified in the Order, any Order in Council made under the following provisions of this Chapter.

(4) The legislature of a country to which this Part has been extended may modify or add to the provisions of this Part, in their operation as part of the law of that country, as the legislature may consider necessary to adapt the provisions to the circumstances of that country—
   (a) as regards procedure and remedies, or
   (b) as regards works qualifying for copyright protection by virtue of a connection with that country.

Status: *Point in time view as at 01/12/2016.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Extent and application of this Part. (See end of Document for details)*

(5) Nothing in this section shall be construed as restricting the extent of paragraph 36 of Schedule 1 (transitional provisions: dependent territories where the [M1]Copyright Act 1956 or the [M2]Copyright Act 1911 remains in force) in relation to the law of a dependent territory to which this Part does not extend.

Modifications etc. (not altering text)

C1 S. 157(2)(c) extended (8.4.2010) by Digital Economy Act 2010 (c. 24), **ss. 46(4)**, 47(2)(c)

Marginal Citations

M1 1956 c. 74.

M2 1911 c. 46.

158 Countries ceasing to be colonies.

(1) The following provisions apply where a country to which this Part has been extended ceases to be a colony of the United Kingdom.

(2) As from the date on which it ceases to be a colony it shall cease to be regarded as a country to which this Part extends for the purposes of—

(a) section 160(2)(a) (denial of copyright protection to citizens of countries not giving adequate protection to British works), and

(b) sections 163 and 165 (Crown and Parliamentary copyright).

(3) But it shall continue to be treated as a country to which this Part extends for the purposes of sections 154 to 156 (qualification for copyright protection) until—

(a) an Order in Council is made in respect of that country under section 159 (application of this Part to countries to which it does not extend), or

(b) an Order in Council is made declaring that it shall cease to be so treated by reason of the fact that the provisions of this Part as part of the law of that country have been repealed or amended.

(4) A statutory instrument containing an Order in Council under subsection (3)(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[[F1]159 Application of this Part to countries to which it does not extend

(1) Where a country is a party to the Berne Convention or a member of the World Trade Organisation, this Part, so far as it relates to literary, dramatic, musical and artistic works, films and typographical arrangements of published editions—

(a) applies in relation to a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom,

(b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom, and

(c) applies in relation to a work first published in that country as it applies in relation to a work first published in the United Kingdom.

(2) Where a country is a party to the Rome Convention, this Part, so far as it relates to sound recordings and broadcasts—

(a) applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1), and

(b) applies in relation to a broadcast made from that country as it applies to a broadcast made from the United Kingdom.

(3) Where a country is a party to the WPPT, this Part, so far as relating to sound recordings, applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1).

(4) Her Majesty may by Order in Council—

(a) make provision for the application of this Part to a country by subsection (1), (2) or (3) to be subject to specified restrictions;

(b) make provision for applying this Part, or any of its provisions, to a specified country;

(c) make provision for applying this Part, or any of its provisions, to any country of a specified description;

(d) make provision for the application of legislation to a country under paragraph (b) or (c) to be subject to specified restrictions.

(5) Provision made under subsection (4) may apply generally or in relation to such classes of works, or other classes of case, as are specified.

(6) Her Majesty may not make an Order in Council containing provision under subsection (4)(b) or (c) unless satisfied that provision has been or will be made under the law of the country or countries in question, in respect of the classes to which the provision under subsection (4)(b) or (c) relates, giving adequate protection to the owners of copyright under this Part.

(7) Application under subsection (4)(b) or (c) is in addition to application by subsections (1) to (3).

(8) Provision made under subsection (4)(c) may cover countries that become (or again become) of the specified description after the provision comes into force.

(9) In this section—

"the Berne Convention" means any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9 September 1886;

"the Rome Convention" means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961;

"the WPPT" means the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20 December 1996.

(10) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F1 S. 159 substituted (1.12.2016 for specified purposes, 6.4.2017 in so far as not already in force) by Intellectual Property Act 2014 (c. 18), **ss. 22(4)**, 24(1); S.I. 2016/1139, arts. 2, 3 (with art. 4)

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160 Denial of copyright protection to citizens of countries not giving adequate protection to British works.

(1) If it appears to Her Majesty that the law of a country fails to give adequate protection to British works to which this section applies, or to one or more classes of such works, Her Majesty may make provision by Order in Council in accordance with this section restricting the rights conferred by this Part in relation to works of authors connected with that country.

(2) An Order in Council under this section shall designate the country concerned and provide that, for the purposes specified in the Order, works first published after a date specified in the Order shall not be treated as qualifying for copyright protection by virtue of such publication if at that time the authors are—

(a) citizens or subjects of that country (not domiciled or resident in the United Kingdom or another country to which the relevant provisions of this Part extend), or

(b) bodies incorporated under the law of that country;

and the Order may make such provision for all the purposes of this Part or for such purposes as are specified in the Order, and either generally or in relation to such class of cases as are specified in the Order, having regard to the nature and extent of that failure referred to in subsection (1).

(3) This section applies to literary, dramatic, musical and artistic works, sound recordings and films; and "British works" means works of which the author was a qualifying person at the material time within the meaning of section 154.

(4) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Changes to legislation:
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