



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 4

QUALIFICATION FOR PROTECTION, EXTENT AND INTERPRETATION

^{X1} Qualification for protection and extent

^{X1}[^{F1}206 Qualifying countries, individuals and persons.

(1) In this Part—

“qualifying country” means—

- (a) the United Kingdom,
- ^{F2}(b)
 - [the Channel Islands, the Isle of Man or Gibraltar,] or
 - ^{F3}(ba) [a country which is a party to the Rome Convention,] or
 - ^{F4}(bb) [
- (c) to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection;
 - “qualifying individual” means a citizen or subject of, or an individual resident in, a qualifying country; and
 - “qualifying person” means a qualifying individual or a body corporate or other body having legal personality which—
 - (a) is formed under the law of a part of the United Kingdom or another qualifying country, and
 - (b) has in any qualifying country a place of business at which substantial business activity is carried on.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 206. (See end of Document for details)

- (2) The reference in the definition of “qualifying individual” to a person’s being a citizen or subject of a qualifying country shall be construed—
- (a) in relation to the United Kingdom, as a reference to his being a British citizen, and
 - (b) in relation to a colony of the United Kingdom, as a reference to his being a British Dependent Territories’ citizen by connection with that colony.
- (3) In determining for the purpose of the definition of “qualifying person” whether substantial business activity is carried on at a place of business in any country, no account shall be taken of dealings in goods which are at all material times outside that country.
- [Her Majesty may by Order in Council—
- ^{F5}(4) (a) make provision for the application of this Part to a country by virtue of paragraph (bb) or (c) of the definition of “qualifying country” in subsection (1) to be subject to specified restrictions;
- (b) amend the definition of “qualifying country” in subsection (1) so as to add a country which is not a party to the Rome Convention;
 - (c) make provision for the application of this Part to a country added under paragraph (b) to be subject to specified restrictions.
- (5) 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.]
- [In this section, “the Rome Convention” means the International Convention for the
- ^{F6}(6) Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961.]]

Editorial Information

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

Textual Amendments

- F1** Ss. 206-212 become Pt. 2 Ch. 4 (1.2.2006) by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(7\)](#) (with [reg. 8](#))
- F2** S. 206(1)(b) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), [regs. 1\(2\)](#), [22](#) (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), [regs. 1\(2\)](#), [4](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F3** Words in s. 206(1) inserted (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\(5\)\(b\)](#), [24\(1\)](#); [S.I. 2016/1139](#), [arts. 2, 3](#) (with [art. 4](#))
- F4** Words in s. 206(1) inserted (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\(5\)\(c\)](#), [24\(1\)](#); [S.I. 2016/1139](#), [arts. 2, 3](#) (with [art. 4](#))
- F5** S. 206(4)(5) inserted (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\(6\)](#), [24\(1\)](#); [S.I. 2016/1139](#), [arts. 2, 3](#) (with [art. 4](#))
- F6** S. 206(6) inserted (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\(7\)](#), [24\(1\)](#); [S.I. 2016/1139](#), [arts. 2, 3](#) (with [art. 4](#))

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 206. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 12, **Sch. Pt. 2** (with art. 13)
- C2** Pt. 2 applied (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 11, **Sch. Pt. 2** (with art. 13)
- C3** Pt. 2 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 11, **Sch.** (with art. 13)

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