

1972 No. 673

COPYRIGHT**The Copyright (International Conventions) Order 1972**

Made - - - 28th April 1972

Laid before Parliament 8th May 1972

Coming into Operation 31st May 1972

At the Court at Windsor Castle, the 28th day of April 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

PART I*Citation, commencement and interpretation*

1. This Order may be cited as the Copyright (International Conventions) Order 1972, and shall come into operation on 31st May 1972.

2.—(1) In this Order—

“the Act” means the Copyright Act 1956, as amended by the Design Copyright Act 1968(b) and the Copyright (Amendment) Act 1971(c); and

“material time” means—

- (i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made or, if the making thereof extended over a period, a substantial part of that period;
- (ii) in relation to a published work or subject matter, the time of first publication.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

PART II*Protection for literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions*

3. Subject to the following provisions of this Order the provisions of Parts I and II of the Act (except section 14) and all the other provisions of the Act

(a) 1956 c. 74.
(c) 1971 c. 4.

(b) 1968 c. 68.
(d) 1889 c. 63.

relevant to those Parts, shall in the case of any country mentioned in Schedules 1 or 2 hereto apply—

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that country, as they apply to such works, recordings, films or editions first published in the United Kingdom;
- (b) in relation to persons who, at any material time are citizens or subjects of, or domiciled or resident in, that country, as they apply to persons who at such time, are British subjects or are domiciled or resident in the United Kingdom; and
- (c) in relation to bodies incorporated under the laws of that country, as they apply to bodies incorporated under the laws of any part of the United Kingdom.

4.—(1) Subject to the following provisions of this Article, the relevant provisions of Schedule 7 to the Act shall have effect in relation to any work or other subject-matter in which copyright subsists by virtue of this Part of this Order as if for any references therein to the commencement of the Act or any of its provisions or to the date of the repeal of any provision of the Copyright Act 1911^(a) or of any other enactment there were substituted references to 27th September 1957 (being the date on which the Copyright (International Conventions) Order 1957^(b) came into operation).

(2) Subject to the following provisions of this Article, in the case of any country mentioned in Schedule 2 hereto in relation to which a date is specified in that Schedule—

- (a) paragraph (1) of this Article shall have effect as if, for the reference to 27th September 1957, there were substituted that date (if different); and
- (b) copyright shall not subsist by virtue of this Part of this Order in any work or other subject-matter by reason only of its publication in such a country before the date so specified.

(3) This Article shall not apply—

- (a) in the case of Ghana, Kenya, Malawi, Mauritius, Nigeria or Zambia; or
- (b) to any work or subject-matter first published in the United States of America, if, immediately before 27th September 1957, copyright under the Copyright Act 1911 subsisted in such work or subject-matter by virtue of either an Order in Council dated 9th February 1920, regulating copyright relations with the United States of America^(c), or the Copyright (United States of America) Order 1942^(d), as amended^(e).

5. The acts restricted by section 12 of the Act as applied by this Part of this Order shall not include—

- (a) causing the recording to be heard in public; or
- (b) broadcasting the recording;

except in the case of the countries mentioned in Schedule 3 to this Order.

6. Where any person has before the commencement of this Order incurred any expenditure or liability in connection with the reproduction or perform-

(a) 1911 c. 46.

(c) S.R. & O. 1920/257 (1920 I, p. 286).

(d) S.R. & O. 1942/1579 (Rev. IV, p. 963; 1942 I, p. 87).

(e) See S.I. 1950/1641 (1950 I, p. 399).

(b) S.I. 1957/1523 (1957 I, p. 474).

ance of any work or other subject-matter in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Part of this Order shall diminish or prejudice any right or interest arising from, or in connection with, such action which is subsisting and valuable immediately before the commencement of this Order unless the person who, by virtue of this Part of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

7. Nothing in the provisions of the Act as applied by this Part of this Order shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if such right has ceased before the commencement of this Order.

PART III

Protection in respect of broadcasts

8. The provisions of section 14 of the Act, so far as they relate to sound broadcasts, and all the other provisions of the Act relevant thereto, other than section 40(3), shall apply, in the case of each of the countries mentioned in Schedule 4 to this Order, in relation to sound broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast is made, as they apply in relation to sound broadcasts made from places in the United Kingdom by the British Broadcasting Corporation; so, however, that paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in the said Schedule 4 (being the date on which the provisions of section 14 of the Act so far as they relate to sound broadcasts were first applied in the case of that country).

9. The provisions of section 14 of the Act, so far as they relate to television broadcasts, and all the other provisions of the Act relevant thereto, other than section 37(4), section 40(3) and Schedule 5, shall apply in the case of each of the countries mentioned in Schedule 5 to this Order, in relation to television broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast was made, as they apply in relation to television broadcasts made from places in the United Kingdom by the British Broadcasting Corporation or the Independent Television Authority; so, however, that—

- (a) section 24(3)(c) of the Act shall have effect as if for the reference to the Corporation or the Authority or any organisation appointed by them there were substituted a reference to any owner or prospective owner of copyright in television broadcasts; and
- (b) paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in Schedule 5 to this Order, (being the date on which the provisions of section 14 of the Act so far as they relate to television broadcasts were first applied in the case of that country).

PART IV

Extensions and revocations

10. Parts I and II of this Order shall extend to the countries mentioned in Schedule 6 to this Order subject to the modifications mentioned in that Sched-

ule and Part III shall extend to Gibraltar and Bermuda subject to the modifications mentioned in Schedule 7 to this Order.

11. The Orders mentioned in Schedule 8 to this Order are hereby revoked insofar as they form part of the law of the United Kingdom or any country mentioned in Schedule 6 to this Order.

W. G. Agnew.

SCHEDULE 1

COUNTRIES OF THE BERNE COPYRIGHT UNION

(The countries indicated with an asterisk are also party to the Universal Copyright Convention.)

Argentina*
Australia* (and Papua, New Guinea, Nauru and Norfolk Island)
Austria*
Belgium*
Brazil*
Bulgaria
Cameroon
Canada*
Ceylon
Chad
Chile*
Congo (Peoples' Republic)
Cyprus
Czechoslovakia*
Dahomey
Denmark*
Fiji*
Finland*
France* (and French territories overseas)
Gabon
Federal Republic of Germany (and Land Berlin)*
Greece*
Hungary*
Iceland*
India*
Republic of Ireland*
Israel*
Italy*
Ivory Coast
Japan*
Lebanon*
Liechtenstein*
Luxembourg*
Madagascar
Mali
Malta*
Mexico*
Monaco*
Morocco
Netherlands* (and Surinam and Netherlands Antilles)

New Zealand*
 Niger
 Norway*
 Pakistan*
 Philippines*
 Poland
 Portugal* (including Portuguese provinces overseas)
 Romania
 Senegal
 South Africa (and South West Africa)
 Spain* (and its Colonies)
 Sweden*
 Switzerland*
 Thailand
 Tunisia*
 Turkey
 Uruguay
 Vatican City*
 Yugoslavia*
 Zaire

SCHEDULE 2

COUNTRIES PARTY TO THE UNIVERSAL COPYRIGHT CONVENTION
 BUT NOT MEMBERS OF THE BERNE UNION

Andorra	27th September 1957
Costa Rica	27th September 1957
Cuba	27th September 1957
Ecuador	27th September 1957
Ghana	—
Guatemala	28th October 1964
Haiti	27th September 1958
Kenya	—
Khmer Republic	27th September 1957
Laos	27th September 1957
Liberia	27th September 1957
Malawi	—
Mauritius	—
Nicaragua	16th August 1961
Nigeria	—
Panama	17th October 1962
Paraguay	11th March 1962
Peru	16th October 1963
United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America)	27th September 1957
Venezuela	18th November 1966
Zambia	—

SCHEDULE 3

COUNTRIES IN WHOSE CASE COPYRIGHT IN SOUND RECORDINGS INCLUDES
EXCLUSIVE RIGHT TO PERFORM IN PUBLIC AND TO BROADCAST

Australia
Brazil
Ceylon
Costa Rica
Cyprus
Czechoslovakia
Denmark
Ecuador
Federal Republic of Germany (and Land Berlin)
Fiji
India
Republic of Ireland
Italy
Israel
Mexico
New Zealand
Nigeria
Norway
Pakistan
Paraguay
Spain
Sweden
Switzerland

SCHEDULE 4

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO SOUND BROADCASTS

Brazil	5th November 1965
Congo (Peoples' Republic)	21st May 1964
Costa Rica	19th November 1971
Czechoslovakia	14th August 1964
Denmark	1st July 1965
Ecuador	21st May 1964
Federal Republic of Germany (and Land Berlin)	18th November 1966
Fiji	31st May 1972
Mexico	21st May 1964
Niger	21st May 1964
Paraguay	26th February 1970
Sweden	21st May 1964

SCHEDULE 5

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO TELEVISION
BROADCASTS

Belgium	8th March 1968
Brazil	5th November 1965
Congo (Peoples' Republic)	21st May 1964
Costa Rica	19th November 1971
Cyprus	5th May 1970
Czechoslovakia	14th August 1964
Denmark	1st February 1962
Ecuador	21st May 1964
Federal Republic of Germany (and Land Berlin)	18th November 1966
Fiji	31st May 1972
France	1st July 1961
Mexico	21st May 1964
Niger	21st May 1964
Norway	10th August 1968
Paraguay	26th February 1970
Spain	19th November 1971
Sweden	1st July 1961

SCHEDULE 6

COUNTRIES TO WHICH PARTS I AND II OF THIS ORDER EXTEND

Bahama Islands	11th February 1963
Bermuda	6th December 1962
British Honduras	16th October 1966
Cayman Islands	4th June 1966
Falkland Islands and its Dependencies	10th October 1963
Gibraltar	1st October 1960
Isle of Man	31st May 1959
Montserrat	5th March 1966
Seychelles	10th October 1963
St. Helena and its Dependencies	10th October 1963
Virgin Islands	11th February 1963

Modifications to this Order as extended

1. Article 3 shall have effect as part of the law of any country to which it extends as if for references to the United Kingdom there were substituted references to the country in question.

2. Article 4 shall have effect as part of the law of any country to which it extends as if in paragraphs (1) and (3) there were substituted for "27th September 1957" the date indicated in relation to that country in the preceding provisions of this Schedule (being the date when the Act was first extended to that country).

3. Schedule 2 to this Order shall have effect as part of the law of any such country as if for any date in that Schedule which is earlier than the date mentioned in this Schedule in relation to the relevant country there were substituted that later date.

SCHEDULE 7

MODIFICATIONS OF PART III OF, AND SCHEDULES 4 AND 5 TO, THIS ORDER IN ITS
EXTENSION TO BERMUDA AND GIBRALTAR

1. (a) In Article 8 the words "other than section 40(3)" shall be omitted;
(b) in Article 9 the words "other than section 37(4), section 40(3) and Schedule 5" shall be omitted.
2. Insofar as Part III is part of the Law of Bermuda—
 - (a) in Schedule 4 to this Order, the date mentioned in the second column shall be altered to 23rd August 1969 in the case of every country except Costa Rica, Fiji and Paraguay;
 - (b) in Schedule 5, the names of Belgium, Cyprus, France, Norway and Spain shall be omitted; and
 - (c) the date mentioned in the second column of that Schedule shall be altered to 23rd August 1969 in the case of every country not so omitted except Costa Rica, Fiji and Paraguay.
3. Insofar as Part III is part of the law of Gibraltar—
 - (a) in Schedule 4 to this Order, the date mentioned in the second column shall be altered to 28th October 1966 in the case of every country except Costa Rica, the Federal Republic of Germany (and Land Berlin), Fiji and Paraguay; and
 - (b) in Schedule 5, the date mentioned in the second column shall be altered to 28th October 1966 in the case of every country except Belgium, Costa Rica, Cyprus, the Federal Republic of Germany (and Land Berlin), Fiji, Norway, Paraguay and Spain.

SCHEDULE 8

ORDERS REVOKED

Order	S.I. number and reference
The Copyright (International Conventions) Order 1964	S.I. 1964/690 (1964 II, p. 1319)
The Copyright (International Conventions) (Amendment) Order 1964	S.I. 1964/1194 (1964 II, p. 2773)
The Copyright (International Conventions) (Amendment No. 2) Order 1964	S.I. 1964/1651 (1964 III, p. 3641)
The Copyright (International Conventions) (Amendment) Order 1965	S.I. 1965/1303 (1965 II, p. 3705)
The Copyright (International Conventions) (Amendment No. 2) Order 1965	S.I. 1965/1857 (1965 III, p. 5577)
The Copyright (International Conventions) (Amendment No. 3) Order 1965	S.I. 1965/2159 (1965 III, p. 6327)
The Copyright (International Conventions) (Amendment) Order 1966	S.I. 1966/684 (1966 II, p. 1535)

Order	S.I. number and reference
The Copyright (Gibraltar: Protection of Foreign Broadcasts) Order 1966	S.I. 1966/945 (1966 II, p. 2286)
The Copyright (International Conventions) (Amendment No. 2) Order 1966	S.I. 1966/1185 (1966 III, p. 3171)
The Copyright (International Conventions) (Amendment No. 3) Order 1966	S.I. 1966/1409 (1966 III, p. 3772)
The Copyright (International Conventions) (Amendment) Order 1967	S.I. 1967/877 (1967 II, p. 2617)
The Copyright (International Conventions) (Amendment No. 2) Order 1967	S.I. 1967/1151 (1967 II, p. 3387)
The Copyright (International Conventions) (Amendment) Order 1968	S.I. 1968/1858 (1968 III, p. 4887)
The Copyright (Bermuda: Protection of Foreign Broadcasts) Order 1969	S.I. 1969/743 (1969 II, p. 2027)
The Copyright (International Conventions) (Amendment) Order 1970	S.I. 1970/290 (1970 I, p. 1082)
The Copyright (International Conventions) (Amendment No. 2) Order 1970	S.I. 1970/637 (1970 I, p. 2060)
The Copyright (International Conventions) (Amendment) Order 1971	S.I. 1971/1850 (1971 III, p. 5087)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Orders mentioned in Schedule 8 (being Orders providing for the protection, in the United Kingdom and the countries to which the Copyright Act 1956 has been extended, of works and other subject-matter originating in other countries party to international copyright conventions) and re-enacts the revoked provisions with minor modifications.

The Order also takes account of—

- (a) the accession of Fiji to the Berne Union, the Universal Copyright Convention and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations,
- (b) the confirmation by Mauritius of its adherence to the Universal Copyright Convention and
- (c) the fact that Western Samoa is no longer a member of the Berne Union.

Parts I and II of the Order are extended to the countries named in Schedule 6, being countries in which the Copyright Act 1956 is in force by virtue of Orders in Council made under that Act. In the case of Bermuda and Gibraltar Part III of the Order, which relates exclusively to sound and television broadcasts, is also extended (with modifications).

SI 1972/673
ISBN 0-11-020673-8

