

## STATUTORY INSTRUMENTS

**1985 No. 1777****COPYRIGHT****The Copyright (Taiwan) Order 1985**

<i>Made</i>	- - -	18th November 1985
<i>Laid before Parliament</i>		26th November 1985
<i>Coming into Operation</i>		17th December 1985

At the Court at Buckingham Palace, the 18th day of November 1985.

Present,

The Queen's Most Excellent Majesty in Council.

Whereas Her Majesty is satisfied that, in respect of the matters provided for in this Order, provision has been made under the laws of the territory of Taiwan whereby adequate protection will be given to owners of copyright under the Copyright Act 1956(a):

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred on Her by sections 32 and 47 of the said Act, is pleased to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Copyright (Taiwan) Order 1985 and shall come into operation on 17th December 1985.

(2) In this Order —

“the Act” means the Copyright Act 1956; 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- (i) in relation to an unpublished work or subject matter, the time at which such work or subject matter was made, or, if the making thereof extended over a period, a substantial part of that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; and
- (ii) in relation to a published work or subject matter, the time of first publication.

2. Subject to the following provisions of this Order, the provisions of Parts I and II of the Act (except sections 14 and 14A)(b) and all of the other provisions of the Act relevant to those Parts shall in the case of the territory of Taiwan apply —

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that territory as they apply to such works, recordings, films or editions first published in the United Kingdom;

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(a) 1956 c.74.

(b) Section 14A was added by section 22 of the Cable and Broadcasting Act 1984(c.46).

- (b) in relation to persons who at any material time are citizens or subjects of China, being citizens or subjects who at the same material time are resident or domiciled in the territory of Taiwan, as they apply to persons who at such time are British subjects within the meaning of the Act; and
- (c) in relation to bodies incorporated under the laws of that territory, as they apply to bodies incorporated under the laws of any part of the United Kingdom.

3. 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 Order as if for any references therein to the commencement of the Act or any of its provisions there were substituted references to 10th July 1985; and copyright shall not subsist by virtue of this Order in any work or other subject matter by reason only of its publication in the territory of Taiwan before that date.

4. The acts restricted by section 2(5)(f) of the Act as applied by this Order shall not include making a translation of the work.

5. Where any person has before the commencement of this Order incurred any expenditure or liability in connection with the reproduction or performance 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 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 Order becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

*G. I. de Deney,*  
Clerk of the Privy Council.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the copyright protection in the United Kingdom of works and other subject matter originating in the territory of Taiwan.



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