

1988 No. 1855

COPYRIGHT

**The Copyright (International Conventions)
(Amendment No. 3) Order 1988**

<i>Made - - - -</i>	<i>26th October 1988</i>
<i>Laid before Parliament</i>	<i>3rd November 1988</i>
<i>Coming into force</i>	<i>24th November 1988</i>

At the Court at Buckingham Palace, the 26th day of October 1988

Present,

The Queen's Most Excellent Majesty in Council

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

1. This Order may be cited as the Copyright (International Conventions) (Amendment No. 3) Order 1988 and shall come into force on 24th November 1988.

2. The Copyright (International Conventions) Order 1979(b) shall be amended as follows:

- (a) in Article 4(3)(a) (which names the countries in respect of which Article 4 does not apply) there shall be included a reference to St. Vincent and the Grenadines;
- (b) in Schedule 2 (which names the countries party to the Universal Copyright Convention but not members of the Berne Copyright Union)—
 - (i) there shall be included a reference to St. Vincent and the Grenadines, and
 - (ii) the dates indicated in relation to Algeria and El Salvador shall be amended to 28th August 1973 and 29th March 1979 respectively;
- (c) in Schedule 3 (which names countries in the case of which copyright in sound recordings includes exclusive right to perform in public and to broadcast) there shall be included references to Burkina, the People's Republic of Congo, the Dominican Republic, Luxembourg, Monaco, Niger and Peru;
- (d) in each of Schedules 4 and 5 (which name countries of which the broadcasting organisations have copyright protection in relation to sound and television broadcasts respectively)—
 - (i) there shall be included references to Burkina, the Dominican Republic, Monaco and Peru with related references respectively to 14th January 1988, 27th January 1987, 6th December 1985 and 7th August 1985, and
 - (ii) the date indicated in relation to each of the countries set out in the first column of Schedule 1 to this Order shall be amended to the date set against the name of that country in the second column of that Schedule;

(a) 1956 c.74.

(b) S.I. 1979/1715; the relevant amending instrument is S.I. 1987/2060.

- (e) in Schedule 4, the dates indicated in relation to Norway and Sweden shall be amended to 10th July 1978 and 18th May 1964 respectively;
- (f) in paragraph 2 of Schedule 7 (which modifies Schedules 4 and 5 in their extension to Bermuda), for subparagraphs (b) and (c) there shall be substituted the following:
 “(b) in Schedule 5, the names of Belgium, Cyprus and Spain shall be omitted;
 and
 (c) the date mentioned in the second column in the said Schedule 5 shall be altered to:—
 (i) 23rd August 1969, in relation to Brazil, Congo (People’s Republic), Czechoslovakia, Denmark, Ecuador, Federal Republic of Germany (and Berlin (West)), Mexico, Niger and Sweden;
 (ii) 23rd August 1978, in relation to Norway;
 (iii) 3rd July 1987, in relation to France”; and
- (g) in paragraph 3 of Schedule 7 (which modifies Schedules 4 and 5 in their extension to Gibraltar) there shall be included in each of subparagraphs (a) and (b) a reference to the Federal Republic of Germany (and Berlin (West)).

3. 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.

4.—(1) This Order, except for paragraphs (d), (e), (f) and (g) of Article 2, shall extend to the countries mentioned in Schedule 2 to this Order.

(2) Paragraphs (d) and (e) of Article 2 shall extend to Bermuda and Gibraltar; paragraph (f) shall extend to Bermuda; and paragraph (g) shall extend to Gibraltar.

G. I. de Deney
 Clerk of the Privy Council

SCHEDULE 1

Article 2(d)

AMENDED DATES FOR SCHEDULES 4 AND 5 TO THE 1979 ORDER

Austria	9th June 1973
Brazil	29th September 1965
Congo (People’s Republic)	18th May 1964
Costa Rica	9th September 1971
Ecuador	18th May 1964
El Salvador	29th June 1979
Federal Republic of Germany (and Berlin (West))	21st October 1966
Fiji	11th April 1972
Republic of Ireland	19th September 1979
Luxembourg	25th February 1976
Mexico	18th May 1964
Niger	18th May 1964
Uruguay	4th July 1977

COUNTRIES TO WHICH THIS ORDER EXTENDS

Bermuda
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Gibraltar
Hong Kong
Isle of Man
Montserrat
South Georgia and the South Sandwich Islands
St. Helena
St. Helena Dependencies (Ascension, Tristan da Cunha)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Copyright (International Conventions) Order 1979 to take account of—

- (a) the accession of St. Vincent and the Grenadines to the Universal Copyright Convention (Cmnd. 4905), and
- (b) the accession of Burkina, the Dominican Republic, Monaco and Peru to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (“the Rome Convention”) (Cmnd. 2425).

The Order also adds the People’s Republic of Congo, Luxembourg and Niger to the list of countries which, as parties to the Rome Convention, enjoy protection for sound recordings against unauthorised public performance and broadcasting. Those countries are already party to the Rome Convention.

The Order also amends the dates relating to Algeria and El Salvador in respect of the Universal Copyright Convention and Austria, Brazil, the People’s Republic of Congo, Costa Rica, Ecuador, El Salvador, the Federal Republic of Germany (and Berlin (West)), Fiji, the Republic of Ireland, Luxembourg, Mexico, Niger, Norway, Sweden and Uruguay in respect of the Rome Convention, so as to accord more precisely with the obligations of the United Kingdom under those Conventions. The amendment in respect of the Federal Republic of Germany is reflected in a consequential amendment to the application of the 1979 Order to Gibraltar.

The Order also further modifies the application of the 1979 Order to Bermuda to take account of France and Norway being party to the Rome Convention.

Article 3 provides for the protection of contrary rights acquired before commencement of this Order.

Article 4 extends the Order to the dependent territories of the United Kingdom to which the 1979 Order now extends.

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