
STATUTORY INSTRUMENTS

1989 No. 1293

The Copyright (Application to Other Countries) (No. 2) Order 1989

4.—(1) In relation to broadcasts, sections 153, 154 and 156 of the Act (qualification for copyright protection) apply in relation to—

- (a) persons who are citizens or subjects of a country specified in Schedule 3 to this Order or are domiciled or resident there as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom;
- (b) bodies incorporated under the law of such a country as they apply in relation to bodies incorporated under the law of a part of the United Kingdom; and
- (c) broadcasts made from such a country as they apply to broadcasts made from the United Kingdom;

but subject to paragraphs (2) and (3) and article 5 below.

(2) If the only country or countries relevant to a broadcast for the purposes of paragraph (1) above are identified in Schedule 3 to this Order by the words“TV only”, copyright subsists in the broadcast only if it is a television broadcast.

(3) Copyright does not subsist in a broadcast by virtue of paragraph (1) above if it was made before the relevant date.

(4) Where copyright subsists in a broadcast by virtue of paragraph (1) above, the whole of Part I of the Act (including Schedule 1 to the Act) applies in relation to the broadcast, save that for the purposes of section 14(2) (duration of copyright in repeats)—

- (a) a broadcast shall be disregarded if it was made before the relevant date, and
- (b) a cable programme shall be disregarded if it was included in a cable programme service before the later of the relevant date and 1st January 1985;

and subject also to article 7 below.

(5) For the purposes of paragraphs (3) and (4) above, the“relevant date” is the date or (as the case may be) the earliest of the dates specified in Schedule 3 to this Order in respect of the country or countries relevant to the broadcast for the purposes of paragraph (1) above, being (where different dates are specified for television and non-television broadcasts) the date appropriate to the type of broadcast in question.

(6) In respect of Singapore, this article applies in relation to cable programmes as it applies in relation to broadcasts, subject to article 5 below.