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STATUTORY INSTRUMENTS

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**1995 No. 2990**

**RIGHTS IN PERFORMANCES**

**The Performances (Reciprocal Protection)  
(Convention Countries) Order 1995**

<i>Made</i>	- - - -	<i>23rd November 1995</i>
<i>Laid before Parliament</i>		<i>24th November 1995</i>
<i>Coming into force</i>		
<i>Articles 1, 2(a) and 4</i>		<i>15th December 1995</i>
<i>Articles 2(b) and 3</i>		<i>1st January 1996</i>

At the Court at Buckingham Palace, the 23rd day of November 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the authority conferred upon Her by section 208(1)(a) of the Copyright, Designs and Patents Act 1988(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

1.—(1) This Order may be cited as the Performances (Reciprocal Protection) (Convention Countries) Order 1995 and articles 1, 2(a) and 4 shall come into force on 15th December 1995 and articles 2(b) and 3 shall come into force on 1st January 1996.

(2) In this Order—

“the Act” means the Copyright, Designs and Patents Act 1988.

2. The countries specified in:

- (a) Part 1, and
- (b) subject to article 3 below, Part 2,

of the Schedule to this Order are designated as enjoying reciprocal protection under Part II of the Copyright, Designs and Patents Act 1988 (rights in performances).

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3. In the application of Part II of the Act by virtue of article 2(b) above in relation to those countries specified in Part 2 of the Schedule to this Order, that Part shall apply only to the extent that it confers rights on a performer in respect of:

- (a) the making of—
  - (i) a sound recording directly from a live performance of his;
  - (ii) a copy of that sound recording; and
- (b) the broadcast live, or the inclusion live in a cable programme service, of a performance of his.

4. The Performances (Reciprocal Protection) (Convention Countries) Order 1994<sup>(2)</sup> is hereby revoked.

*N. H. Nicholls,*  
Clerk of the Privy Council

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(2) S.I. 1994/264.

## SCHEDULE

Article 2

(Article 2(a))

### Part 1

Argentina  
Australia  
Austria  
Barbados  
Bolivia  
Brazil  
Bulgaria  
Burkina Faso  
Chile  
Colombia  
Congo  
Costa Rica  
Czech Republic  
Denmark (including Greenland and the Faeroe Islands)  
Dominican Republic  
Ecuador  
El Salvador  
Fiji  
Finland  
France (including all Overseas Departments and Territories)  
Germany  
Greece  
Guatemala  
Honduras  
Hungary  
Iceland  
Ireland, Republic of  
Italy  
Jamaica  
Japan  
Lesotho  
Luxembourg  
Mexico  
Moldova  
Monaco

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Netherlands  
Niger  
Nigeria  
Norway  
Panama  
Paraguay  
Peru  
Philippines  
Slovak Republic  
Spain  
Sweden  
Switzerland  
Uruguay  
(Articles 2(b) and 3)

## Part 2

Antigua and Barbuda  
Bahrain  
Bangladesh  
Belgium  
Belize  
Botswana  
Brunei Darussalam  
Burundi  
Canada  
Central African Republic  
Côte D'Ivoire  
Cuba  
Cyprus  
Djibouti  
Dominica  
Egypt  
Gabon  
Ghana  
Guinea  
Guinea-Bissau  
Guyana  
Hong Kong  
India

Indonesia  
Israel  
Kenya  
Korea, Republic of  
Kuwait  
Liechtenstein  
Macau  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Mauritania  
Mauritius  
Morocco  
Mozambique  
Myanmar  
Namibia  
New Zealand  
Nicaragua  
Pakistan  
Poland  
Portugal  
Romania  
Saint Lucia  
Saint Vincent and the Grenadines  
Senegal  
Sierra Leone  
Singapore  
Slovenia  
South Africa  
Sri Lanka  
Suriname  
Swaziland  
Tanzania  
Thailand  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey

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Uganda  
United States  
Venezuela  
Zambia  
Zimbabwe

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Performances (Reciprocal Protection) (Convention Countries) Order 1994 (S.I.1994/264) designated certain countries, all parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (the Rome Convention) (Cmnd. 2425), as enjoying reciprocal protection under Part II of the Copyright, Designs and Patents Act 1988 (rights in performances).

Bulgaria, Hungary, Iceland, Jamaica and Moldova have become parties to the Rome Convention since the making of the 1994 Order. This Order revokes and replaces the 1994 Order to include those countries in the list of designated countries.

The Order also makes provision consequent upon the entry into force for the United Kingdom of the Agreement Establishing the World Trade Organisation (Cm. 2556-59, 2561-69, 2571-74) and the more limited reciprocal obligations in respect of rights in performances arising therefrom under the Agreement on Trade-Related Aspects of Intellectual Property Rights which are to take effect on 1st January 1996.