
STATUTORY INSTRUMENTS

1995 No. 3297

**The Duration of Copyright and Rights
in Performances Regulations 1995**

Part II

Amendments of the Copyright, Designs and Patents Act 1988

Copyright

Meaning of country of origin

8.—(1) In Chapter I of Part I (subsistence, ownership and duration of copyright), after section 15 insert—

“Meaning of country of origin.

15A.—(1) For the purposes of the provisions of this Part relating to the duration of copyright the country of origin of a work shall be determined as follows.

(2) If the work is first published in a Berne Convention country and is not simultaneously published elsewhere, the country of origin is that country.

(3) If the work is first published simultaneously in two or more countries only one of which is a Berne Convention country, the country of origin is that country.

(4) If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then—

- (a) if any of those countries is an EEA state, the country of origin is that country; and
- (b) if none of those countries is an EEA state, the country of origin is the Berne Convention country which grants the shorter or shortest period of copyright protection.

(5) If the work is unpublished or is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is—

- (a) if the work is a film and the maker of the film has his headquarters in, or is domiciled or resident in a Berne Convention country, that country;
- (b) if the work is—
 - (i) a work of architecture constructed in a Berne Convention country, or
 - (ii) an artistic work incorporated in a building or other structure situated in a Berne Convention country,that country;
- (c) in any other case, the country of which the author of the work is a national.

(6) In this section—

- (a) a “Berne Convention country” means a country which is a party to any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9th September 1886; and
- (b) references to simultaneous publication are to publication within 30 days of first publication.”.

(2) In section 179 (index of defined expressions: Part I), at the appropriate place insert—

“country of origin

section 15A.”
