
STATUTORY INSTRUMENTS

2012 No. 799

**The Copyright and Performances
(Application to Other Countries) Order 2012**

Introductory

1.—(1) This Order may be cited as the Copyright and Performances (Application to Other Countries) Order 2012 and shall come into force on 6th April 2012.

(2) In this Order—

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

“Berne Convention” means the Convention for the Protection of Literary and Artistic Works adopted in Berne in 1886 and its revisions⁽¹⁾;

“Part I” means Part I of the Act (copyright);

“Part II” means Part II of the Act (rights in performances);

“relevant country” means, in relation to the works referred to in article 2(1), each country listed in the first column of the Table and in relation to the works referred to in article 2(2) to (4), each country listed in the first column of the Table corresponding to an entry in the second to fourth columns of the Table;

“relevant declaration under the Rome Convention” means a declaration under Article 16 of the Rome Convention (which allows for reservations) by a country party to the Rome Convention that it will not apply the provisions of Article 12 (which provides for payment of a single equitable remuneration for secondary uses of phonograms);

“relevant declaration under the WPPT” means a declaration under Article 15(3) of the WPPT by a country party to the WPPT that it will apply the provisions of Article 15(1) of the WPPT (which confers on performers and producers of phonograms a right to remuneration for broadcasting and communication to the public) only in respect of certain uses, or that it will limit their application in some other way, or that it will not apply these provisions at all;

“Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 6th October 1961⁽²⁾;

“Table” means the table set out in the Schedule;

“WPPT” means the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20th December 1996⁽³⁾; and

“WTO TRIPS” means the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights) signed in Marakesh on 15th April 1994⁽⁴⁾.

(1) Cm. 1212.

(2) Cmnd. 2425.

(3) Cm. 3728.

(4) Cm. 3044-6, 3077-80, 3263-5, 3268-9, 3271, 3275-7 and 3282. The Agreement on Trade-Related Aspects of Intellectual Property Rights is published in Cm. 3046.

(3) The Copyright and Performances (Application to Other Countries) Order 2008⁽⁵⁾ and the Copyright and Performances (Application to Other Countries) (Amendment) Order 2009⁽⁶⁾ are revoked.

⁽⁵⁾ S.I. 2008/677.
⁽⁶⁾ S.I. 2009/2745.