

STATUTORY INSTRUMENTS

2016 No. 1219

The Copyright and Performances (Application to Other Countries) Order 2016

PART 3

SOUND RECORDINGS

Restricted application of section 159(3) in relation to certain sound recordings

3.—(1) The application of Part 1 of the Act by virtue of section 159(3) (countries that are parties to the WPPT [^{F1}: sound recordings]) is subject to the [^{F2}restriction] set out in paragraph (2).

(2) Where a country is a party to the WPPT but not the Rome Convention^{M1}, Part 1 of the Act applies except that—

(a) section 18A (infringement by rental or lending of work to the public)^{M2} does not apply in so far as it relates to lending;

^{F3}(b)

^{F4}(c)

Textual Amendments

- F1** Words in [art. 3\(1\)](#) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Copyright and Performances \(Application to Other Countries\) \(Amendment\) Order 2024 \(S.I. 2024/193\)](#), arts. 1(2), [4\(a\)\(i\)](#)
- F2** Word in [art. 3\(1\)](#) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Copyright and Performances \(Application to Other Countries\) \(Amendment\) Order 2024 \(S.I. 2024/193\)](#), arts. 1(2), [4\(a\)\(ii\)](#)
- F3** [Art. 3\(2\)\(b\)](#) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [The Copyright and Performances \(Application to Other Countries\) \(Amendment\) Order 2024 \(S.I. 2024/193\)](#), arts. 1(2), [4\(b\)](#)
- F4** [Art. 3\(2\)\(c\)](#) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [The Copyright and Performances \(Application to Other Countries\) \(Amendment\) Order 2024 \(S.I. 2024/193\)](#), arts. 1(2), [4\(b\)](#)

Marginal Citations

- M1** Cm.2425; “Rome Convention” is defined in section 159(9) of the Copyright, Designs and Patents Act 1988.
- M2** [Section 18A](#) was inserted by regulation 10(2) of the [Copyright and Related Rights Regulations 1996 \(S.I. 1996/2967\)](#) and subsequently amended by paragraph 6(2) of Schedule 1 to the [Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#).

Sound recordings – application of Part 1 of the Act – parties to the Berne Convention and WTO Members

- 4.—(1) This article applies to a relevant country that—
- (a) is not a party to the Rome Convention or the WPPT; and
 - (b) satisfies either or both of the following criteria—
 - (i) the country is a party to the Berne Convention ^{M3}; and
 - (ii) the country is a member of the WTO.
- (2) Where this article applies to a country, Part 1 of the Act so far as it relates to sound recordings—
- (a) applies in relation to a person who is a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom,
 - (b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom, and
 - (c) applies in relation to a sound recording first published in that country as it applies in relation to a sound recording first published the United Kingdom,
- (but see paragraph (3)).
- (3) The application of Part 1 of the Act by virtue of paragraph (2) is subject to the following modifications—
- (a) section 18A (infringement by rental or lending of work to the public) does not apply in so far as it relates to lending;
 - (b) the following provisions do not apply—
 - (i) section 19 (infringement by showing or playing of work in public) ^{M4};
 - (ii) section 20 (infringement by communication to the public);
 - (iii) section 26 (secondary infringement: provision of apparatus for infringing performance, &c); and
 - (iv) section 107(2A) and (3) (criminal liability for communicating to the public or playing sound recording) ^{M5}.

Marginal Citations

- M3** Cm. 1212; “Berne Convention” is defined in section 159(9) of the Copyright, Designs and Patents Act 1988.
- M4** [Section 19](#) was amended by paragraph 3(1) of Schedule 1 to the Copyright and Related Rights Regulations 2003.
- M5** [Section 107\(2A\)](#) was inserted by regulations 3 and 26(1)(a) of the Copyright and Related Rights Regulations 2003 and section 107(3) was amended by paragraph 9(2) of Schedule 1 to those Regulations.

Sound recordings – application of Part 1 of the Act – miscellaneous countries

- 5.—(1) This article applies to the countries listed in Part 1 of the Schedule to this Order.
- (2) Where this article applies to a country, Part 1 of the Act so far as it relates to sound recordings—

- (a) applies in relation to a person who is a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom;
- (b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom; and
- (c) applies in relation to a sound recording first published in that country as it applies in relation to a sound recording first published in the United Kingdom.

Changes to legislation:

There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, PART 3.