

2023 No. 296

COPYRIGHT

RIGHTS IN PERFORMANCES

The Copyright and Performances (Application to Other Countries) (Amendment) Order 2023

<i>Made</i>	- - - -	<i>8th March 2023</i>
<i>Laid before Parliament</i>		<i>15th March 2023</i>
<i>Coming into force</i>		<i>15th April 2023</i>

At the Court at Buckingham Palace, the 8th day of March 2023

Present,

The King's Most Excellent Majesty in Council

His Majesty, by and with the advice of His Privy Council, in exercise of the powers conferred on Him by sections 159 and 208 of the Copyright, Designs and Patents Act 1988(a) ("the Act") makes the following Order.

His Majesty is satisfied that, to the extent that this Order relates to a country that is not—

- (a) in relation to copyright, a country party to the Berne Convention(b) or to the World Intellectual Property Organisation Performances and Phonograms Treaty(c) or a member of the World Trade Organisation, or
- (b) in relation to copyright and performances, a country party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations(d) or otherwise a Convention country(e),

provision has been or will be made under the law of that country giving adequate protection to the owners of copyright under Part 1, and to the owners of rights in respect of British performances(f) under Part 2, of the Act.

(a) 1988 c. 48; section 159 was substituted and section 208 was amended by section 22 of the Intellectual Property Act 2014 c. 18.
(b) Cm.1212; "Berne Convention" is defined in section 159(9) of the Copyright, Designs and Patents Act 1988; section 159 of that Act was substituted by section 22(4) of the Intellectual Property Act 2014.
(c) Cm.3728.
(d) Cm.2425.
(e) "Convention country" is defined in section 208(2) of the Copyright, Designs and Patents Act 1988.
(f) "British performance" is defined in section 208(3) of the Copyright, Designs and Patents Act 1988.

Citation and commencement

1. This Order may be cited as the Copyright and Performances (Application to Other Countries) (Amendment) Order 2023 and comes into force on 15th April 2023.

Amendment of the Copyright and Performances (Application to Other Countries) Order 2016

2.—(1) The Copyright and Performances (Application to Other Countries) Order 2016(a) is amended as follows.

(2) In article 8 (application to broadcasts of Part 1 of the Act under section 159(4) – miscellaneous countries)(b)—

(a) for paragraph (1), substitute—

“(1) This paragraph applies to a member State, Indonesia, Singapore, South Korea, Ukraine, Norway, Iceland, Liechtenstein, Australia and New Zealand.”;

(b) for paragraph (2), substitute—

“(2) This paragraph applies to a member State, Hong Kong, Indonesia, Malawi, Malaysia, Singapore and New Zealand.”.

(3) In Part 2 of the Schedule (application of Part 2 of the Act under articles 11 and 12 of the 2016 Order– countries which are not parties to the Rome Convention)(c), in the table, in the row relating to Uganda, in the right-hand column, for “12” substitute “11”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Copyright, Designs and Patents Act 1988 (“the Act”) confers the protection of copyright on the creators of certain works (“Part 1 protections”). It applies to works originating from certain countries and is applied by the Copyright and Performances (Application to Other Countries) Order 2016 (“the 2016 Order”), made under powers conferred by the Act, to works originating from certain other countries. Part 2 of the Act confers the protection of rights on performers and persons having recording rights in relation to a performance (“Part 2 protections”). It applies to performances connected with certain countries and is also applied by the 2016 Order to performances connected with certain other countries.

This Order amends the 2016 Order as follows. Article 2(2) amends article 8 of the 2016 Order to provide for the application of Part 1 protections to wired broadcasts relating to Australia and both wired and wireless broadcasts relating to New Zealand. Article 2(3) amends the list in the 2016 Order of countries which are not parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations but have become parties to the World Intellectual Property Organisation Performance and Phonograms Treaty (WPPT) to which certain Part 2 protections apply in accordance with article 11 of the 2016 Order. This change reflects the recent accession of Uganda to the WPPT.

(a) S.I. 2016/1219 amended by S.I. 2021/636 and S.I. 2021/1258.

(b) Part 1 of the Copyright, Designs and Patents Act 1988 makes provision in relation to copyright. Article 8 of the Copyright and Performances (Application to Other Countries) Order 2016 applies Part 1 to broadcasts in relation to the countries listed and in the manner set out in the article.

(c) Part 2 of the Copyright, Designs and Patents Act 1988 makes provision in relation to performances. Article 11 applies provisions of Part 2 to certain countries which are party to the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20th December 1996. Article 12 applies with modifications provisions of Part 2 to certain countries which are members of the World Trade Organisation.

No impact assessment has been produced for this instrument as no significant impact on the private or voluntary sector is foreseen. An explanatory memorandum is available alongside this instrument on the Legislation UK website at www.legislation.gov.uk.

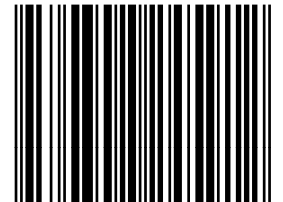
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