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STATUTORY INSTRUMENTS

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**2003 No. 773**

**RIGHTS IN PERFORMANCES**

**The Performances (Reciprocal Protection)  
(Convention Countries and Isle of Man) Order 2003**

<i>Made</i>	- - - -	<i>20th March 2003</i>
<i>Laid before Parliament</i>		<i>1st April 2003</i>
<i>Coming into force</i>	- -	<i>22nd April 2003</i>

At the Court at Buckingham Palace, the 20th day of March 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that provision has been or will be made giving adequate protection for British performances under the law of the Isle of Man,

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

**1.**—(1) This Order may be cited as the Performances (Reciprocal Protection) (Convention Countries and Isle of Man) Order 2003 and shall come into force on 22nd April 2003.

(2) In this Order “the Act” means the Copyright, Designs and Patents Act 1988.

**2.** The countries specified in—

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

of the Schedule to this Order are designated as enjoying reciprocal protection under Part II of the Act (rights in performances).

**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 3 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—

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- (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 1999<sup>(2)</sup> is hereby revoked.

*A. K. Galloway,*  
Clerk of the Privy Council

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<sup>(2)</sup> S.I. 1999/1752.

## SCHEDULE

Article 2

### Part 1

(Article 2(a))

Isle of Man.

### Part 2

(Article 2(a))

Albania  
Argentina  
Armenia  
Australia  
Barbados  
Bolivia  
Brazil  
Bulgaria  
Burkina Faso  
Canada  
Cape Verde  
Chile  
Colombia  
Congo  
Costa Rica  
Croatia  
Czech Republic  
Dominica  
Dominican Republic  
Ecuador  
El Salvador  
Estonia  
Faeroe Islands  
Fiji  
Greenland  
Guatemala  
Honduras  
Hungary  
Iceland  
Israel

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Jamaica  
Japan  
Latvia  
Lebanon  
Lesotho  
Liechtenstein  
Lithuania  
Macedonia  
Mexico  
Moldova  
Monaco  
Nicaragua  
Niger  
Nigeria  
Norway  
Panama  
Paraguay  
Peru  
Philippines  
Poland  
Romania  
Saint Lucia  
Slovak Republic  
Slovenia  
Switzerland  
Ukraine  
Uruguay  
Venezuela

### Part 3 (Articles 2(b) and (3))

Antigua and Barbuda  
Angola  
Bahrain  
Bangladesh  
Belize  
Benin  
Botswana  
Brunei Darussalam

Burundi  
Cameroon  
Central African Republic  
Chad  
China  
Cote D'Ivoire  
Cuba  
Cyprus  
Democratic Republic of Congo  
Djibouti  
Egypt  
Gabon  
Gambia  
Georgia  
Ghana  
Grenada  
Guinea  
Guinea-Bissau  
Guyana  
Haiti  
Hong Kong  
India  
Indonesia  
Jordan  
Kenya  
Korea, Republic of  
Kuwait  
Kyrgyz Republic  
Macau  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Mauritania  
Mauritius  
Mongolia  
Morocco  
Mozambique

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Myanmar  
Namibia  
New Zealand  
Oman  
Pakistan  
Papua New Guinea  
Qatar  
Rwanda  
Saint Kitts and Nevis  
Saint Vincent and the Grenadines  
Senegal  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
Suriname  
Swaziland  
Taiwan  
Tanzania  
Thailand  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda  
United Arab Emirates  
United States of America  
Zambia  
Zimbabwe.

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## EXPLANATORY NOTE

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

Part II of the Copyright, Designs and Patents Act 1988 (rights in performances) (1988 c. 48) (“the Act”) confers rights on performers and persons having recording rights in relation to a performance.

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A performance is a qualifying performance for the purposes of Part II of the Act if it is given by a qualifying individual or takes place in a qualifying country. In Part II of the Act “qualifying country” means the United Kingdom, another member State of the European Community or, to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection.

This Order revokes and replaces the Performances (Reciprocal Protection) (Convention Countries) Order 1999 (S.I.1999/1752) (“the 1999 Order”).

The 1999 Order designated certain countries, which are parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425) (“the Rome Convention”), as enjoying reciprocal protection under Part II of the Act. Albania, Armenia, Croatia, Dominica, Estonia, Israel, Latvia, Liechtenstein, Lithuania, Nicaragua and Ukraine have become parties to the Rome Convention since the making of the 1999 Order. This Order revokes and replaces the 1999 Order to include those countries in the list of designated countries in Part 2 of the Schedule.

The 1999 Order also designated certain countries, which are parties to the Agreement Establishing the World Trade Organisation (Cmnd. 2556–59, 2561–69, 2571–74) including the Agreement on Trade-Related Aspects of Intellectual Property Rights (“the WTO Agreement”), as enjoying the more limited reciprocal obligations in respect of rights in performances arising therefrom. China, Georgia, Jordan, Oman and Taiwan have become parties to the WTO Agreement since the making of the 1999 Order. This Order revokes and replaces the 1999 Order to include those countries in the list of designated countries in Part 3 of the Schedule.

This Order also designates the Isle of Man as enjoying reciprocal protection under Part II of the Act.