PART II

RIGHTS IN PERFORMANCES

CHAPTER 4

QUALIFICATION FOR PROTECTION, EXTENT AND INTERPRETATION

Qualification for protection and extent

Qualifying countries, individuals and persons.

(1) In this Part—

“qualifying country” means—

(a) the United Kingdom,

(b) another EEA state,]

[ the Channel Islands, the Isle of Man or Gibraltar,] or

(ba) a country which is a party to the Rome Convention,] or

(bb) to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection;

“qualifying individual” means a citizen or subject of, or an individual resident in, a qualifying country; and

“qualifying person” means a qualifying individual or a body corporate or other body having legal personality which—

(a) is formed under the law of a part of the United Kingdom or another qualifying country, and

(b) has in any qualifying country a place of business at which substantial business activity is carried on.
(2) The reference in the definition of “qualifying individual” to a person’s being a citizen or subject of a qualifying country shall be construed—
   (a) in relation to the United Kingdom, as a reference to his being a British citizen, and
   (b) in relation to a colony of the United Kingdom, as a reference to his being a British Dependent Territories’ citizen by connection with that colony.

(3) In determining for the purpose of the definition of “qualifying person” whether substantial business activity is carried on at a place of business in any country, no account shall be taken of dealings in goods which are at all material times outside that country.

(4) Her Majesty may by Order in Council—
   (a) make provision for the application of this Part to a country by virtue of paragraph (bb) or (c) of the definition of “qualifying country” in subsection (1) to be subject to specified restrictions;
   (b) amend the definition of “qualifying country” in subsection (1) so as to add a country which is not a party to the Rome Convention;
   (c) make provision for the application of this Part to a country added under paragraph (b) to be subject to specified restrictions.

(5) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

[In this section, “the Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961.]
Copyright, Designs and Patents Act 1988 (c. 48)
Part II – Rights in performances
Chapter 4 – QUALIFICATION FOR PROTECTION, EXTENT AND INTERPRETATION

Changes to legislation: Copyright, Designs and Patents Act 1988, Section 206 is up to date with all changes known to be in force on or before 17 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

C1  Pt. 2 applied (with modifications) (6.4.2017) by The Copyright and Performances (Application to Other Countries) Order 2016 (S.I. 2016/1219), arts. 1(1), 12, Sch. Pt. 2 (with art. 13)

C2  Pt. 2 applied (with modifications) (6.4.2017) by The Copyright and Performances (Application to Other Countries) Order 2016 (S.I. 2016/1219), arts. 1(1), 11, Sch. Pt. 2 (with art. 13)

C3  Pt. 2 applied (with modifications) (6.4.2017) by The Copyright and Performances (Application to Other Countries) Order 2016 (S.I. 2016/1219), arts. 1(1), 10 (with art. 13)
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| Changes and effects yet to be applied to the whole Act associated Parts and Chapters: |
| Whole provisions yet to be inserted into this Act (including any effects on those provisions): |
| s. 182B(3A) inserted by S.I. 2019/265 reg. 4(4)(c) |
| s. 206(1)(b) omitted by S.I. 2019/605 reg. 22 |
| s. 249(1A) inserted by 2007 c. 15 s. 143(3)(b) (Amendment not applied: 2007 c. 15, s. 143 was repealed (6.4.2015) by Intellectual Property Act 2014 (c. 18), ss. 10(11), 24(1); S.I. 2015/165, art. 3) |