

STATUTORY INSTRUMENTS

**1995 No. 3297**

**The Duration of Copyright and Rights  
in Performances Regulations 1995**

**Part III**

**Savings and transitional provisions**

*Supplementary*

**Construction of references to EEA states**

**36.**—(1) For the purpose of the new provisions relating to the term of copyright protection applicable to a work of which the country of origin is not an EEA state and of which the author is not a national of an EEA state—

- (a) a work first published before 1st July 1995 shall be treated as published in an EEA state if it was on that date regarded under the law of the United Kingdom or [<sup>F1</sup>an EEA state] as having been published in that state;
- (b) an unpublished film made before 1st July 1995 shall be treated as originating in an EEA state if it was on that date regarded under the law of the United Kingdom or [<sup>F1</sup>an EEA state] as a film whose maker had his headquarters in, or was domiciled or resident in, that state; and
- (c) the author of a work made before 1st July 1995 shall be treated as an EEA national if he was on that date regarded under the law of the United Kingdom or [<sup>F1</sup>an EEA state] as a national of that state.

The references above to the law of [<sup>F1</sup>an EEA state] are to the law of that state having effect for the purposes of rights corresponding to those provided for in Part I of the 1988 Act.

(2) For the purposes of the new provisions relating to the term of protection applicable to a performance where the performer is not a national of an EEA state, the performer of a performance given before 1st July 1995 shall be treated as an EEA national if he was on that date regarded under the law of the United Kingdom or [<sup>F2</sup>an EEA state] as a national of that state.

The reference above to the law of [<sup>F2</sup>an EEA state] is to the law of that state having effect for the purposes of rights corresponding to those provided for in Part II of the 1988 Act.

<sup>F3</sup>(3) .....

**F1** Words in reg. 36(1) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **26(4)(a)** (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

**F2** Words in reg. 36(2) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **26(4)(a)** (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** There are currently no known outstanding effects for the The Duration of Copyright and Rights in Performances Regulations 1995, Section 36. (See end of Document for details)

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**F3** Reg. 36(3) omitted (31.12.2020) by virtue of The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/605), regs. 1(2), **26(4)(b)** (with reg. 38) (as amended by S.I. 2020/1050, regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Duration of Copyright and Rights in Performances Regulations 1995, Section 36.