
EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies or continues to apply the provisions of Part I of, and Schedule 1 to, the Copyright, Designs and Patents Act 1988 to works of different types originating in the countries specified in the Schedules to the Order, with the effect that those works receive or continue to receive copyright protection in the United Kingdom. The Order revokes and replaces the Copyright (Application to Other Countries) Order 1993 and its amending Orders (article 8).

Article 2 provides protection for literary, dramatic, musical and artistic works, films and published editions originating in any country in Schedule 1. All of those countries are parties to the Berne Copyright Convention (Cmnd. 5002), and/or to the Universal Copyright Convention (Cmnd. 4905) and/or to the Agreement establishing the World Trade Organisation (Cmnd. 2556–59), (including the Agreement on Trade-Related Aspects of Intellectual Property Rights (Cmnd. 2561–69, 2571–74)) and/or are member States of the European Community; or otherwise give adequate protection under their laws; the countries in respect of which a date is specified are countries whose works do not enjoy copyright protection in the United Kingdom where published in those countries before that date. Protection is excluded for literary, dramatic, musical and artistic works first published in a non-Schedule country before 1st June 1957 or, if the author was not a qualifying person at the time of publication, before 1st August 1989. Typeface designs are excluded.

Article 3 provides protection for sound recordings originating in any country in Schedule 1. The protection extends to playing in public or broadcasting only if the country of origin of the recording is in Schedule 2 (parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425), member States of the European Community and countries otherwise giving adequate protection).

Article 4 provides protection for broadcasts originating in any country in Schedule 3. These countries are parties to the Rome Convention or to the European Agreement on the Protection of Television Broadcasts (Cmnd. 1163) and/or to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights) and/or are member States of the European Community or otherwise give adequate protection under their laws. Protection does not extend to broadcasts made before the specified dates. The protection for Singapore, Indonesia and member States of the European Community also extends to cable programmes (article 4(5) and Schedule 4).

Article 5 modifies the Order in respect of the member States of the European Community, Cyprus, Indonesia, Singapore and the territory of Taiwan.

Article 6 preserves existing qualifications and article 7 preserves contrary acquired rights.

This Order clarifies the position with regard to member States of the European Community and, further, takes account of the accession of—

- (i) Azerbaijan, Belarus, Cape Verde, Equatorial Guinea, Grenada, Haiti, Mongolia and Panama to the Berne Copyright Convention; and
- (ii) Angola, Benin, Cameroon, Chad, Democratic Republic of the Congo, Gambia, Grenada, Haiti, Kyrgyz Republic, Latvia, Madagascar, Mongolia, Papua New Guinea, Qatar, Rwanda, St Kitts and Nevis, Solomon Islands and United Arab Emirates to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights); and

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- (iii) Canada, Cape Verde, Lebanon, Macedonia, Poland, Romania, Saint Lucia, Slovenia and Venezuela to the International (Rome) Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.