

---

## 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. 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.