
STATUTORY INSTRUMENTS

2005 No. 852

**COPYRIGHT
RIGHTS IN PERFORMANCES**

**The Copyright and Performances
(Application to Other Countries) Order 2005**

Made - - - - 22nd March 2005
Laid before Parliament 4th April 2005
Coming into force - - 1st May 2005

At the Court at Buckingham Palace, the 22nd day of March 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty is satisfied that provision has been or will be made giving adequate protection for British performances and to the owners of British copyright works under the laws of the Isle of Man and for British performances under the laws of Gibraltar.

Her Majesty is further satisfied that provision has been or will be made giving adequate protection to the owners of the copyright in British sound recordings and wireless broadcasts under the laws of Indonesia and Malaysia and to the owners of the copyright in British sound recordings under the laws of Bangladesh, Botswana, Gabon, Georgia, Ghana, Guinea, India, Jordan, Kazakhstan, Mali, Mongolia, New Zealand, Pakistan, Senegal, Taiwan, Thailand and the United States of America.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 159 and 208 of the Copyright, Designs and Patents Act 1988⁽¹⁾ and by section 2(2) of the European Communities Act 1972⁽²⁾, is pleased to order, and it is hereby ordered as follows:

Introductory

1.—(1) This Order may be cited as the Copyright and Performances (Application to Other Countries) Order 2005 and shall come into force on 1st May 2005.

(1) 1988 c. 48, section 159 was amended by regulation 2(2) of, and Schedule 2 to, the Copyright and Related Rights Regulations 2003 (SI 2003/2498).
(2) 1972 c. 68.

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

Literary, dramatic, musical and artistic works, films and the typographical arrangement of published editions

2.—(1) All the provisions of Part 1 of the Act, insofar as they relate to literary, dramatic, musical and artistic works, films and the typographical arrangement of published editions, apply in relation to the countries indicated in the second column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to works first published in those countries as they apply in relation to works first published in the United Kingdom,

subject to paragraph (2).

(2) Where a literary, dramatic, musical or artistic work was first published before 1st June 1957 it shall not qualify for copyright protection by reason of section 154 (qualification by reference to author).

Sound recordings

3.—(1) Except for the provisions listed in paragraph (2)(a), all the provisions of Part 1 of the Act, insofar as they relate to sound recordings, apply in relation to the countries indicated in the third column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to works first published in those countries as they apply in relation to works first published in the United Kingdom.

(2) Where in the third column of the table set out in the Schedule the entry for a country—

- (a) includes an asterisk (*), the following provisions of Part 1 of the Act, insofar as they relate to sound recordings, also apply to that country—
 - (i) section 18A (infringement by rental or lending of work to the public)(3) in so far as it applies to lending;
 - (ii) section 19 (infringement by playing of work in public)(4);
 - (iii) section 20 (infringement by communication to the public)(5);
 - (iv) section 26 (secondary infringement: provision of apparatus for infringing performance, &c); and

(3) Section 18A of the Act was inserted by regulation 10(2) of the Copyright and Related Rights Regulations 1996 (SI 1996/2967).

(4) Section 19 of the Act was amended by regulation 2(1) of, and paragraph 3(1) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.

(5) Section 20 of the Act was substituted by regulation 6(1) of the Copyright and Related Rights Regulations 2003.

- (v) section 107(2A) and (3) (criminal liability for communicating to the public or playing a sound recording)(6);
- (b) includes a hash (#), the following provisions of Part 1 of the Act, insofar as they relate to sound recordings, also apply to that country—
 - (i) section 20 (infringement by communication to the public), except that references to communication to the public do not include the broadcasting of a sound recording; and
 - (ii) section 107(2A) (criminal liability for communicating to the public), except that it does not apply in relation to the broadcasting of a sound recording.

Wireless broadcasts

4.—(1) Except for the provisions listed in paragraph (2), all the provisions of Part 1 of the Act, insofar as they relate to wireless broadcasts, apply in relation to the countries indicated in the fourth column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to broadcasts made from those countries as they apply in relation to broadcasts made from the United Kingdom,

subject to paragraphs (3) to (5).

(2) The following provisions of Part 1 of the Act, insofar as they relate to wireless broadcasts, also apply in relation to a country where its entry in the fourth column of the table set out in the Schedule does not include an asterisk (*)—

- (a) section 18A (infringement by rental or lending of work to the public);
- (b) section 19 (infringement by showing or playing of work in public), but only insofar as it relates to broadcasts other than television broadcasts;
- (c) section 20 (infringement by communication to the public), except in relation to broadcasting by wireless telegraphy;
- (d) section 26 (secondary infringement: provision of apparatus for infringing performance, &c), but only insofar as it relates to broadcasts other than television broadcasts;
- (e) section 107(2A) (criminal liability for communicating to the public), except in relation to broadcasting by wireless telegraphy.

(3) The provisions of Part 1 of the Act do not apply in relation to a wireless broadcast made from a place in a country, referred to in paragraph (4), before the relevant date.

(4) The relevant date in relation to a country—

- (a) where its entry in the fourth column of the table set out in the Schedule includes an “(X)”, is 1st June 1957;
- (b) where its entry in the fourth column of the table set out in the Schedule includes a “(Y)”, is 1st January 1996; or
- (c) where there is a date next to its entry in the fourth column of the table set out in the Schedule, is that date.

(6) Section 107(2A) of the Act was inserted by regulation 26(1)(a) of the Copyright and Related Rights Regulations 2003 and section 107(3) of the Act was amended by regulation 2(1) of, and paragraph 9(2) of Schedule 1 to, those Regulations.

(5) For the purposes of section 14(5) of the Act (duration of copyright in repeats)(7) any wireless broadcast which does not qualify for copyright protection shall be disregarded.

Other broadcasts

5. All the provisions of Part 1 of the Act, insofar as they relate to broadcasts (other than wireless broadcasts), apply in relation to the countries indicated in the fifth column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to broadcasts made from those countries as they apply in relation to broadcasts made from the United Kingdom.

Performances

6.—(1) The countries in respect of which the word “designated” is included in the sixth column of the table set out in the Schedule are designated as enjoying reciprocal protection under Part 2 of the Act.

(2) The countries in respect of which the word “deemed” is included in the sixth column of the table set out in the Schedule shall be treated as if they were designated as enjoying reciprocal protection under Part 2 of the Act, except that—

- (a) in that Part the term “recording” shall be construed as applying only to sound recordings (and not to films);
- (b) the following provisions of Part 2 of the Act shall not apply—
 - (i) section 182C (consent required for rental or lending of copies to public), insofar as it relates to lending(8);
 - (ii) section 182D (right to equitable remuneration for exploitation of sound recording);
 - (iii) section 183 (infringement of performer’s rights by use of recording made without consent);
 - (iv) sections 185 to 188 (rights of person having recording rights);
 - (v) section 198(2) (criminal liability for playing or communicating to the public); and
- (c) where in the sixth column of the table set out in the Schedule the entry for a country includes an asterisk (*), the following provisions of Part 2 of the Act shall also not apply—
 - (i) section 182CA (consent required for making available to the public)(9);
 - (ii) section 198(1A) (criminal liability for making available to the public).

Savings

7.—(1) For the purposes of this article an act is an “excluded act” where—

- (a) a person (A) has incurred any expenditure or liability in connection with the act; and

(7) Section 14 of the Act was substituted by regulation 7(1) of the Duration of Copyright and Rights in Performances Regulations 1995 (SI 1995/3297) and it was subsequently amended by regulation 2(2) of, and Schedule 2 to, the Copyright and Related Rights Regulations 2003.

(8) Sections 182B to 182D were inserted by regulation 20(2) of the Copyright and Related Rights Regulations 1996.

(9) Section 182CA and section 198(1A) of the Act were inserted by regulations 7(1) and 26(3) of the Copyright and Related Rights Regulations 2003 respectively.

(b) he—

(i) began in good faith to do the act, or

(ii) made in good faith effective and serious preparations to do the act, at a time when the act neither infringed nor was restricted by the relevant rights in the work or performance.

(2) Where another person (B) acquires those relevant rights pursuant to this Order, A has the right —

(a) to continue to do the excluded act, or

(b) to do the excluded act,

notwithstanding that the excluded act infringes or is restricted by those relevant rights.

(3) Where B, or his exclusive licensee, pays reasonable compensation to A paragraph (2) no longer applies.

(4) Where—

(a) B offers to pay compensation to A under paragraph (3); but

(b) A and B cannot agree on what compensation is reasonable,

either person may refer the matter to arbitration.

(5) In this article “relevant rights” means copyright, the rights conferred by Chapter 4 of Part 1 of the Act and the rights conferred by Part 2 of the Act.

Revocations

8. The following Orders are revoked—

(a) the Copyright (Application to the Isle of Man) Order 1992(**10**);

(b) the Copyright (Application to Other Countries) Order 1999(**11**);

(c) the Performances (Reciprocal Protection) (Convention Countries and Isle of Man) Order 2003(**12**);

(d) the Copyright (Application to Other Countries)(Amendment) Order 2003(**13**).

K Galloway
Clerk of the Privy Council

(10) [SI 1992/1313](#).

(11) [SI 1999/1751](#).

(12) [SI 2003/773](#).

(13) [SI 2003/774](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Articles 2 to 6

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|---|---|---|--|---|-------------------------------------|
| Albania | Applies | Applies (*) | Applies (1st September 2000) | | Designated |
| Algeria | Applies | Applies | | | |
| Andorra | Applies | Applies (*) | Applies (25th May 2004) | | Designated |
| Angola | Applies | Applies | Applies (*) (23rd November 1996) | | Deemed (*) |
| Antigua and Barbuda | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Argentina | Applies | Applies (*) | Applies (2nd March 1992) | | Designated |
| Armenia | Applies | Applies (*) | Applies (31st January 2003) | | Designated |
| Australia (including Norfolk Island) | Applies | Applies (*) | Applies (30th September 1992) | | Designated |
| Austria | Applies | Applies (*) | Applies (X) | Applies | |
| Azerbaijan | Applies | Applies | | | |
| Bahamas | Applies | Applies | | | |
| Bahrain | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Bangladesh | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|---------------------------|---|---|--|---|-------------------------------------|
| Barbados | Applies | Applies (*) | Applies (18th September 1983) | | Designated |
| Belarus | Applies | Applies (*) | Applies (27th May 2003) | | Designated |
| Belgium | Applies | Applies (*) | Applies (X) | Applies | |
| Belize | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Benin | Applies | Applies | Applies (*) (22nd February 1996) | | Deemed (*) |
| Bhutan | Applies | Applies | | | |
| Bolivia | Applies | Applies (*) | Applies (24th November 1993) | | Designated |
| Bosnia and Herzegovina | Applies | Applies | | | |
| Botswana | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Brazil | Applies | Applies (*) | Applies (29th September 1965) | | Designated |
| Brunei Darussalam | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Bulgaria | Applies | Applies (*) | Applies (31st August 1995) | | Designated |
| Burkina Faso | Applies | Applies (*) | Applies | | Designated |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--------------------------------|---|---|--|---|-------------------------------------|
| | | | (14th January 1988) | | |
| Burundi | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Cambodia | Applies | Applies | Applies (*) (13th October 2004) | | Deemed (*) |
| Cameroon | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Canada | Applies | Applies (*) | Applies (Y) | | Designated |
| Cape Verde | Applies | Applies (*) | Applies | | Designated |
| | | | (3rd July 1997) | | |
| Central African Republic | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Chad | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (19th October 1996) | | |
| Chile | Applies | Applies (*) | Applies | | Designated |
| | | | (5th September 1974) | | |
| China | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (11th December 2001) | | |
| Columbia | Applies | Applies (*) | Applies | | Designated |
| | | | (17th September 1976) | | |
| Comoros | Applies | Applies | | | |
| Congo | Applies | Applies (*) | Applies | | Designated |

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--|---|---|--|---|-------------------------------------|
| | | | (18th May 1964) | | |
| Costa Rica | Applies | Applies (*) | Applies | | Designated |
| | | | (9th September 1971) | | |
| Cote d'Ivoire | Applies | Applies | Applies *(Y) | | Deemed (*) |
| Croatia | Applies | Applies (*) | Applies | | Designated |
| | | | (20th April 2000) | | |
| Cuba | Applies | Applies | Applies *(Y) | | Deemed (*) |
| Cyprus | Applies | Applies (*) | Applies (X) | Applies | |
| Czech Republic | Applies | Applies (*) | Applies (X) | Applies | |
| Democratic Republic of the Congo | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (1st January 1997) | | |
| Denmark | Applies | Applies (*) | Applies (X) | Applies | |
| Djibouti | Applies | Applies | Applies *(Y) | | Deemed (*) |
| Dominica | Applies | Applies (*) | Applies (Y) | | Designated |
| Dominican Republic | Applies | Applies (*) | Applies | | Designated |
| | | | (27th January 1987) | | |
| Ecuador | Applies | Applies (*) | Applies | | Designated |
| | | | (18th May 1964) | | |
| Egypt | Applies | Applies | Applies *(Y) | | Deemed (*) |
| El Salvador | Applies | Applies (*) | Applies | | Designated |
| | | | (29th June 1979) | | |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--|---|---|--|---|-------------------------------------|
| Equatorial Guinea | Applies | Applies | | | |
| Estonia | Applies | Applies (*) | Applies (X) | Applies | |
| Faeroe Islands | Applies | Applies | Applies (1st February 1962) | | Designated |
| Fiji | Applies | Applies (*) | Applies (11th April 1972) | | Designated |
| Finland | Applies | Applies (*) | Applies (X) | Applies | |
| France (including Overseas Departments and Territories) | Applies | Applies (*) | Applies (X) | Applies | |
| Gabon | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Gambia | Applies | Applies | Applies (*) (23rd October 1996) | | Deemed (*) |
| Georgia | Applies | Applies (#) | Applies (*) (14th June 2000) | | Deemed |
| Germany | Applies | Applies (*) | Applies (X) | Applies | |
| Ghana | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |
| Gibraltar(14) | | | | | Designated |
| Greece | Applies | Applies (*) | Applies (X) | Applies | |
| Greenland | Applies | Applies | Applies (1st February 1962) | | Designated |

(14) Part 1 of the Act will extend to Gibraltar by reason of the Copyright (Gibraltar) Order 2005 (SI 2005/853).

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|----------------|---|---|--|---|-------------------------------------|
| Grenada | Applies | Applies | Applies (*) (22nd February 1996) | | Deemed (*) |
| Guatemala | Applies | Applies (*) | Applies (14th January 1977) | | Designated |
| Guinea | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Guinea-Bissau | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Guyana | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Haiti | Applies | Applies | Applies (*) (30th January 1996) | | Deemed (*) |
| Holy See | Applies | Applies | | | |
| Honduras | Applies | Applies (*) | Applies (16th February 1990) | | Designated |
| Hong Kong | Applies | Applies (*) | Applies (X) | | Deemed (*) |
| Hungary | Applies | Applies (*) | Applies (X) | Applies | |
| Iceland | Applies | Applies (*) | Applies (X) | Applies | Designated |
| India | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |
| Indonesia | Applies | Applies (*) | Applies (X) | Applies | Deemed |
| Ireland | Applies | Applies (*) | Applies (X) | Applies | |
| Isle of Man | Applies | Applies (*) | Applies (X) | Applies | Designated |
| Israel | Applies | Applies (*) | Applies (Y) | | Designated |
| Italy | Applies | Applies (*) | Applies (X) | Applies | |
| Jamaica | Applies | Applies (*) | Applies (27th January 1994) | | Designated |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|---|---|---|--|---|-------------------------------------|
| Japan | Applies | Applies (*) | Applies (26th October 1989) | | Designated |
| Jordan | Applies | Applies (#) | Applies (*) (11th April 2000) | | Deemed |
| Kazakhstan | Applies | Applies (#) | | | Deemed |
| Kenya | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Korea, Democratic People's Republic of | Applies | Applies | | | |
| Korea, Republic of | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Kuwait | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Kyrgyzstan | Applies | Applies (*) | Applies (20th December 1998) | | Designated |
| Lao People's Democratic Republic | Applies | Applies | | | |
| Latvia | Applies | Applies (*) | Applies (X) | Applies | |
| Lebanon | Applies | Applies (*) | Applies (12th August 1997) | | Designated |
| Lesotho | Applies | Applies (*) | Applies (26th January 1990) | | Designated |
| Liberia | Applies | Applies | | | |
| Libyan Arab Jamahiriya | Applies | Applies | | | |

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|---|---|---|--|---|-------------------------------------|
| Liechtenstein | Applies | Applies (*) | Applies (X) | Applies | Designated |
| Lithuania | Applies | Applies (*) | Applies (X) | Applies | |
| Luxembourg | Applies | Applies (*) | Applies (X) | Applies | |
| Macao | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Macedonia, The Former Yugoslav Republic of | Applies | Applies (*) | Applies (2nd March 1998) | | Designated |
| Madagascar | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Malawi | Applies | Applies (*) | Applies (22nd June 1989) | | Deemed (*) |
| Malaysia | Applies | Applies (*) | Applies (X) | | Deemed (*) |
| Maldives | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Mali | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Malta | Applies | Applies (*) | Applies (X) | Applies | |
| Mauritania | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Mauritius | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Mexico | Applies | Applies (*) | Applies (18th May 1964) | | Designated |
| Micronesia, Federated States of | Applies | Applies | | | |
| Moldova, Republic of | Applies | Applies (*) | Applies (5th December 1995) | | Designated |
| Monaco | Applies | Applies (*) | Applies (6th December 1985) | | Designated |
| Mongolia | Applies | Applies (#) | Applies (*) | | Deemed |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--------------------------------------|---|---|--|---|-------------------------------------|
| | | | (29th January 1997) | | |
| Morocco | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Mozambique | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Myanmar | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Namibia | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Nepal | Applies | Applies | Applies (*) (23rd April 2004) | | Deemed (*) |
| Netherlands | Applies | Applies (*) | Applies (X) | Applies | |
| Netherlands Antilles and Aruba | Applies | Applies | Applies (*) (Y) | | Deemed |
| New Zealand | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |
| Nicaragua | Applies | Applies (*) | Applies (Y) | | Designated |
| Niger | Applies | Applies (*) | Applies | | Designated |
| | | | (18th May 1964) | | |
| Nigeria | Applies | Applies (*) | Applies | | Designated |
| | | | (29th October 1993) | | |
| Norway | Applies | Applies (*) | Applies (X) | Applies | Designated |
| Oman | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (9th November 2000) | | |
| Pakistan | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |
| Panama | Applies | Applies (*) | Applies (2nd September 1983) | | Designated |
| Papua New Guinea | Applies | Applies | Applies (*) | | Deemed (*) |

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--------------------------|---|---|--|---|-------------------------------------|
| | | | (9th June 1996) | | |
| Paraguay | Applies | Applies (*) | Applies | | Designated |
| | | | (26th February 1970) | | |
| Peru | Applies | Applies (*) | Applies | | Designated |
| | | | (7th August 1985) | | |
| Philippines | Applies | Applies (*) | Applies | | Designated |
| | | | (25th September 1984) | | |
| Poland | Applies | Applies (*) | Applies (X) | Applies | |
| Portugal | Applies | Applies (*) | Applies (X) | Applies | |
| Qatar | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (13th January 1996) | | |
| Romania | Applies | Applies (*) | Applies (Y) | | Designated |
| Russian Federation | Applies | Applies (*) | Applies | | Designated |
| | | | (26th May 2003) | | |
| Rwanda | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (22nd May 1996) | | |
| Saint Kitts and Nevis | Applies | Applies | Applies (*) | | Deemed (*) |
| | | | (21st February 1996) | | |
| Saint Lucia | Applies | Applies (*) | Applies (Y) | | Designated |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|----------------------------------|---|---|--|---|-------------------------------------|
| Saint Vincent and the Grenadines | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Saudi Arabia | Applies | Applies | | | |
| Senegal | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Serbia and Montenegro | Applies | Applies (*) | Applies (10th June 2003) | | Designated |
| Sierra Leone | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Singapore | Applies | Applies (#) | Applies (X) | Applies | Deemed |
| Slovak Republic | Applies | Applies (*) | Applies (X) | Applies | |
| Slovenia | Applies | Applies (*) | Applies (X) | Applies | |
| Solomon Islands | Applies | Applies | Applies (*) (26th July 1996) | | Deemed (*) |
| South Africa | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Spain | Applies | Applies (*) | Applies (X) | Applies | |
| Sri Lanka | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Sudan | Applies | Applies | | | |
| Suriname | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Swaziland | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Sweden | Applies | Applies (*) | Applies (X) | Applies | |
| Switzerland | Applies | Applies (*) | Applies (X) | Applies | Designated |
| Syrian Arab Republic | Applies | Applies | | | |
| Taiwan | Applies | Applies (*) | Applies (*) (1st January 2002) | | Deemed (*) |
| Tajikistan | Applies | Applies | | | |

| <i>Country</i> | <i>Article 2 (literary, dramatic, musical and artistic works, films and typographical arrangements)</i> | <i>Article 3 (sound recordings)</i> | <i>Article 4 (wireless broadcasts)</i> | <i>Article 5 (other broadcasts)</i> | <i>Article 6 (performances)</i> |
|--|---|---|--|---|-------------------------------------|
| Tanzania, United Republic of | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Thailand | Applies | Applies (*) | Applies (*) (Y) | | Deemed (*) |
| Togo | Applies | Applies (*) | Applies (Y) | | Designated |
| Tonga | Applies | Applies | | | |
| Trinidad and Tobago | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Tunisia | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Turkey | Applies | Applies (*) | Applies (Y) | | Designated |
| Uganda | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Ukraine | Applies | Applies (*) | Applies | | Designated |
| | | | (12th June 2002) | | |
| United Arab Emirates | Applies | Applies (*) | Applies | | Designated |
| | | | (10th April 1996) | | |
| United States of America (including Puerto Rico and all territories and possessions) | Applies | Applies (#) | Applies (*) (Y) | | Deemed |
| Uruguay | Applies | Applies (*) | Applies | | Designated |
| | | | (4th July 1977) | | |
| Uzbekistan | Applies | Applies | | | |
| Venezuela | Applies | Applies (*) | Applies (Y) | | Designated |
| Viet Nam | Applies | Applies | | | |
| Zambia | Applies | Applies | Applies (*) (Y) | | Deemed (*) |
| Zimbabwe | Applies | Applies | Applies (*) (Y) | | Deemed (*) |

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Copyright, Designs and Patents Act 1988 (“the Act”) confers copyright on the creators of certain works. Part 2 of the Act confers rights on performers and persons having recording rights in relation to a performance. The purpose of this Order is to apply Part 1 of the Act to works originating from other countries and to confer on certain countries reciprocal protection under Part 2 of the Act. In this Order the term “country” includes territories, by reason of sections 178 and 211 of the Act.

By reason of section 153(3) of the Act this Order will not affect works in which copyright already subsists. Further, by reason of paragraph 35 of Schedule 1 to the Act, any work in which copyright subsisted under the Copyright Act 1956 (c. 74) is deemed to satisfy the requirements of qualification for copyright protection.

Article 2 qualifies literary, dramatic, musical and artistic works, films and typographical arrangements of published editions for copyright protection where they are connected to the countries indicated in the second column in the Schedule. All of those countries are parties to the Berne Copyright Convention (Cmnd. 5002), to the Universal Copyright Convention (Cmnd. 4905) 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)) or are member States of the European Community or the European Free Trade Agreement; or otherwise give adequate protection under their laws.

Article 3 qualifies sound recordings for copyright protection where they are connected to the countries indicated in the third column of the Schedule. The protection extends to lending, playing in public or broadcasting if the country of origin is marked by an asterisk. All such countries are parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425) (“the Rome Convention”) or are member States of the European Community or the European Free Trade Agreement; or otherwise give adequate protection under their laws.

Different protection is given to those countries marked by a hash. All such countries are parties to the World Intellectual Property Organisation (WIPO) Performances and Phonograms Treaty (Cmnd. 3736) (“the WPPT”), but not parties to the Rome Convention. The United Kingdom has not ratified the WPPT, but it has agreed to ratify it along with the European Community and with the other member States in accordance with Council Decision [2000/278/EC](#) (O.J. No L 89, 11.4.2000, p. 6). Protection is therefore accorded to contracting parties in anticipation of ratification on the basis that upon ratification those countries will provide protection under their laws.

Article 4 qualifies wireless broadcasts for copyright protection where they are connected to the countries indicated in the fourth column of the Schedule. These countries are parties to the Rome Convention or are member States of the European Community or the European Free Trade Agreement; or otherwise give adequate protection under their laws.

Those countries marked by an asterisk, which receive more limited protection, are parties to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights), but not to the Rome Convention. Protection does not extend to wireless broadcasts made before the specified dates. By reason of paragraph 9(a) of Schedule 1 to the Act, protection never extends to such broadcasts made before 1st June 1957.

Article 5 qualifies broadcasts (other than wireless broadcasts) for copyright protection where they are connected to the countries indicated in the fifth column of the Schedule. These countries are

member States of the European Community or the European Free Trade Agreement or otherwise give adequate protection under their laws. By reason of paragraph 9(b) of Schedule 1 to the Act, protection does not extend to such broadcasts made before 1st January 1985.

Article 6(1) grants reciprocal protection to certain countries in respect of their performers and persons having recording rights. These countries are parties to the Rome Convention.

Article 6(2) applies where it is not possible to grant reciprocal protection, but the United Kingdom is obliged to grant limited protection to performers, by reason of both it and the European Community being party to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights). All such countries are marked with an asterisk.

This article also grants reciprocal protection to certain countries (those not marked with an asterisk) for the making available of a performance, by reason of the United Kingdom's and the European Community's undertaking to become a party to of the WPPT.

Article 7 is a savings provision.

This Order uses powers given by the Act and by the European Communities Act 1972 to implement various Community obligations of the United Kingdom. The powers under the Act are also used to implement certain other international obligations.

This Order consolidates, and updates, those Orders revoked by *article 8*.