
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations makes the necessary amendments to the Copyright, Designs and Patents Act 1988 (“the 1988 Act”) to enable the United Kingdom to ratify the WIPO Performers and Phonograms Treaty (Cm 3728). This Treaty was specified by the European Communities (Definition of Treaties) (WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty) Order 2005 ([SI 2005/3431](#)) to be a Community Treaty as defined in section 1(2) of the European Communities Act 1972.

These Regulations create two new moral rights for performers of qualifying performances. The first right (granted by section 205C) is the right to be identified as the performer, the second right (granted by section 205F) is the right to object to derogatory treatment. Exceptions to these rights are set out in section 205E and 205G respectively.

These Regulations divide up Part 2 of the 1988 Act into four chapters and make a number of minor amendments.