
STATUTORY INSTRUMENTS

2016 No. 1219

**The Copyright and Performances
(Application to Other Countries) Order 2016**

PART 3

SOUND RECORDINGS

Sound recordings – application of Part 1 of the Act – parties to the Berne Convention and WTO Members

4.—(1) This article applies to a relevant country that—

- (a) is not a party to the Rome Convention or the WPPT; and
- (b) satisfies either or both of the following criteria—
 - (i) the country is a party to the Berne Convention ^{M1}; and
 - (ii) the country is a member of the WTO.

(2) Where this article applies to a country, Part 1 of the Act so far as it relates to sound recordings—

- (a) applies in relation to a person who is a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom,
- (b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom, and
- (c) applies in relation to a sound recording first published in that country as it applies in relation to a sound recording first published the United Kingdom,

(but see paragraph (3)).

(3) The application of Part 1 of the Act by virtue of paragraph (2) is subject to the following modifications—

- (a) section 18A (infringement by rental or lending of work to the public) does not apply in so far as it relates to lending;
- (b) the following provisions do not apply—
 - (i) section 19 (infringement by showing or playing of work in public) ^{M2};
 - (ii) section 20 (infringement by communication to the public);
 - (iii) section 26 (secondary infringement: provision of apparatus for infringing performance, &c); and
 - (iv) section 107(2A) and (3) (criminal liability for communicating to the public or playing sound recording) ^{M3}.

Changes to legislation: There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 4. (See end of Document for details)

Marginal Citations

- M1** Cm. 1212; “Berne Convention” is defined in section 159(9) of the Copyright, Designs and Patents Act 1988.
- M2** [Section 19](#) was amended by paragraph 3(1) of Schedule 1 to the Copyright and Related Rights Regulations 2003.
- M3** [Section 107\(2A\)](#) was inserted by regulations 3 and 26(1)(a) of the Copyright and Related Rights Regulations 2003 and section 107(3) was amended by paragraph 9(2) of Schedule 1 to those Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 4.