
STATUTORY INSTRUMENTS

2016 No. 1219

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

PART 4

BROADCASTS

Application of Part 1 of the Act under section 159(4) – WTO members

7.—(1) This article applies to a relevant country that is a member of the WTO but not a party to the Rome Convention.

(2) Where this article applies to a relevant country, Part 1 of the Act applies to a wireless broadcast in relation to that country in the manner set out in paragraph (4) subject to 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 of work to the public) does not apply;
- (b) section 19 (infringement by showing or playing the work in public) only applies in relation to television broadcasts;
- (c) section 20 (infringement by communication to the public) only applies in relation to broadcasting by wireless telegraphy;
- (d) section 26 (secondary infringement: provision of apparatus for infringing performance, &c) does not apply in so far as it relates to television broadcasts;
- (e) section 107(2A) (criminal liability for communicating to the public) only applies in relation to broadcasting by wireless telegraphy; and
- (f) Part 1 of the Act only applies to a broadcast made on or after 1st January 1996 or, if later, the date on which the relevant country became a member of the WTO.

(4) Part 1 of the Act applies in relation to—

- (a) a person who is a citizen or subject of a relevant 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) a body incorporated under the law of a relevant country as it applies in relation to a body incorporated under the law of a part of the United Kingdom; and
- (c) a wireless broadcast made from that country as it applies in relation to a wireless broadcast made from the United Kingdom.