



1995 No. 2990 RIGHTS IN PERFORMANCES

The Performances (Reciprocal Protection) (Convention Countries)
Order 1995

<i>Made</i>	<i>23rd November 1995</i>
<i>Laid before Parliament</i>	<i>24th November 1995</i>
<i>Coming into force</i>	
<i>Articles 1, 2(a) and 4</i>	<i>15th December 1995</i>
<i>Articles 2(b) and 3</i>	<i>1st January 1996</i>

At the Court at Buckingham Palace, the 23rd day of November 1995
Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the authority conferred upon Her by section 208(1)(a) of the Copyright, Designs and Patents Act 1988¹, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

1.—

(1) This Order may be cited as the Performances (Reciprocal Protection) (Convention Countries) Order 1995 and articles 1, 2(a) and 4 shall come into force on 15th December 1995 and articles 2(b) and 3 shall come into force on 1st January 1996.

(2) In this Order—

“the Act” means the Copyright, Designs and Patents Act 1988.

2. The countries specified in:

- (a) Part 1, and
- (b) subject to article 3 below, Part 2,

of the Schedule to this Order are designated as enjoying reciprocal protection under Part II of the Copyright, Designs and Patents Act 1988 (rights in performances).

3. In the application of Part II of the Act by virtue of article 2(b) above in relation to those countries specified in Part 2 of the Schedule to this Order, that Part shall apply only to the extent that it confers rights on a performer in respect of:

- (a) the making of—
 - (i) a sound recording directly from a live performance of his;
 - (ii) a copy of that sound recording; and
- (b) the broadcast live, or the inclusion live in a cable programme service, of a performance of his.

4. The Performances (Reciprocal Protection) (Convention Countries) Order 1994² is hereby revoked.

N. H. Nicholls,
Clerk of the Privy Council

¹1988 c.48

²S.I. 1994/264.



SCHEDULE

Part 1 (Article 2(a))

Argentina
Australia
Austria
Barbados
Bolivia
Brazil
Bulgaria
Burkina Faso
Chile
Colombia
Congo
Costa Rica
Czech Republic
Denmark (including Greenland and the Faeroe Islands)
Dominican Republic
Ecuador
El Salvador
Fiji
Finland
France (including all Overseas Departments and Territories)
Germany
Greece
Guatemala
Honduras
Hungary
Iceland
Ireland, Republic of
Italy
Jamaica
Japan
Lesotho
Luxembourg
Mexico
Moldova
Monaco
Netherlands
Niger
Nigeria
Norway
Panama
Paraguay
Peru
Philippines
Slovak Republic
Spain



Sweden
Switzerland
Uruguay

Part 2
(Articles 2(b) and 3)

Antigua and Barbuda
Bahrain
Bangladesh
Belgium
Belize
Botswana
Brunei Darussalam
Burundi
Canada
Central African Republic
Côte D'Ivoire
Cuba
Cyprus
Djibouti
Dominica
Egypt
Gabon
Ghana
Guinea
Guinea-Bissau
Guyana
Hong Kong
India
Indonesia
Israel
Kenya
Korea, Republic of
Kuwait
Liechtenstein
Macau
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Morocco
Mozambique
Myanmar
Namibia
New Zealand
Nicaragua
Pakistan
Poland
Portugal
Romania



Saint Lucia
Saint Vincent and the Grenadines
Senegal
Sierra Leone
Singapore
Slovenia
South Africa
Sri Lanka
Suriname
Swaziland
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United States
Venezuela
Zambia
Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

The Performances (Reciprocal Protection) (Convention Countries) Order 1994 (S.I. 1994/264) designated certain countries, all parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (the Rome Convention) (Cmnd. 2425), as enjoying reciprocal protection under Part II of the Copyright, Designs and Patents Act 1988 (rights in performances).

Bulgaria, Hungary, Iceland, Jamaica and Moldova have become parties to the Rome Convention since the making of the 1994 Order. This Order revokes and replaces the 1994 Order to include those countries in the list of designated countries.

The Order also makes provision consequent upon the entry into force for the United Kingdom of the Agreement Establishing the World Trade Organisation (Cm. 2556-59, 2561-69, 2571-74) and the more limited reciprocal obligations in respect of rights in performances arising therefrom under the Agreement on Trade-Related Aspects of Intellectual Property Rights which are to take effect on 1st January 1996.