



1995 No. 2987 COPYRIGHT

The Copyright (Application to Other Countries)
(Amendment) 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 and 2</i>	<i>15th December 1995</i>
<i>Article 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 and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 159 of the Copyright, Designs and Patents Act 1988¹, is pleased to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright (Application to Other Countries) (Amendment) Order 1995 and articles 1 and 2 shall come into force on 15th December 1995 and article 3 shall come into force on 1st January 1996.
2. The Copyright (Application to Other Countries) Order 1993² shall be amended by substituting for the Schedules 1, 2 and 3 to that Order, the Schedules 1, 2 and 3 in the Schedule to this Order.
3. The Copyright (Application to Other Countries) Order 1993 (as amended by article 2 of this Order) shall be further amended as follows:
 - (a) Schedule 1 (which names the countries enjoying protection in respect of all works except broadcasts and cable programmes) is amended:
 - (i) in the sentence in parentheses in the headnote to the Schedule, by the insertion after the words "Universal Copyright Convention" of the words "and/or the Agreement Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights)";
 - (ii) by the insertion therein in proper alphabetical order of the following:

Antigua and Barbuda,
Bahrain,
Botswana,
Brunei Darussalam,
Burundi,
Djibouti,
Dominica,
Kuwait,
Macau,
Maldives,
Mozambique,

¹1988 c.48.

²S.I. 1993/942 amended by S.I. 1994/263.

Myanmar,
Sierra Leone,
Swaziland; and

(iii) by the omission therefrom in each case of the dates after the following countries:

Cuba,
Dominican Republic,
Guatemala,
Korea, Republic of,
Nicaragua,
Uganda;

(b) Schedule 3 (which names the countries enjoying protection in respect of broadcasts) is amended:

(i) in the sentence in parentheses in the headnote to the Schedule, by the insertion after the words “Television Broadcasts” of the words “and/or the Agreement Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights)”;

(ii) by the insertion therein in proper alphabetical order of the following:

*Antigua and Barbuda	(1st January 1996)
*Bahrain	(1st January 1996)
*Bangladesh	(1st January 1996)
*Belize	(1st January 1996)
*Bolivia	(1st January 1996)
*Botswana	(1st January 1996)
*Brunei Darussalam	(1st January 1996)
*Burundi	(1st January 1996)
*Canada	(1st January 1996)
*Central African Republic	(1st January 1996)
*Côte D'Ivoire	(1st January 1996)
*Cuba	(1st January 1996)
*Djibouti	(1st January 1996)
*Dominica	(1st January 1996)
*Egypt	(1st January 1996)
*Gabon	(1st January 1996)
*Ghana	(1st January 1996)
*Guinea-Bissau	(1st January 1996)
*Guinea	(1st January 1996)
*Guyana	(1st January 1996)
*India	(1st January 1996)
*Israel	(1st January 1996)
*Kenya	(1st January 1996)
*Korea, Republic of	(1st January 1996)
*Kuwait	(1st January 1996)
*Liechtenstein	(1st January 1996)
*Macau	(1st January 1996)
*Maldives	(1st January 1996)
*Mali	(1st January 1996)
*Malta	(1st January 1996)
*Mauritania	(1st January 1996)
*Mauritius	(1st January 1996)
*Morocco	(1st January 1996)
*Mozambique	(1st January 1996)
*Myanmar	(1st January 1996)
*Namibia	(1st January 1996)
*New Zealand	(1st January 1996)



*Nicaragua	(1st January 1996)
*Pakistan	(1st January 1996)
*Poland	(1st January 1996)
*Portugal	(1st January 1996)
*Romania	(1st January 1996)
*Saint Lucia	(1st January 1996)
*Saint Vincent and the Grenadines	(1st January 1996)
*Senegal	(1st January 1996)
*Sierra Leone	(1st January 1996)
*Slovenia	(1st January 1996)
*South Africa	(1st January 1996)
*Sri Lanka	(1st January 1996)
*Suriname	(1st January 1996)
*Swaziland	(1st January 1996)
*Tanzania	(1st January 1996)
*Thailand	(1st January 1996)
*Togo	(1st January 1996)
*Trinidad and Tobago	(1st January 1996)
*Tunisia	(1st January 1996)
*Turkey	(1st January 1996)
*Uganda	(1st January 1996)
*United States	(1st January 1996)
*Venezuela	(1st January 1996)
*Zambia	(1st January 1996)
*Zimbabwe	(1st January 1996); and

(iii) in the parentheses after “Belgium” and “Cyprus”, in each case, by substituting for the word “only”, the words “; 1st January 1996 - non-television”; and

(c) Schedule 4 is amended:

(i) by substituting for paragraphs 1 and 2 the following paragraph:

“1. In respect of Indonesia and Singapore, in the application of article 4(3) above in relation to cable programmes by virtue of article 4(6), the relevant date is 1st January 1985.”;

(ii) by renumbering paragraph 3 accordingly, and

(iii) by inserting the following paragraphs after paragraph 2:

“3. In the application of Part I of the Act by virtue of article 4 (broadcasts) above in relation to those countries identified in Schedule 3 to this Order by an asterisk, section 16 applies to broadcasts as if subsection (1)(b) (issue of copies of a work to the public), subsection (1)(d) (broadcast of a work or inclusion in a cable programme service) insofar as it relates to inclusion in a cable programme service and subsection (1)(c) (performing, showing or playing a work in public) insofar as it relates to broadcasts other than television broadcasts, were omitted.

4. The derogations in respect of broadcasts set out in paragraph 3 apply also to Belgium and Cyprus save that they apply only in respect of non-television broadcasts.”.

N. H. Nicholls
Clerk of the Privy Council



SCHEDULE

Article 2(1) and (2)

“SCHEDULE 1 COUNTRIES ENJOYING PROTECTION IN RESPECT OF ALL WORKS EXCEPT BROADCASTS AND CABLE PROGRAMMES

(The countries specified in this Schedule are parties to the Berne Copyright Convention and/or the Universal Copyright Convention or otherwise give adequate protection under their law.)

Albania
Algeria (28th August 1973)
Andorra (27th September 1957)
Argentina
Australia (including Norfolk Island)
Austria
Bahamas
Bangladesh
Barbados
Belarus (25th December 1991)
Belgium
Belize
Benin
Bolivia
Bosnia-Herzegovina
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
Chad
Chile
China
Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba (27th September 1957)
Cyprus, Republic of
Czech Republic
Denmark (including Greenland and the Faeroe Islands)
Dominican Republic (8th May 1983)
Ecuador
Egypt
El Salvador
Estonia
Fiji



Finland
France (including all Overseas Departments and Territories)
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Guatemala (28th October 1964)
Guinea
Guinea-Bissau
Guyana
Haiti (27th September 1957)
Holy See
Honduras
Hungary
Iceland
India
Indonesia
Ireland, Republic of
Israel
Italy
Jamaica
Japan
Kampuchea (27th September 1957)
Kazakhstan (25th December 1991)
Kenya
Korea, Republic of (1st October 1987)
Laos (27th September 1957)
Latvia
Lebanon
Lesotho
Liberia
Libya
Liechtenstein
Lithuania
Luxembourg
Macedonia
Madagascar
Malawi
Malaysia
Mali
Malta
Mauritania
Mauritius
Mexico
Moldova
Monaco
Morocco
Namibia
Netherlands (including Aruba and the Netherlands Antilles)
New Zealand
Nicaragua (16th August 1961)
Niger



Nigeria
Norway
Pakistan
Panama (17th October 1962)
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Russian Federation
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Saudi Arabia (13th July 1994)
Senegal
Singapore
Slovak Republic
Slovenia
South Africa
Soviet Union (27th May 1973)
Spain
Sri Lanka
Suriname
Sweden
Switzerland
Taiwan, territory of (10th July 1985)
Tajikistan (25th December 1991)
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda (20th July 1964)
Ukraine
United States of America (including Puerto Rico and all territories and possessions)
Uruguay
Venezuela
Yugoslavia
Zaire
Zambia
Zimbabwe



SCHEDULE 2 COUNTRIES ENJOYING FULL PROTECTION FOR SOUND RECORDINGS

(The countries specified in this Schedule either are parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations or otherwise give adequate protection under their law.)

Argentina
Australia (including Norfolk Island)
Austria
Bangladesh
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
Ghana
Greece
Guatemala
Honduras
Hungary
Iceland
India
Indonesia
Ireland, Republic of
Italy
Jamaica
Japan
Lesotho
Luxembourg
Malawi
Malaysia
Mexico
Moldova
Monaco
Netherlands
New Zealand



Niger
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Slovak Republic
Spain
Sweden
Switzerland
Taiwan, territory of
Thailand
Uruguay

Article 4(1), (2) and (5)

SCHEDULE 3 COUNTRIES ENJOYING PROTECTION IN RESPECT OF BROADCASTS

(The countries specified in this Schedule are parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations and/or the European Agreement on the Protection of Television Broadcasts or otherwise give adequate protection under their law.)

Argentina (2nd March 1992)
Australia (30th September 1992)
Austria (9th June 1973)
Barbados (18th September 1983)
Belgium (8th March 1968 - television only)
Bolivia (24th November 1993)
Brazil (29th September 1965)
Bulgaria (31st August 1995)
Burkina Faso (14th January 1988)
Chile (5th September 1974)
Colombia (17th September 1976)
Congo (18th May 1964)
Costa Rica (9th September 1971)
Cyprus, Republic of (5th May 1970 - television only)
Czech Republic (1st January 1993)
Denmark (including Greenland and the Faeroe Islands) (1st February 1962 - television; 1st July 1965 - non-television)
Dominican Republic (27th January 1987)
Ecuador (18th May 1964)
El Salvador (29th June 1979)
Fiji (11th April 1972)
Finland (21st October 1983)
France (including all Overseas Departments and Territories) (1st July 1961 - television; 3rd July 1987 - non-television)
Germany (21st October 1966)
Greece (6th January 1993)
Guatemala (14th January 1977)
Honduras (16th February 1990)
Hungary (10th February 1995)
Iceland (15th June 1994)
Indonesia (1st June 1957)
Ireland, Republic of (19th September 1979)



Italy (8th April 1975)
Jamaica (27th January 1994)
Japan (26th October 1989)
Lesotho (26th January 1990)
Luxembourg (25th February 1976)
Malawi (22nd June 1989)
Malaysia (1st June 1957)
Mexico (18th May 1964)
Moldova (5th December 1995)
Monaco (6th December 1985)
Netherlands (7th October 1993)
Niger (18th May 1964)
Nigeria (29th October 1993)
Norway (10th August 1968 - television; 10th July 1978 - non-television)
Panama (2nd September 1983)
Paraguay (26th February 1970)
Peru (7th August 1985)
Philippines (25th September 1984)
Singapore (1st June 1957)
Slovak Republic (1st January 1993)
Spain (19th November 1971 - television; 14th November 1991 - non-television)
Sweden (1st July 1961 - television; 18th May 1964 - non-television)
Switzerland (24th September 1993)
Uruguay (4th July 1977)".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Copyright (Application to Other Countries) Order 1993 (S.I. 1993/942 as amended by S.I. 1994/263) to take account of the accession of:

- (a) Estonia, Georgia, Guyana, Latvia, Lithuania, Moldova, the Russian Federation, Saint Kitts and Nevis, Tanzania and the Ukraine to the Berne Copyright Convention (Cmnd. 5002); and
- (b) Belarus and Saudi Arabia to the Universal Copyright Convention (Cmnd. 4905); and
- (c) Bulgaria, Hungary, Iceland, Jamaica and Moldova to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425).

The Order also makes amendments 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 obligations arising therefrom under the Agreement on Trade-Related Aspects of Intellectual Property Rights which are to take effect on 1st January 1996.