

The Copyright (Application to Other Countries) Order 1993*

(No. 942, as last amended by the Copyright (Application to Other Countries) (Amendment) Order (No. 2987) of 1995)

1.—(1) This Order may be cited as the Copyright (Application to Other Countries) Order 1993 and shall come into force on 4th May 1993.

(2) In this Order—

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

“first published” shall be construed in accordance with [section 155\(3\)](#) of the Act.

2.—(1) In relation to literary, dramatic, musical and artistic works, films and the typographical arrangements of published editions, [sections 153](#), [154](#) and [155](#) of the Act (qualification for copyright protection) apply in relation to—

- (a) persons who are citizens or subjects of a country specified in [Schedule 1](#) to this Order or are domiciled or resident there as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom;
- (b) bodies incorporated under the law of such a country as they apply in relation to bodies incorporated under the law of a part of the United Kingdom; and
- (c) works first published in such a country as they apply in relation to works first published in the United Kingdom;

but subject to [paragraph \(2\)](#) and [article 5](#) below.

(2) Copyright does not subsist—

- (a) in a literary, dramatic, musical or artistic work by virtue of [section 154](#) of the Act as applied by [paragraph \(1\)](#) above (qualification by reference to author) if it was first published—
 - (i) before 1st June 1957 (commencement of Copyright Act 1956), or
 - (ii) before 1st August 1989 (commencement of [Part I](#) of the Act) and at the material time (as defined in [section 154\(4\)\(b\)](#) of the Act) the author was not a relevant person; or
- (b) in any work by virtue of [paragraph \(1\)](#) above if—
 - (i) a date is, or dates are, specified in [Schedule 1](#) to this Order in respect of the only country or countries relevant to the work for the purposes of [paragraph \(1\)](#) above, and
 - (ii) the work was first published before that date or (as the case may be) the earliest of those dates;

* *Entry into force* (of last amending provisions): January 1, 1996.

Source: Communication from the United Kingdom authorities.

Note: Consolidation by the International Bureau of WIPO.

and for the purposes of [sub-paragraph \(a\)\(ii\)](#) of this paragraph, a “relevant person” is a Commonwealth citizen, a British protected person, a citizen or subject of any country specified in [Schedule 1](#) to this Order, or a person resident or domiciled in the United Kingdom, another country to which the relevant provisions of **Part I** of this Act extend or (subject to [article 5](#) below) a country specified in [Schedule 1](#) to this Order.

(3) Where copyright subsists in a work by virtue of [paragraph \(1\)](#) above, the whole of **Part I** of the Act (including [Schedule 1](#) to the Act) applies in relation to the work, save that in relation to an artistic work consisting of the design of a typeface—

- (a) [section 54\(2\)](#) (articles for producing material in particular typeface) does not apply,
- (b) [section 55](#) (making such articles not an infringement) applies as if the words in [subsection \(2\)](#) from the beginning to “marketed” were omitted, and
- (c) [paragraph 14\(5\) of Schedule 1](#) (transitional provision) does not apply, and subject also to [articles 5](#) and [7](#) below.

3. In relation to sound recordings, [article 2](#) above shall apply as it applies in relation to films, subject to the following modifications—

- (a) [sections 19, 20, 26](#) and [107\(3\)](#) of the Act (infringement by playing in public, broadcasting or inclusion in a cable programme service and related provisions) apply only if—
 - (i) at least one of the countries relevant to the work for the purposes of [article 2\(1\)](#) above is specified in [Schedule 2](#) to this Order, or
 - (ii) the sound recording in question is a film sound-track accompanying a film.

4.—(1) In relation to broadcasts, [sections 153, 154](#) and [156](#) of the Act (qualification for copyright protection) apply in relation to—

- (a) persons who are citizens or subjects of a country specified in [Schedule 3](#) to this Order or are domiciled or resident there as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom;
- (b) bodies incorporated under the law of such a country as they apply in relation to bodies incorporated under the law of a part of the United Kingdom; and
- (c) broadcasts made from such a country as they apply to broadcasts made from the United Kingdom;

but subject to [paragraphs \(2\)](#) and [\(3\)](#) and [article 5](#) below.

(2) If the only country or countries relevant to a broadcast for the purposes of [paragraph \(1\)](#) above are identified in [Schedule 3](#) to this Order by the words “television only”, copyright subsists in the broadcast only if it is a television broadcast.

(3) Copyright does not subsist in a broadcast by virtue of [paragraph \(1\)](#) above if it was made before the relevant date.

(4) Where copyright subsists in a broadcast by virtue of [paragraph \(1\)](#) above, the whole of **Part I** of the Act (including [Schedule 1](#) to the Act) applies in relation to the broadcast, save that for the purposes of [section 14\(2\)](#) (duration of copyright in repeats)—

- (a) a broadcast shall be disregarded if it was made before the relevant date, and
- (b) a cable programme shall be disregarded if it was included in a cable programme service before the later of the relevant date and 1st January 1985; and subject also to [article 7](#) below.

(5) For the purposes of [paragraphs \(3\)](#) and [\(4\)](#) above, the “relevant date” is the date or (as the case may be) the earliest of the dates specified in [Schedule 3](#) to this Order in respect of the country or countries relevant to the broadcast for the purposes of [paragraph \(1\)](#) above, being (where different dates are specified for television and non-television broadcasts) the date appropriate to the type of broadcast in question.

(6) In respect of Indonesia and Singapore, this article applies in relation to cable programmes as it applies in relation to broadcasts, subject to [article 5](#) below.

5. [Schedule 4](#) to this Order shall have effect so as to modify the application of this Order in respect of certain countries.

6. Nothing in this Order shall be taken to derogate from the effect of [paragraph 35 of Schedule 1](#) to the Act (continuation of existing qualification for copyright protection).

7.—(1) This article applies in any case in which—

- (a) a work was made before 1st August 1989 (commencement of **Part I** of the Act) and copyright under the Copyright Act 1956 did not subsist in it when it was made, or
- (b) a work is made on or after 1st August 1989 and copyright under the Act does not subsist in it when it is made,

but copyright subsequently subsists in it by virtue of [article 2\(1\)](#), [3](#) or [4\(1\)](#) above.

(2) Where in any such case a person incurs or has incurred any expenditure or liability in connection with, for the purpose of or with a view to the doing of an act which at the time is not or was not an act restricted by any copyright in the work, the doing, or continued doing, of that act after copyright subsequently subsists in the work by virtue of [article 2\(1\)](#), [3](#) or [4\(1\)](#) above shall not be an act restricted by the copyright unless the owner of the copyright or his exclusive licensee (if any) pays such compensation as, failing agreement, may be determined by arbitration.

8. The Orders listed in [Schedule 5](#) to this Order are hereby revoked.

SCHEDULE 1

Article 2(1) and (2)

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 and/or the Agreement Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights) or otherwise give adequate protection under their law.)

Albania

Algeria (28th August 1973)

Andorra (27th September 1957)

Antigua and Barbuda

Argentina

Australia (including Norfolk Island)

Austria

Bahamas

Bahrain

Bangladesh

Barbados

Belarus (25th December 1991)

Belgium

Belize

Benin

Bolivia

Bosnia-Herzegovina

Botswana

Brazil

Brunei Darussalam

Bulgaria

Burkina Faso

Burundi

Cameroon

Canada

Central African Republic

Chad

Chile

China

Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Cyprus, Republic of
Czech Republic
Denmark (including Greenland and the Faeroe Islands)
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Fiji
Finland
France (including all Overseas Departments and Territories)
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Guatemala
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
Kuwait
Laos (27th September 1957)
Latvia
Lebanon
Lesotho
Liberia
Libya
Liechtenstein
Lithuania
Luxembourg
Macau
Macedonia
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico

Moldova
Monaco
Morocco
Mozambique
Myanmar
Namibia
Netherlands (including Aruba and the Netherlands Antilles)
New Zealand
Nicaragua
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
Sierra Leone
Singapore
Slovak Republic
Slovenia
South Africa
Soviet Union (27th May 1973)

Spain
Sri Lanka
Suriname
Swaziland
Sweden
Switzerland
Taiwan, territory of (10th July 1985)
Tajikistan (25th December 1991)
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
United States of America (including Puerto Rico and all territories and possessions)
Uruguay
Venezuela
Yugoslavia
Zaire
Zambia
Zimbabwe

SCHEDULE 2

Article 3(A)(I)

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

SCHEDULE 3

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

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 and/or the Agreement Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights) or otherwise give adequate protection under their law.)

*Antigua and Barbuda (1st January 1996)
Argentina (2nd March 1992)
Australia (30th September 1992)
Austria (9th June 1973)
*Bahrain (1st January 1996)
*Bangladesh (1st January 1996)
Barbados (18th September 1983)
Belgium (8th March 1968 - television; 1st January 1996 - non-television)
*Belize (1st January 1996)
*Bolivia (1st January 1996)
*Botswana (1st January 1996)
Brazil (29th September 1965)
*Brunei Darussalam (1st January 1996)
Bulgaria (31st August 1995)
Burkina Faso (14th January 1988)
*Burundi (1st January 1996)
*Canada (1st January 1996)
*Central African Republic (1st January 1996)
Chile (5th September 1974)
Colombia (17th September 1976)
Congo (18th May 1964)
Costa Rica (9th September 1971)
*Côte d'Ivoire (1st January 1996)
*Cuba (1st January 1996)
Cyprus, Republic of (5th May 1970 - television; 1st January 1996 - non-television)
Czech Republic (1st January 1993)
Denmark (including Greenland and the Faeroe Islands)
(1st February 1962 - television; 1st July 1965 - non-television)
*Djibouti (1st January 1996)
*Dominica (1st January 1996)
Dominican Republic (27th January 1987)
Ecuador (18th May 1964)
*Egypt (1st January 1996)

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)
*Gabon (1st January 1996)
Germany (21st October 1966)
*Ghana (1st January 1996)
Greece (6th January 1993)
Guatemala (14th January 1977)
*Guinea (1st January 1996)
*Guinea-Bissau (1st January 1996)
*Guyana (1st January 1996)
Honduras (16th February 1990)
Hungary (10th February 1995)
Iceland (15th June 1994)
*India (1st January 1996)
Indonesia (1st June 1957)
Ireland, Republic of (19th September 1979)
*Israel (1st January 1996)
Italy (8th April 1975)
Jamaica (27th January 1994)
Japan (26th October 1989)
*Kenya (1st January 1996)
*Korea, Republic of (1st January 1996)
*Kuwait (1st January 1996)
Lesotho (26th January 1990)
*Liechtenstein (1st January 1996)
Luxembourg (25th February 1976)
*Macau (1st January 1996)
Malawi (22nd June 1989)
Malaysia (1st June 1957)
*Maldives (1st January 1996)

*Mali (1st January 1996)
*Malta (1st January 1996)
*Mauritania (1st January 1996)
*Mauritius (1st January 1996)
Mexico (18th May 1964)
Moldova (5th December 1995)
Monaco (6th December 1985)
*Morocco (1st January 1996)
*Mozambique (1st January 1996)
*Myanmar (1st January 1996)
*Namibia (1st January 1996)
Netherlands (7th October 1993)
*New Zealand (1st January 1996)
*Nicaragua (1st January 1996)
Niger (18th May 1964)
Nigeria (29th October 1993)
Norway (10th August 1968 - television; 10th July 1978 - non-television)
*Pakistan (1st January 1996)
Panama (2nd September 1983)
Paraguay (26th February 1970)
Peru (7th August 1985)
Philippines (25th September 1984)
*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)
Singapore (1st June 1957)
Slovak Republic (1st January 1993)
*Slovenia (1st January 1996)
*South Africa (1st January 1996)

Spain (19th November 1971 - television; 14th November 1991 - non-television)

*Sri Lanka (1st January 1996)

*Suriname (1st January 1996)

*Swaziland (1st January 1996)

Sweden (1st July 1961 - television; 18th May 1964 - non-television)

Switzerland (24th September 1993)

*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)

Uruguay (4th July 1977)

*Venezuela (1st January 1996)

*Zambia (1st January 1996)

*Zimbabwe (1st January 1996)

SCHEDULE 4

Article 5

Modifications

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.

2. In respect of the territory of Taiwan—

- (a) [article 2\(1\)\(a\)](#) and [\(2\)](#) above shall apply as if the reference to persons domiciled or resident in the territory of Taiwan were limited to such persons who are also citizens or subjects of China, and
- (b) in the application of [Part I](#) of the Act by virtue of [article 2\(3\)](#) above, [subsection \(1\) of section 21](#) (infringement by making adaptation) applies as if [subsection \(3\)\(a\)\(i\)](#) of that section (translation of literary or dramatic work) were omitted.

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.

SCHEDULE 5

Article 8

Orders in Council revoked

Number	Title
S.I. 1989/1293	The Copyright (Application to Other Countries) (No. 2) Order 1989
S.I. 1989/2415	The Copyright (Application to Other Countries) (No. 2) (Amendment) Order 1989
S.I. 1990/2153	The Copyright (Application to Other Countries) (No. 2) (Amendment) Order 1990

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