
STATUTORY INSTRUMENTS

2003 No. 773

RIGHTS IN PERFORMANCES

**The Performances (Reciprocal Protection)
(Convention Countries and Isle of Man) Order 2003**

<i>Made</i>	- - - -	<i>20th March 2003</i>
<i>Laid before Parliament</i>		<i>1st April 2003</i>
<i>Coming into force</i>	- -	<i>22nd April 2003</i>

At the Court at Buckingham Palace, the 20th day of March 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that provision has been or will be made giving adequate protection for British performances under the law of the Isle of Man,

Now therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 208(1)(a) and (b) of the Copyright, Designs and Patents Act 1988⁽¹⁾, is pleased to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Performances (Reciprocal Protection) (Convention Countries and Isle of Man) Order 2003 and shall come into force on 22nd April 2003.

(2) In this Order “the Act” means the Copyright, Designs and Patents Act 1988.

2. The countries specified in—

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

of the Schedule to this Order are designated as enjoying reciprocal protection under Part II of the Act (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 3 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—

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- (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 1999⁽²⁾ is hereby revoked.

A. K. Galloway,
Clerk of the Privy Council

(2) S.I. 1999/1752.

SCHEDULE

Article 2

Part 1

(Article 2(a))

Isle of Man.

Part 2

(Article 2(a))

Albania
Argentina
Armenia
Australia
Barbados
Bolivia
Brazil
Bulgaria
Burkina Faso
Canada
Cape Verde
Chile
Colombia
Congo
Costa Rica
Croatia
Czech Republic
Dominica
Dominican Republic
Ecuador
El Salvador
Estonia
Faeroe Islands
Fiji
Greenland
Guatemala
Honduras
Hungary
Iceland
Israel

Jamaica
Japan
Latvia
Lebanon
Lesotho
Liechtenstein
Lithuania
Macedonia
Mexico
Moldova
Monaco
Nicaragua
Niger
Nigeria
Norway
Panama
Paraguay
Peru
Philippines
Poland
Romania
Saint Lucia
Slovak Republic
Slovenia
Switzerland
Ukraine
Uruguay
Venezuela

Part 3 (Articles 2(b) and (3))

Antigua and Barbuda
Angola
Bahrain
Bangladesh
Belize
Benin
Botswana
Brunei Darussalam

Burundi
Cameroon
Central African Republic
Chad
China
Cote D'Ivoire
Cuba
Cyprus
Democratic Republic of Congo
Djibouti
Egypt
Gabon
Gambia
Georgia
Ghana
Grenada
Guinea
Guinea-Bissau
Guyana
Haiti
Hong Kong
India
Indonesia
Jordan
Kenya
Korea, Republic of
Kuwait
Kyrgyz Republic
Macau
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mongolia
Morocco
Mozambique

Myanmar
Namibia
New Zealand
Oman
Pakistan
Papua New Guinea
Qatar
Rwanda
Saint Kitts and Nevis
Saint Vincent and the Grenadines
Senegal
Sierra Leone
Singapore
Solomon Islands
South Africa
Sri Lanka
Suriname
Swaziland
Taiwan
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United States of America
Zambia
Zimbabwe.

EXPLANATORY NOTE

(This note is not part of the Order)

Part II of the Copyright, Designs and Patents Act 1988 (rights in performances) (1988 c. 48) (“the Act”) confers rights on performers and persons having recording rights in relation to a performance.

A performance is a qualifying performance for the purposes of Part II of the Act if it is given by a qualifying individual or takes place in a qualifying country. In Part II of the Act “qualifying country” means the United Kingdom, another member State of the European Community or, to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection.

This Order revokes and replaces the Performances (Reciprocal Protection) (Convention Countries) Order 1999 (S.I.1999/1752) (“the 1999 Order”).

The 1999 Order designated certain countries, which are parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425) (“the Rome Convention”), as enjoying reciprocal protection under Part II of the Act. Albania, Armenia, Croatia, Dominica, Estonia, Israel, Latvia, Liechtenstein, Lithuania, Nicaragua and Ukraine have become parties to the Rome Convention since the making of the 1999 Order. This Order revokes and replaces the 1999 Order to include those countries in the list of designated countries in Part 2 of the Schedule.

The 1999 Order also designated certain countries, which are parties to the Agreement Establishing the World Trade Organisation (Cmnd. 2556–59, 2561–69, 2571–74) including the Agreement on Trade-Related Aspects of Intellectual Property Rights (“the WTO Agreement”), as enjoying the more limited reciprocal obligations in respect of rights in performances arising therefrom. China, Georgia, Jordan, Oman and Taiwan have become parties to the WTO Agreement since the making of the 1999 Order. This Order revokes and replaces the 1999 Order to include those countries in the list of designated countries in Part 3 of the Schedule.

This Order also designates the Isle of Man as enjoying reciprocal protection under Part II of the Act.