

## Copyright (Foreign Countries) Order, 1978

(No. 132 of 1978)\*

1. This Order may be cited as the Copyright (Foreign Countries) Order, 1978.

2. In this Order—

“the Act” means the Copyright Act, 1963 (No. 10 of 1963);

“country of the Berne Union” means a country which ratified or has acceded to and has not denounced the Convention of the International Union for the Protection of Literary and Artistic Works signed at Berne on the 9<sup>th</sup> day of September, 1886, or ratified or has acceded to and has not denounced a revision of that Convention;

“country of the Universal Copyright Convention” means a country which ratified or has acceded to and has not denounced the Universal Copyright Convention signed at Geneva on the 6th day of September, 1952, or has acceded to and has not denounced a revision of that Convention.

3. Subject to Articles 4, 5 and 6 of this Order, the Act shall, as respects acts done or omissions made after the commencement of this Order, apply to:

- (a) literary, dramatic, musical or artistic works, cinematograph films or published editions of literary, dramatic or musical works, first published (whether before or after the making of this Order) in any country of the Berne Union or of the Universal Copyright Convention, in like manner as if the works or other subject-matter were first published within the State,
- (b) literary, dramatic, musical or artistic works, cinematograph films or published editions of literary, dramatic or musical works (whether first published before or after the making of this Order), the authors or makers of which were, at the time of the first publication thereof, subjects or citizens of any country of the Berne Union or of the Universal Copyright Convention, in like manner as if the works were the works of Irish citizens,
- (c) unpublished works or cinematograph films of unpublished works the authors or makers of which were, at the time of the making of the works or films, subjects or citizens of any country of the Berne Union or of the Universal Copyright Convention, in like manner as if the authors or makers were Irish citizens, and
- (d) unpublished works or cinematograph films of unpublished works the authors or makers of which were, at the time of the making of the works or films, resident in any country of the Berne Union or of the Universal Copyright Convention, in like manner as if the authors or makers were resident in the State.

4. Copyright shall not subsist by virtue of this Order in any work or other subject-matter by reason only of the publication of the work or other subject-matter in a country of the Universal Copyright Convention (not being a country of the Berne Union) before—

- (a) the 20<sup>th</sup> day of January, 1959, or
- (b) if such country became a country of the Universal Copyright Convention on or after the 20<sup>th</sup> day of January, 1959, and before the date of the making of this Order, the date on which it became a country of the Universal Copyright Convention.

5. Nothing in the Act, as applied by this Order, shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if the right has ceased before the making of this Order.

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\* This Order was issued by the Government in exercise of the powers conferred on it by Section 43 of the Copyright Act, 1963 (see *Le Droit d'Auteur (Copyright)*, 1963, pp. 141 *et seq.*).

6. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any works or cinematograph films of works in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work or cinematograph film at a time when such reproduction or performance would, but for this Order, have been lawful, nothing in this Order shall diminish or prejudice any right or interest arising from, or in connection with such action which is subsisting and valuable immediately before the commencement of this Order unless the person who, by virtue of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

7.—

(1) The orders specified in the Schedule to this Order are hereby revoked.

(2) Where, by virtue of an Order which is revoked by paragraph (1) of this Article, copyright subsisted in a work or other subject-matter immediately before the making of this Order, copyright shall continue to subsist in the work or other subject-matter as if the order had not been revoked.

## SCHEDULE

### Orders Revoked

Number and Year of the Statutory Instruments	Title
No. 50 of 1959	Copyright (Foreign Countries) Order, 1959
No. 199 of 1960	Copyright (Foreign Countries) (Amendment) Order, 1960
No. 5 of 1963	Copyright (Foreign Countries) (Amendment) Order, 1963
No. 274 of 1963	Copyright (Foreign Countries) (Amendment No. 2) Order, 1963

### EXPLANATORY NOTE

*(This Note is not part of the Instrument and does not purport to be a legal interpretation)*

The effect of this Order is to extend the benefits of the Copyright Act, 1963, other than those provided by sections 17 and 19 to the countries of the Berne Union and of the Universal Copyright Convention.