

Copyright (Foreign Countries) (No. 2) Order, 1978

(No. 133 of 1978)*

1. This Order may be cited as the Copyright (Foreign Countries) (No. 2) 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 9th 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;

“country of the Rome Convention” means a country which ratified or has acceded to and has not denounced the Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations signed at Rome on the 26th day of October, 1961, or ratified 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) sound recordings made by a citizen of, or first published (whether before or after the making of this Order) in, any country of the Berne Union or of the Universal Copyright Convention or of the Rome Convention in like manner as if the sound recordings were made by a citizen of or first published within the State, and
- (b) television broadcasts and sound broadcasts made (whether before or after the making of this Order) in any country of the Berne Union or of the Universal Copyright Convention or of the Rome Convention in like manner as if the broadcasts were first made within the State and the references in section 19 of the Act to Radio Telefis Éireann were references to the broadcasting authority by whom the broadcasts were made and the references in that section to a place in the State were references to the places from which they were made.

4. Copyright shall not subsist by virtue of this Order in any sound recording, television broadcast or sound broadcast by reason only of the publication of the recording or broadcast in a country of the Universal Copyright Convention (not being a country of the Berne Union) before —

- (a) the 20th day of January, 1959, or
- (b) if such country became a country of the Universal Copyright Convention on or after the 20th 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. Copyright subsisting by virtue only of this Order in a sound recording shall not include the right to equitable remuneration under section 17(4)(b) of the Act unless that right or a right giving rise to a claim for remuneration subsists in the country in which the sound recording was first published.

* 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 sound recordings, television broadcasts or sound broadcasts in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of such a recording or broadcast 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.

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 sections 17 and 19 of the Copyright Act, 1963, to countries of the Berne Union, of the Universal Copyright Convention and of the Rome Convention.