



## Performers' Protection (Foreign Countries) Order, 1978

(No. 134 of 1978)\*

1. This Order may be cited as the Performers' Protection (Foreign Countries) Order, 1978.

2.—

(1) The Performers' Protection Act, 1968 (No. 19 of 1968), shall, as respects acts done or omissions made after the commencement of this Order, apply to records and cinematograph films of performances made (whether before or after the making of this Order) in any country of the Rome Convention without the consent, in writing or otherwise as required by the laws of that country, of the performers.

(2) In this Article "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 26<sup>th</sup> day of October, 1961, or ratified or has acceded to and has not denounced a revision of that Convention.

3. 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 records or cinematograph films 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 record 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.

### 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 protection for performances provided for in the Performers' Protection Act, 1968, to performances made in the countries of the Rome Convention.

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\* This Order was issued by the Government in exercise of the powers conferred on it by Section 12 of the Performers' Protection Act, 1968 (see *Copyright*, 1969, pp. 134 *et seq.*).