

STATUTORY INSTRUMENTS

1979 No. 1715

COPYRIGHT

The Copyright (International Conventions) Order 1979

Made - - - - 19th December 1979

Laid before Parliament 3rd January 1980

Coming into Operation 24th January 1980

At the Court at Buckingham Palace, the 19th day of December 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

PART I

Citation, commencement and interpretation

1. This Order may be cited as the Copyright (International Conventions) Order 1979, and shall come into operation on 24th January 1980.

2. In this Order—

“the Act” means the Copyright Act 1956; and

“material time” means—

- (i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made, or, if the making thereof extended over a period, a substantial part of that period;
- (ii) in relation to a published work or subject-matter, the time of first publication.

PART II

Protection for literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions

3. Subject to the following provisions of this Order, the provisions of Parts I and II of the Act (except section 14) and all the other provisions of the Act relevant to those Parts shall in the case of any country mentioned in Schedules 1 or 2 hereto apply—

(a) 1956 c. 74.

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that country, as they apply to such works, recordings, films or editions first published in the United Kingdom;
- (b) in relation to persons who at any material time are citizens or subjects of, or domiciled or resident in, that country, as they apply to persons who at such time are British subjects or domiciled or resident in the United Kingdom; and
- (c) in relation to bodies incorporated under the laws of that country, as they apply to bodies incorporated under the laws of any part of the United Kingdom.

4.—(1) Subject to the following provisions of this Article, the relevant provisions of Schedule 7 to the Act shall have effect in relation to any work or other subject-matter in which copyright subsists by virtue of this Part of this Order as if for any references therein to the commencement of the Act or any of its provisions or to the date of the repeal of any provision of the Copyright Act 1911(a) or of any other enactment there were substituted references to 27th September 1957 (being the date on which the Copyright (International Conventions) Order 1957(b) came into operation).

(2) Subject to the following provisions of this Article, in the case of any country mentioned in Schedule 2 hereto in relation to which a date is specified in that Schedule—

- (a) paragraph (1) of this Article shall have effect as if for the reference to 27th September 1957 there were substituted that date (if different); and
- (b) copyright shall not subsist by virtue of this Part of this Order in any work or other subject-matter by reason only of its publication in such a country before the date so specified.

(3) This Article shall not apply—

- (a) in the case of Ghana, Kenya, Malawi, Mauritius, Nigeria or Zambia; or
- (b) to any work or subject-matter first published in the United States of America if immediately before 27th September 1957 copyright under the Copyright Act 1911 subsisted in such work or subject-matter by virtue of either an Order in Council dated 9th February 1920 regulating copyright relations with the United States of America (c) or the Copyright (United States of America) Order 1942(d).

5. The acts restricted by section 12 of the Act as applied by this Part of this Order shall not include—

- (a) causing the recording to be heard in public; or
- (b) broadcasting the recording;

except in the case of the countries mentioned in Schedule 3 to this Order.

6. Where any person has before the commencement of this Order incurred any expenditure or liability in connection with the reproduction or performance of any work or other subject-matter 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 at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Part of this Order shall diminish or prejudice any right or interest arising from or in connection with

(a) 1911 c. 46.

(b) S.I. 1957/1523.

(c) S.R. & O. 1920/257

(d) S.R. & O. 1942/1579, amended by S.I. 1950/1641.

such action which is subsisting and valuable immediately before the commencement of this Order unless the person who by virtue of this Part 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. Nothing in the provisions of the Act as applied by this Part of this Order shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if such right has ceased before the commencement of this Order.

PART III

Protection in respect of broadcasts

8. The provisions of section 14 of the Act, so far as they relate to sound broadcasts and all the other provisions of the Act relevant thereto other than section 40(3), shall apply, in the case of each of the countries mentioned in Schedule 4 to this Order, in relation to sound broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast is made as they apply in relation to sound broadcasts made from places in the United Kingdom by the British Broadcasting Corporation; so, however, that paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in the said Schedule 4 (being the date on which the provisions of section 14 of the Act so far as they relate to sound broadcasts were first applied in the case of that country).

9. The provisions of section 14 of the Act, so far as they relate to television broadcasts, and all the other provisions of the Act relevant thereto, other than section 37(4), section 40(3) and Schedule 5, shall apply, in the case of each of the countries mentioned in Schedule 5 to this Order, in relation to television broadcasts made from places in any such country by an organisation constituted in, or under the laws of, the country in which the broadcast was made as they apply in relation to television broadcasts made from places in the United Kingdom by the British Broadcasting Corporation or the Independent Broadcasting Authority; so, however, that—

- (a) section 24(3)(c) of the Act shall have effect as if for the reference to the Corporation or the Authority or any organisation appointed by them there were substituted a reference to any owner or prospective owner of copyright in television broadcasts; and
- (b) paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 there were substituted references to the relevant date set out in Schedule 5 to this Order (being the date on which the provisions of section 14 of the Act so far as they relate to television broadcasts were first applied in the case of that country).

PART IV

Extensions and revocations

10. Parts I and II of this Order shall extend to the countries mentioned in Schedule 6 to this Order subject to the modifications mentioned in that Schedule and Part III shall extend to Gibraltar and Bermuda subject to the modifications mentioned in Schedule 7 to this Order.

11. The Orders mentioned in Schedule 8 to this Order are hereby revoked insofar as they form part of the law of the United Kingdom or any country mentioned in Schedule 6 to this Order.

N. E. Leigh,

Clerk of the Privy Council.

SCHEDULE 1

COUNTRIES OF THE BERNE COPYRIGHT UNION

(The countries indicated with an asterisk are also party to the Universal Copyright Convention.)

Arab Republic of Egypt
Argentina*
Australia* (and Norfolk Island)
Austria*
Bahamas*
Belgium*
Benin
Brazil*
Bulgaria*
Cameroon*
Canada*
Central African Empire
Chad
Chile*
Congo (People's Republic)
Costa Rica*
Cyprus
Czechoslovakia*
Denmark*
Fiji*
Finland*
France (and French territories overseas)*
Gabon
German Democratic Republic (and Berlin (East))*
Federal Republic of Germany (and Berlin (West))*
Greece*
Hungary*
Iceland*
India*
Republic of Ireland*
Israel*
Italy*
Ivory Coast
Japan*
Lebanon*
Libya
Liechtenstein*
Luxembourg*
Madagascar
Mali
Malta*
Mauritania
Mexico*
Monaco*
Morocco*
Netherlands* (and Netherlands Antilles)
New Zealand*
Niger
Norway*
Pakistan*
Philippines*
Poland*
Portugal* (including Portuguese provinces overseas)
Romania
Senegal*

South Africa (and South West Africa)
 Spain* (and its Colonies)
 Sri Lanka
 Surinam
 Sweden*
 Switzerland*
 Thailand
 Togo
 Tunisia*
 Turkey
 Upper Volta
 Uruguay
 Vatican City*
 Yugoslavia*
 Zaire

SCHEDULE 2

COUNTRIES PARTY TO THE UNIVERSAL COPYRIGHT CONVENTION BUT NOT
 MEMBERS OF THE BERNE UNION

Algeria	31st October 1973
Andorra	27th September 1957
Bangladesh	5th August 1975
Colombia	18th June 1976
Cuba	27th September 1957
Ecuador	27th September 1957
El Salvador	21st June 1979
Ghana	—
Guatemala	28th October 1964
Haiti	27th September 1957
Kampuchea	27th September 1957
Kenya	—
Laos	27th September 1957
Liberia	27th September 1957
Malawi	—
Mauritius	—
Nicaragua	16th August 1961
Nigeria	—
Panama	17th October 1962
Paraguay	11th March 1962
Peru	16th October 1963
Union of Soviet Socialist Republics	27th May 1973
United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America)	27th September 1957
Venezuela	18th November 1966
Zambia	—

SCHEDULE 3

COUNTRIES IN WHOSE CASE COPYRIGHT IN SOUND RECORDINGS INCLUDES
 EXCLUSIVE RIGHT TO PERFORM IN PUBLIC AND TO BROADCAST

Australia
 Austria
 Brazil

Chile
 Colombia
 Costa Rica
 Cyprus
 Czechoslovakia
 Denmark
 Ecuador
 El Salvador
 Federal Republic of Germany (and Berlin (West))
 Fiji
 Guatemala
 India
 Republic of Ireland
 Italy
 Israel
 Mexico
 New Zealand
 Nigeria
 Norway
 Pakistan
 Paraguay
 Spain
 Sri Lanka
 Sweden
 Switzerland
 Uruguay

SCHEDULE 4

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO
SOUND BROADCASTS

Austria	...	...	...	...	...	...	...	...	17th July 1973
Brazil	...	...	...	...	...	...	...	...	5th November 1965
Chile	...	...	...	...	...	...	...	...	5th September 1974
Colombia	...	...	...	...	...	...	...	...	17th September 1976
Congo (People's Republic)	...	...	...	...	...	...	...	...	21st May 1964
Costa Rica	...	...	...	...	...	...	...	...	19th November 1971
Czechoslovakia	...	...	...	...	...	...	...	...	14th August 1964
Denmark	...	...	...	...	...	...	...	...	1st July 1965
Ecuador	...	...	...	...	...	...	...	...	21st May 1964
El Salvador	...	...	...	...	...	...	...	...	24th January 1980
Federal Republic of Germany (and Berlin (West))	...	...	...	...	...	...	...	...	18th November 1966
Fiji	...	...	...	...	...	...	...	...	31st May 1972
Guatemala	...	...	...	...	...	...	...	...	14th January 1977
Republic of Ireland	...	...	...	...	...	...	...	...	24th January 1980
Italy	...	...	...	...	...	...	...	...	8th April 1975
Luxembourg	...	...	...	...	...	...	...	...	18th March 1976
Mexico	...	...	...	...	...	...	...	...	21st May 1964
Niger	...	...	...	...	...	...	...	...	21st May 1964
Norway	...	...	...	...	...	...	...	...	23rd August 1978
Paraguay	...	...	...	...	...	...	...	...	26th February 1970
Sweden	...	...	...	...	...	...	...	...	21st May 1964
Uruguay	...	...	...	...	...	...	...	...	24th August 1977

SCHEDULE 5

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO
TELEVISION BROADCASTS

Austria	...	...	...	...	...	...	...	...	17th July 1973
Belgium	...	...	...	...	...	...	...	...	8th March 1968
Brazil	...	...	...	...	...	...	...	...	5th November 1965
Chile	...	...	...	...	...	...	...	...	5th September 1974
Colombia	...	...	...	...	...	...	...	...	17th September 1976
Congo (People's Republic)	...	...	...	...	...	...	...	...	21st May 1964
Costa Rica	...	...	...	...	...	...	...	...	19th November 1971
Cyprus	...	...	...	...	...	...	...	...	5th May 1970
Czechoslovakia	...	...	...	...	...	...	...	...	14th August 1964
Denmark	...	...	...	...	...	...	...	...	1st February 1962
Ecuador	...	...	...	...	...	...	...	...	21st May 1964
El Salvador	...	...	...	...	...	...	...	...	24th January 1980
Federal Republic of Germany (and Berlin (West))	...	...	...	...	...	...	...	...	18th November 1966
Fiji	...	...	...	...	...	...	...	...	31st May 1972
France	...	...	...	...	...	...	...	...	1st July 1961
Guatemala	...	...	...	...	...	...	...	...	14th January 1977
Republic of Ireland	...	...	...	...	...	...	...	...	24th January 1980
Italy	...	...	...	...	...	...	...	...	8th April 1975
Luxembourg	...	...	...	...	...	...	...	...	18th March 1976
Mexico	...	...	...	...	...	...	...	...	21st May 1964
Niger	...	...	...	...	...	...	...	...	21st May 1964
Norway	...	...	...	...	...	...	...	...	10th August 1968
Paraguay	...	...	...	...	...	...	...	...	26th February 1970
Spain	...	...	...	...	...	...	...	...	19th November 1971
Sweden	...	...	...	...	...	...	...	...	1st July 1961
Uruguay	...	...	...	...	...	...	...	...	24th August 1977

SCHEDULE 6

COUNTRIES TO WHICH PARTS I AND II OF THIS ORDER EXTEND

Belize	...	...	...	...	...	...	...	...	16th October 1966
Bermuda	...	...	...	...	...	...	...	...	6th December 1962
British Virgin Islands	...	...	...	...	...	...	...	...	11th February 1963
Cayman Islands	...	...	...	...	...	...	...	...	4th June 1966
Falkland Islands and its Dependencies	...	...	...	...	...	...	...	...	10th October 1963
Gibraltar	...	...	...	...	...	...	...	...	1st October 1960
Hong Kong	...	...	...	...	...	...	...	...	12th December 1972
Isle of Man	...	...	...	...	...	...	...	...	31st May 1959
Montserrat	...	...	...	...	...	...	...	...	5th March 1966
St. Helena and its Dependencies	...	...	...	...	...	...	...	...	10th October 1963

Modifications to this Order as extended

1. Article 3 shall have effect as part of the law of any country to which it extends as if for references to the United Kingdom there were substituted references to the country in question.

2. Article 4 shall have effect as part of the law of any country to which it extends as if in paragraphs (1) and (3) there were substituted for "27th September 1957" the date indicated in relation to that country in the preceding provisions of this Schedule (being the date when the Act was first extended to that country).

3. Schedule 2 to this Order shall have effect as part of the law of any such country as if for any date in that Schedule which is earlier than the date mentioned in this Schedule in relation to the relevant country there were substituted that later date.

SCHEDULE 7

MODIFICATIONS OF PART III OF, AND SCHEDULES 4 AND 5 TO, THIS ORDER
IN ITS EXTENSION TO BERMUDA AND GIBRALTAR

1. (a) In Article 8 the words "other than section 40(3)" shall be omitted;
(b) in Article 9 the words "other than section 37(4), section 40(3) and Schedule 5" shall be omitted.
2. Insofar as Part III is part of the law of Bermuda—
 - (a) in Schedule 4 to this Order the date mentioned in the second column shall be altered to 23rd August 1969 in relation to Brazil, Congo (People's Republic), Czechoslovakia, Denmark, Ecuador, Federal Republic of Germany (and Berlin (West)), Mexico, Niger and Sweden;
 - (b) in Schedule 5 the names of Belgium, Cyprus, France, Norway and Spain shall be omitted; and
 - (c) the date mentioned in the second column shall be altered to 23rd August 1969 in relation to Brazil, Congo (People's Republic), Czechoslovakia, Denmark, Ecuador, Federal Republic of Germany (and Berlin (West)), Mexico, Niger and Sweden.
3. Insofar as Part III is part of the law of Gibraltar—
 - (a) in Schedule 4 to this Order the date mentioned in the second column shall be altered to 28th October 1966 in relation to Brazil, Congo (People's Republic), Czechoslovakia, Denmark, Ecuador, Mexico, Niger and Sweden;
 - (b) in Schedule 5 the date mentioned in the second column shall be altered to 28th October 1966 in relation to Brazil, Congo (People's Republic), Czechoslovakia, Denmark, Ecuador, France, Mexico, Niger and Sweden.

SCHEDULE 8

ORDERS REVOKED

Order	S.I. Number
The Copyright (International Conventions) Order 1972	1972/673
The Copyright (International Conventions) (Amendment) Order 1973	1973/72
The Copyright (International Conventions) (Amendment No. 2) Order 1973	1973/772
The Copyright (International Conventions) (Amendment No. 3) Order 1973	1973/963
The Copyright (International Conventions) (Amendment No. 4) Order 1973	1973/1089
The Copyright (International Conventions) (Amendment No. 5) Order 1973	1973/1751
The Copyright (International Conventions) (Amendment) Order 1974	1974/1276
The Copyright (International Conventions) (Amendment) Order 1975	1975/431
The Copyright (International Conventions) (Amendment No. 2) Order 1975	1975/1837
The Copyright (International Conventions) (Amendment No. 3) Order 1975	1975/2193
The Copyright (International Conventions) (Amendment) Order 1976	1976/227
The Copyright (International Conventions) (Amendment No. 2) Order 1976	1976/1784
The Copyright (International Conventions) (Amendment No. 3) Order 1976	1976/2153

Order	S.I. Number
The Copyright (International Conventions) (Amendment) Order 1977	1977/56
The Copyright (International Conventions) (Amendment No. 2) Order 1977	1977/830
The Copyright (International Conventions) (Amendment No. 3) Order 1977	1977/1256
The Copyright (International Conventions) (Amendment No. 4) Order 1977	1977/1632
The Copyright (International Conventions) (Amendment) Order 1978	1978/1060
The Copyright (International Conventions) (Amendment) Order 1979	1979/577

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes with amendments the Orders mentioned in Schedule 8 (being Orders providing for the protection in the United Kingdom and the countries to which the Copyright Act 1956 has been extended of works and other subject-matter originating in other countries party to international copyright conventions).

The amendments take account of the accession of El Salvador and the Republic of Ireland to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

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