STATUTORY INSTRUMENTS

2021 No. 1258

COPYRIGHT, RIGHTS IN PERFORMANCES

The Copyright and Performances (Application to Other Countries) (Amendment) (No. 2) Order 2021

Made - - - -	*10th November 2021*
Laid before Parliament	*11th November 2021*
Coming into force	*1st December 2021*

At the Court at Windsor Castle, the 10th day of November 2021

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, in exercise of the powers conferred on Her by section 159 of the Copyright, Designs and Patents Act 1988(**a**) ("the Act") makes the following Order.

Her Majesty is satisfied that, to the extent that this Order relates to a country that is not—

(a) in relation to copyright, a country party to the Berne Convention(**b**) or to the World Intellectual Property Organisation Performances and Phonograms Treaty(**c**) or a member of the World Trade Organisation, or

(b) in relation to copyright and performances, a country party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations(**d**) or otherwise a Convention country(**e**),

provision has been or will be made under the law of that country giving adequate protection to the owners of copyright under Part 1 of the Act.

Citation and commencement

1. This Order may be cited as the Copyright and Performances (Application to Other Countries) (Amendment) (No. 2) Order 2021 and comes into force on 1st December 2021.

(**a**) 1988 c. 48. Section 159 was substituted by the Intellectual Property Act 2014 (c.18) ("the 2014 Act").
(**b**) Cm. 1212; "Berne Convention" is defined in section 159(9) of the Copyright, Designs and Patents Act 1988 ("the 1988 Act"); section 159 of that Act was substituted by section 22(4) of the 2014 Act.
(**c**) Cm. 3728.
(**d**) Cm. 2425,
(**e**) "Convention country" is defined in section 208(2) of the 1988 Act.

Amendment of the Copyright and Performances (Application to Other Countries) Order 2016

2.—(1) The Copyright and Performances (Application to Other Countries) Order 2016(**a**) is amended as follows.

(2) In article 8 (application to broadcasts of Part 1 of the Act under section 159(4)-miscellaneous countries) (**b**), for paragraph (1), substitute—

"(1) This paragraph applies to a member State, Indonesia, Singapore, South Korea, Ukraine, Norway, Iceland and Liechtenstein".

Ceri King
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Copyright, Designs and Patents Act 1988 ("the Act") confers the protection of copyright on the creators of certain works ("Part 1 protections"). It applies to works originating from certain countries and is applied by the Copyright and Performances (Application to Other Countries) Order 2016 ("the 2016 Order"), made under powers conferred by the Act, to works originating from certain other countries. Part 2 of the Act confers the protection of rights on performers and persons having recording rights in relation to a performance ("Part 2 protections"). It applies to performances connected with certain countries and is also applied by the 2016 Order to performances connected with certain other countries.

This Order amends the 2016 Order as follows. Article 2(1) amends article 8 of the 2016 Order to provide for the application of Part 1 protections to wired broadcasts relating to Norway, Iceland and Liechtenstein, in each case in the manner set out in relevant provisions of that amended article.

These changes implement the United Kingdom's obligations to provide national treatment of wired broadcasts connected with the UK- Norway, Iceland and Liechtenstein FTA countries.

No impact assessment has been produced for this instrument as no significant impact on the private or voluntary sector is foreseen. An explanatory memorandum is available alongside this instrument on the Legislation UK website at www.legislation.gov.uk.

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(**a**) S.I. 2016/2019. Article 8 was previously amended by S.I. 2021/636, Art 2.
(**b**) Part 1 of the 1988 Act makes provision in relation to copyright. Article 8 of the Copyright and Performances (Application to the Other Countries) Order 2016 applies that Part 1 to broadcasts in relation to the countries listed and in the manner set out in the article.

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