STATUTORY INSTRUMENTS

1964 No. 1651

COPYRIGHT

The Copyright (International Conventions) (Amendment No. 2) Order 1964

Made - - - - 15*th October* 1964

* *To be laid before Parliament*

Coming into Operation 28*th October* 1964

At the Court at Buckingham Palace, the 15th day of October 1964

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:—

1. The Copyright (International Conventions) Order 1964(b) (hereinafter called " the principal Order ") as amended(c), shall be further amended:—

(i) by adding references to Guatemala and to New Zealand in Part 2 of Schedule 1 thereto (which names the countries party to the Universal Copyright Convention);

(ii) by adding a reference to Guatemala in Schedule 2 thereto (which names certain countries who are not members of the Berne Copyright Union but who are parties to the Universal Copyright Convention) and a related reference to 28th October 1964 in the list of dates in column 2 of that Schedule; and

(iii) by omitting the reference to Congo (Brazzaville) in Schedule 3 (which names the countries in the case of which copyright in sound recordings includes the exclusive right to perform in public and to broadcast).

2. 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 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 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.

* This Instrument was laid before Parliament on 27th October 1964.

(a) 4 & 5 Eliz. 2. c. 74. (b) S.I. 1964/690 (1964 II, p. 1319).

(c) S.I. 1964/1194 (1964 II, p. 2773).

3. The provisions of this Order shall extend to all the countries mentioned in Column 1 of Part 1 of Schedule 4 to the principal Order (being the countries to which that Order has been extended).

4. This Order may be cited as the Copyright (International Conventions) (Amendment No. 2) Order 1964 and shall come into operation on 28th October 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the Copyright (International Conventions) Order 1964.

It takes account of the fact that Guatemala and New Zealand have subscribed to the Universal Copyright Convention.

The Order also restricts the copyright in sound recordings originating in Congo (Brazzaville) so that it no longer includes the exclusive right to perform in public or to broadcast. It also takes account of the fact that Congo (Brazzaville) have limited the protection given to foreign recordings.

Article 3 of the Order extends its provisions to the dependent countries of the Commonwealth where the Copyright Act 1956 is law.