COPYRIGHT

1958 No. 1254

The Copyright (International Conventions) (Amendment) Order, 1958

Made - - - -	30*th July*, 1958
Laid before Parliament	7*th August*, 1958
Coming into Operation	11*th August*, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Copyright (International Conventions) Order, 1957(a), hereinafter called "the Principal Order", (which applied the provisions of the Copyright Act, 1956(b), hereinafter called "the Act", in the case of certain countries) provided, among other things,—

(1) that the term of copyright in a work or other subject-matter in which copyright subsisted by virtue of the Principal Order should not exceed the term of protection (if any) enjoyed (without compliance with more than certain specified formalities) in the country of origin of that work or subject-matter by a British work or subject-matter of the same class;

(2) that, except in the case of certain countries mentioned in Proviso (iii) to Article 1 of the Principal Order, the acts restricted by the copyright in a sound recording in which copyright subsisted by virtue of the Principal Order should not include—

(*a*) causing the recording to be heard in public;

(*b*) broadcasting the recording:

And whereas, at the time of the making of the Principal Order, India was a member of the Berne Copyright Union, and has since ratified the Universal Copyright Convention:

And whereas it is expedient—

(1) that the term of copyright in a work or other subject-matter in which copyright subsists by virtue of the Principal Order should be the same as that enjoyed under the Act in respect of a British work or subject-matter of the same class;

(2) that, in the case of the Republic of Ireland, the copyright in sound recordings in which copyright subsists as aforesaid should include the restricted acts mentioned above;

(3) that Part II of the First Schedule to the Principal Order (which names the countries which are parties to the Universal Copyright Convention) should be varied to take account of India's ratification of that Convention:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council and by virtue of the authority conferred upon Her by sections 32 and

(a) S.I. 1957/1523 (1957 I, p. 474). (b) 4 & 5 Eliz. 2. c. 74.

47 of the Act, and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. The Principal Order shall have effect subject to the variations specified in the Schedule hereto:

Provided that copyright shall not by virtue of this Order subsist in any work or other subject-matter in which copyright did not subsist immediately before the commencement thereof.

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 or other subject-matter 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 rights or interests arising from, or in connection with, such action which are subsisting and valuable immediately before such commencement 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.

3. This Order may be cited as the Copyright (International Conventions) (Amendment) Order, 1958, and shall come into operation on the 11th day of August, 1958.

W. G. Agnew.

SCHEDULE

Variations to the Principal Order:

In Article 1, in the proviso thereto—

(*a*) paragraph (ii) shall be omitted;

(*b*) in paragraph (iii), after the word "India," there shall be inserted the words "the Republic of Ireland,";

(*c*) in paragraph (vi), for the words and figures "paragraphs (i) and (ii)" there shall be substituted the word and figure "paragraph (i)".

In Article 4, paragraph (1) shall be omitted.

In Part II of the First Schedule, after the word "Iceland" there shall be inserted the word "India".

EXPLANATORY NOTE

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

This Order gives works originating in the countries mentioned in the Principal Order the same term of copyright as similar works originating in the United Kingdom (with the qualification that works now in the public domain are not to come back into copyright as a result of this change) and provides that the copyright in sound recordings originating in the Republic of Ireland is to include the exclusive right to perform in public and to broadcast. It also makes a formal change in the Principal Order to record the fact that India has ratified the Universal Copyright Convention.