STATUTORY INSTRUMENTS

1964 No. 690

COPYRIGHT

The Copyright (International Conventions) Order 1964

Made - - - -	12*th May* 1964
Laid before Parliament	20*th May* 1964
Coming into Operation	21*st May* 1964

At the Court at Buckingham Palace, the 12th day of May 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) (hereinafter referred to as " the Act "), and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered as follows:—

PART I

Protection in respect of literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions

1. 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 thereto, being the provisions relating to literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions of literary, dramatic or musical works, shall apply in the case of each of the countries mentioned in Schedule 1 hereto as follows:—

(*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 in relation to such works, recordings, films or editions first published in the United Kingdom ;

(*b*) in relation to persons who, at a material time (as hereinafter defined), are citizens or subjects of, or domiciled or resident in, that country, as they apply in relation to persons who, at such a time, are British subjects or domiciled or resident in the United Kingdom ;

(*c*) in relation to bodies incorporated under the laws of that country, as they apply in relation to bodies incorporated under the laws of any part of the United Kingdom.

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

(a) 4 & 5 Eliz. 2. c. 74. (b) 1 & 2 Geo. 5. c. 46. (c) S.I. 1957/1523 (1957 I, p. 474).

(2) Subject to the following provisions of this Article, 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 before 27th September 1957 in a country which is a party to the Universal Copyright Convention but which is not a country of the Berne Copyright Union.

(3) In the case of any country mentioned in column 1 of Schedule 2 to this Order paragraphs (1) and (2) of this Article shall have effect as if there were substituted for the references therein to 27th September 1957 references to the date set out against the name of that country in column 2 of that Schedule (being the date on which the provisions of the Act were first applied in the case of that country).

(4) This Article shall not apply—

(*a*) in the case of Ghana or Nigeria ; 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(**a**), or the Copyright (United States of America) Order 1942(**b**), as amended(**c**).

3. 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.

4. 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 Part 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 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.

5. In this Part of this Order—

(*a*) " country of the Berne Copyright Union " means any country mentioned in Part 1 of Schedule 1 to this Order ;

(*b*) " 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 ;

(a) S.R. & O. 1920/257 (1920 I, p. 286).
(b) S.R. & O. 1942/1579 (Rev. IV, p. 963; 1942 I, p. 87). (c) S.I. 1950/1641 (1950 I, p. 399).

(*c*) " party to the Universal Copyright Convention " means any country mentioned in Part 2 of Schedule 1 to this Order.

6. 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.

7. This Part of this Order, and Part III, so far as relevant thereto, shall extend to the countries mentioned in column 1 of Part 1 of Schedule 4 to this Order subject to the modifications specified in Part 2 of that Schedule.

PART II

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 column 1 of Schedule 5 to this Order, in relation to sound broadcasts made from places in those countries by an organisation constituted in, or under the laws of, the country in which the sound broadcast is made, as they apply in relation to 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 of the Act there were substituted references to the respective dates set out in column 2 of Schedule 5 to this Order (being the dates 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 those countries).

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 column 1 of Schedule 6 to this Order, in relation to television broadcasts made from places in those countries by an organisation constituted in, or under the laws of, the country in which the television 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 Television 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 of the Act there were substituted references to the respective dates set out in column 2 of Schedule 6 to this Order, (being the dates 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 those countries).

PART III

Supplemental

10.—(1) The Orders mentioned in Part 1 of Schedule 7 to this Order are hereby revoked insofar as they form part of the law of the United Kingdom or any country to which this Order extends; and accordingly the Orders mentioned in column 2 of Part 1 of Schedule 4 to this Order

(being the Orders whereby the Act and the 1957 Order were extended to the countries to which this Order extends) shall have effect as though there were omitted therefrom the respective provisions mentioned in column 4 of that Part of that Schedule (being the provisions extending the 1957 Order and other Orders hereby revoked to those countries):

Provided that, notwithstanding the revocation of the 1957 Order, and without prejudice to the effect of section 38 of the Interpretation Act 1889(a) (which relates to the effect of repeals) as applied by Article 11 of this Order, Article 2 of the 1957 Order shall continue to apply in any case in which it applied before the commencement of this Order as it applied by virtue of the 1957 Order or any of the other Orders hereby revoked.

(2) The Orders mentioned in Part 2 of Schedule 7 to this Order are hereby revoked in the law of the United Kingdom.

11. The Interpretation Act 1889 shall apply to the interpretation of this Order as if this Order and the Orders hereby revoked were Acts of Parliament.

12. This Order may be cited as the Copyright (International Conventions) Order 1964 and shall come into operation on 21st May 1964.

W. G. Agnew.

SCHEDULE 1

1964/1303

PART 1

COUNTRIES OF THE BERNE COPYRIGHT UNION

Australia (and Papua, New Guinea, Nauru and Norfolk Island).
Austria.
Belgium.
Brazil.
Bulgaria.
Canada.
Ceylon.
Congo (Brazzaville).
Congo (Leopoldville).
Cyprus.
Czechoslovakia.
Dahomey.
Denmark.
Finland.
France (and French territories overseas).
Gabon.
Federal Republic of Germany (and Land Berlin).
Greece.
Hungary.
Iceland
India.
Republic of Ireland.
Israel.
Italy.
Ivory Coast.
Japan.
Lebanon.
Liechtenstein.
Luxembourg.
Mali.
Monaco.
Morocco.

(a) 52 & 53 Vict. c. 63.

Netherlands (and Surinam and Netherlands Antilles).
New Zealand.
Niger.
Norway.
Pakistan.
Philippines.
Poland.
Portugal (including Portuguese provinces overseas).
Roumania.
Senegal.
South Africa (and South West Africa).
Spain (and its Colonies).
Sweden.
Switzerland.
Thailand.
Tunisia.
Turkey.
Upper Volta.
Vatican City.
Western Samoa.
Yugoslavia.

PART 2

PARTIES TO THE UNIVERSAL COPYRIGHT CONVENTION

Andorra.
Argentina.
Austria.
Belgium.
Brazil.
Cambodia.
Canada.
Chile.
Costa Rica.
Cuba.
Czechoslovakia.
Denmark.
Ecuador.
Finland.
France.
Federal Republic of Germany (and Land Berlin).
Ghana.
Greece.
Haiti.
Iceland.
India.
Republic of Ireland.
Israel.
Italy.
Japan.
Laos.
Lebanon.
Liberia.
Liechtenstein.
Luxembourg.
Mexico.
Monaco.
Nicaragua.
Nigeria.
Norway.
Pakistan.
Panama.

Paraguay.
Peru.
Philippines.
Portugal.
Spain.
Sweden.
Switzerland.
United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America).
Vatican City.

SCHEDULE 2

DATES ON WHICH PROVISIONS OF THE ACT WERE FIRST APPLIED BY PREVIOUS ORDERS OTHER THAN THE 1957 ORDER TO COUNTRIES BEING PARTIES TO THE UNIVERSAL COPYRIGHT CONVENTION BUT NOT MEMBERS OF THE BERNE COPYRIGHT UNION.

Country	Date on which the Act was first applied
Argentina	13th February 1958.
Nicaragua	16th August 1961.
Paraguay	11th March 1962.
Panama	17th October 1962.
Peru	16th October 1963.

SCHEDULE 3

COUNTRIES IN THE CASE OF WHICH COPYRIGHT IN SOUND RECORDINGS INCLUDES EXCLUSIVE RIGHT TO PERFORM IN PUBLIC AND TO BROADCAST

Australia.
Canada.
Ceylon.
Congo (Brazzaville).
Cyprus.
Denmark.
Ecuador.
Federal Republic of Germany (and Land Berlin).
India.
Republic of Ireland.
Italy.
Israel.
Mexico.
New Zealand.
Nigeria.
Norway.
Pakistan.
South Africa.
Spain.
Sweden.
Switzerland.
Western Samoa.

SCHEDULE 4

COUNTRIES TO WHICH PART I OF THIS ORDER EXTENDS AND MODIFICATIONS THEREOF IN RELATION TO SUCH EXTENSION

PART 1

Column 1 Country	Column 2 Relevant Order	Column 3 Operative date of Relevant Order	Column 4 Provisions omitted from Relevant Order
Isle of Man ...	The Copyright (Isle of Man) Order 1959 (S.I. 1959/861; 1959 I, p. 748).	31st May 1959	Paragraph 1 of Schedule 2.
Gibraltar ...	The Copyright (Gibraltar) Order 1960 (S.I. 1960/847; 1960 I, p. 767).	1st October 1960	The reference to the Copyright (International Conventions) Order 1957 in Article 2, and paragraph 1 of Schedule 2.
Fiji	The Copyright (Fiji) Order 1961 (S.I. 1961/60; 1961 I, p. 116).	1st June 1961	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Bermuda ...	The Copyright (Bermuda) Order 1962 (S.I. 1962/1642; 1962 II, p. 1909).	6th December 1962	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Bahama Islands	The Copyright (Bahamas) Order 1962 (S.I. 1962/2184; 1962 III, p. 2964).	11th February 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Virgin Islands	The Copyright (Virgin Islands) Order 1962 (S.I. 1962/2185; 1962 III, p. 2969).	11th February 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Falkland Islands and its Dependencies	The Copyright (Falkland Islands)Order 1963 (S.I. 1963/1037; 1963 II, p. 1761).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.

Column 1 Country	Column 2 Relevant Order	Column 3 Operative date of Relevant Order	Column 4 Provisions omitted from Relevant Order
St. Helena and its Dependencies	The Copyright (St. Helena) Order 1963 (S.I. 1963/1038; 1963 II, p. 1767).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Seychelles ...	The Copyright (Seychelles) Order 1963 (S.I. 1963/1039; 1963 II, p. 1772).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Mauritius ...	The Copyright (Mauritius) Order 1964 (S.I. 1964/689, 1964 II, p. 1313).	21st November 1964	

PART 2

1. In so far as Part I of this Order forms part of the law of any country by virtue of Article 7 of this Order, Article 1 of this Order shall have effect as if for references therein to " the United Kingdom " there were substituted references to that country.

2. In so far as Part I of this Order forms part of the law of any such country as aforesaid, Article 2 of this Order shall have effect subject to the following modifications—

(*a*) there shall be substituted for the references in paragraphs (1) and (2) to 27th September 1957, references to the following date, that is to say—

(i) in relation to any country mentioned in Schedule 1 to this Order and not mentioned in column 1 of Schedule 2 to this Order, and also in relation to any country mentioned in column 1 of Schedule 2 where the date set out in column 2 of that Schedule against the name of that country is a date earlier than the operative date of the relevant Order, there shall be substituted the operative date of that Order (being the date on which the Act was first extended to that country);

(ii) in relation to any other country mentioned in column 1 of Schedule 2 to this Order, there shall be substituted the date set out in column 2 of that Schedule against the name of that country (being the date on which the provisions of the Act were first applied in the case of that country);

(*b*) paragraph (3) shall be omitted; and

(*c*) there shall be substituted for the reference in paragraph (4) to 27th September 1957, a reference to the operative date of the relevant Order.

3. In paragraphs 1 and 2 of this Part of this Schedule the " relevant Order " and the " operative date " of that Order respectively mean, in relation to any country to which Part I of this Order extends, the Order and the date mentioned against the name of that country, in columns 2 and 3 of Part I of this Schedule.

SCHEDULE 5

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO SOUND BROADCASTS

Country	Date
Congo (Brazzaville)	21st May 1964.
Ecuador	21st May 1964.
Mexico	21st May 1964.
Niger	21st May 1964.
Sweden	21st May 1964.

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SCHEDULE 6

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO TELEVISION BROADCASTS

Country	Date
France	1st July 1961.
Sweden	1st July 1961.
Denmark	1st February 1962.
Congo (Brazzaville)	21st May 1964.
Ecuador	21st May 1964.
Mexico	21st May 1964.
Niger	21st May 1964.

SCHEDULE 7

PART 1

ORDERS REVOKED IN THE LAW OF THE UNITED KINGDOM AND OTHER COUNTRIES TO WHICH PART I OF THIS ORDER EXTENDS

Order	S.I. number and reference
The Copyright (International Conventions) Order 1957.	S.I. 1957/1523 (1957 I, p. 474).
The Copyright (International Conventions) (Argentina) Order 1958.	S.I. 1958/135 (1958 I, p. 361).
The Copyright (International Conventions) (Amendment) Order 1958.	S.I. 1958/1254 (1958 I, p. 358).
The Copyright (International Conventions) (Amendment No. 2) Order 1958.	S.I. 1958/2184 (1958 I, p. 360).
The Copyright (International Conventions) (Amendment) Order 1960.	S.I. 1960/200 (1960 I, p. 772).
The Copyright (International Conventions) (Amendment) Order 1961.	S.I. 1961/1496 (1961 II, p. 3040).
The Copyright (International Conventions) (Amendment No. 2) Order 1961.	S.I. 1961/2461 (1961 III, p. 4507).
The Copyright (International Conventions) (Amendment) Order 1962.	S.I. 1962/397 (1962 I, p. 348).
The Copyright (International Conventions) (Amendment No. 2) Order 1962.	S.I. 1962/628 (1962 I, p. 631).
The Copyright (International Conventions) (Amendment No. 3) Order 1962.	S.I. 1962/1641 (1962 II, p. 1907).
The Copyright (International Conventions) (Amendment No. 4) Order 1962.	S.I. 1962/2183 (1962 III, p. 2962).
The Copyright (International Conventions) (Amendment) Order 1963.	S.I. 1963/1625 (1963 III, p. 3018).

PART 2

ORDERS REVOKED IN THE LAW OF THE UNITED KINGDOM

Order	S.I. number and reference
The Copyright (Foreign Television Broadcasts) Order 1961.	S.I. 1961/993 (1961 II, p. 1917).
The Copyright (Foreign Television Broadcasts) (Amendment) Order 1962.	S.I. 1962/165 (1962 I, p. 166).

EXPLANATORY NOTE

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

This Order revokes the Orders mentioned in Schedule 7 (being Orders providing for the protection here and in the countries to which the Copyright Act 1956 has been extended of works and other subject-matter of foreign and Commonwealth origin) and re-enacts the revoked provisions with minor modifications.

The Order also takes account of—

(*a*) the accession of Finland, Greece and Norway to the Universal Copyright Convention;

(*b*) the fact that Cyprus, Upper Volta and Congo (Leopoldville) have subscribed in their own right to the Berne Copyright Union; and

(*c*) the ratification by Congo (Brazzaville), Ecuador, Mexico, Niger and Sweden of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, which provides, *inter alia*, for the protection of sound recordings and broadcasts.

The Order (other than Part II, which relates exclusively to the protection of broadcasts) is extended to the countries named in Schedule 4, being countries in which the Copyright Act 1956 is in force by virtue of Orders in Council made under that Act.