



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER IX

QUALIFICATION FOR AND EXTENT OF COPYRIGHT PROTECTION

Extent and application of this Part

[^{F1}159 Application of this Part to countries to which it does not extend

- (1) Where a country is a party to the Berne Convention or a member of the World Trade Organisation, this Part, so far as it relates to literary, dramatic, musical and artistic works, films and typographical arrangements of published editions—
 - (a) applies in relation to a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom,
 - (b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom, and
 - (c) applies in relation to a work first published in that country as it applies in relation to a work first published in the United Kingdom.
- (2) Where a country is a party to the Rome Convention, this Part, so far as it relates to sound recordings and broadcasts—
 - (a) applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1), and
 - (b) applies in relation to a broadcast made from that country as it applies to a broadcast made from the United Kingdom.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 159. (See end of Document for details)

- (3) Where a country is a party to the WPPT, this Part, so far as relating to sound recordings, applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1).
- (4) Her Majesty may by Order in Council—
- (a) make provision for the application of this Part to a country by subsection (1), (2) or (3) to be subject to specified restrictions;
 - (b) make provision for applying this Part, or any of its provisions, to a specified country;
 - (c) make provision for applying this Part, or any of its provisions, to any country of a specified description;
 - (d) make provision for the application of legislation to a country under paragraph (b) or (c) to be subject to specified restrictions.
- (5) Provision made under subsection (4) may apply generally or in relation to such classes of works, or other classes of case, as are specified.
- (6) Her Majesty may not make an Order in Council containing provision under subsection (4)(b) or (c) unless satisfied that provision has been or will be made under the law of the country or countries in question, in respect of the classes to which the provision under subsection (4)(b) or (c) relates, giving adequate protection to the owners of copyright under this Part.
- (7) Application under subsection (4)(b) or (c) is in addition to application by subsections (1) to (3).
- (8) Provision made under subsection (4)(c) may cover countries that become (or again become) of the specified description after the provision comes into force.
- (9) In this section—
- “the Berne Convention” means any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9 September 1886;
- “the Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961;
- “the WPPT” means the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20 December 1996.
- (10) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** S. 159 substituted (1.12.2016 for specified purposes, 6.4.2017 in so far as not already in force) by [Intellectual Property Act 2014 \(c. 18\)](#), ss. **22(4)**, 24(1); S.I. 2016/1139, arts. 2, 3 (with art. 4)

Modifications etc. (not altering text)

- C1** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 4 (with art. 13)
- C2** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 6 (with art. 13)

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- C3** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **9** (with art. 13)
- C4** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **7** (with art. 13)
- C5** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **2** (with art. 13)
- C6** Pt. 1 restricted (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **3** (with art. 13)
- C7** Pt. 1 extended (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), 5, **Sch. Pt. 1** (with art. 13)
- C8** Pt. 1 applied (with modifications) (6.4.2017) by [The Copyright and Performances \(Application to Other Countries\) Order 2016 \(S.I. 2016/1219\)](#), arts. 1(1), **8** (with art. 13)

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