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STATUTORY INSTRUMENTS

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**1989 No. 1293**

**The Copyright (Application to Other Countries) (No. 2) Order 1989**

2.—(1) In relation to literary, dramatic, musical and artistic works, films and the typographical arrangements of published editions, sections 153, 154 and 155 of the Act (qualification for copyright protection) apply in relation to—

- (a) persons who are citizens or subjects of a country specified in Schedule 1 to this Order or are domiciled or resident there as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom;
- (b) bodies incorporated under the law of such a country as they apply in relation to bodies incorporated under the law of a part of the United Kingdom; and
- (c) works first published in such a country as they apply in relation to works first published in the United Kingdom;

but subject to paragraph (2) and article 5 below.

(2) Copyright does not subsist—

- (a) in a literary, dramatic, musical or artistic work by virtue of section 154 of the Act as applied by paragraph (1) above (qualification by reference to author) if it was first published—
  - (i) before 1st June 1957 (commencement of Copyright Act 1956<sup>(1)</sup>), or
  - (ii) before 1st August 1989 (commencement of Part I of the Act) and at the material time (as defined in section 154(4)(b) of the Act) the author was not a relevant person; or
- (b) in any work by virtue of paragraph (1) above if—
  - (i) a date is, or dates are, specified in Schedule 1 to this Order in respect of the only country or countries relevant to the work for the purposes of paragraph (1) above, and
  - (ii) the work was first published before that date or (as the case may be) the earliest of those dates;

and for the purposes of sub-paragraph (a)(ii) of this paragraph, a “relevant person” is a Commonwealth citizen, a British protected person, a citizen or subject of any country specified in Schedule 1 to this Order, or a person resident or domiciled in the United Kingdom, another country to which the relevant provisions of Part I of the Act extend or (subject to article 5 below) a country specified in Schedule 1 to this Order.

(3) Where copyright subsists in a work by virtue of paragraph (1) above, the whole of Part I of the Act (including Schedule 1 to the Act) applies in relation to the work, save that in relation to an artistic work consisting of the design of a typeface—

- (a) section 54(2) (articles for producing material in particular typeface) does not apply,
- (b) section 55 (making such articles not an infringement) applies as if the words in subsection (2) from the beginning to “marketed” were omitted, and
- (c) paragraph 14(5) of Schedule 1 (transitional provision) does not apply,

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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and subject also to articles 5 and 7 below.