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STATUTORY INSTRUMENTS

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**1995 No. 2987**

**COPYRIGHT**

**The Copyright (Application to Other Countries) (Amendment) Order 1995**

<i>Made</i>	- - - -	<i>23rd November 1995</i>
<i>Laid before Parliament</i>		<i>24th November 1995</i>
<i>Coming into force</i>		
<i>Articles 1 and 2</i>		<i>15th December 1995</i>
<i>Article 3</i>		<i>1st January 1996</i>

At the Court at Buckingham Palace, the 23rd day of November 1995

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 section 159 of the Copyright, Designs and Patents Act 1988(1), is pleased to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright (Application to Other Countries) (Amendment) Order 1995 and articles 1 and 2 shall come into force on 15th December 1995 and article 3 shall come into force on 1st January 1996.

2. The Copyright (Application to Other Countries) Order 1993(2) shall be amended by substituting for the Schedules 1, 2 and 3 to that Order, the Schedules 1, 2 and 3 in the Schedule to this Order.

3. The Copyright (Application to Other Countries) Order 1993 (as amended by article 2 of this Order) shall be further amended as follows:

(a) Schedule 1 (which names the countries enjoying protection in respect of all works except broadcasts and cable programmes) is amended:

(i) in the sentence in parentheses in the headnote to the Schedule, by the insertion after the words "Universal Copyright Convention" of the words "and/or the Agreement

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(1) 1988 c. 48.

(2) S.I. 1993/942 amended by S.I. 1994/263.

Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights)”;

(ii) by the insertion therein in proper alphabetical order of the following:

Antigua and Barbuda,  
Bahrain,  
Botswana,  
Brunei Darussalam,  
Burundi,  
Djibouti,  
Dominica,  
Kuwait,  
Macau,  
Maldives,  
Mozambique,  
Myanmar,  
Sierra Leone,  
Swaziland; and

(iii) by the omission therefrom in each case of the dates after the following countries:

Cuba,  
Dominican Republic,  
Guatemala,  
Korea, Republic of,  
Nicaragua,  
Uganda;

(b) Schedule 3 (which names the countries enjoying protection in respect of broadcasts) is amended:

(i) in the sentence in parentheses in the headnote to the Schedule, by the insertion after the words “Television Broadcasts” of the words “and/or the Agreement Establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights)”;

(ii) by the insertion therein in proper alphabetical order of the following:

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*Antigua and Barbuda	(1st January 1996)
*Bahrain	(1st January 1996)
*Bangladesh	(1st January 1996)
*Belize	(1st January 1996)
*Bolivia	(1st January 1996)
*Botswana	(1st January 1996)
*Brunei Darussalam	(1st January 1996)
*Burundi	(1st January 1996)

*Canada	(1st January 1996)
*Central African Republic	(1st January 1996)
*Côte D'Ivoire	(1st January 1996)
*Cuba	(1st January 1996)
*Djibouti	(1st January 1996)
*Dominica	(1st January 1996)
*Egypt	(1st January 1996)
*Gabon	(1st January 1996)
*Ghana	(1st January 1996)
*Guinea-Bissau	(1st January 1996)
*Guinea	(1st January 1996)
*Guyana	(1st January 1996)
*India	(1st January 1996)
*Israel	(1st January 1996)
*Kenya	(1st January 1996)
*Korea, Republic of	(1st January 1996)
*Kuwait	(1st January 1996)
*Liechtenstein	(1st January 1996)
*Macau	(1st January 1996)
*Maldives	(1st January 1996)
*Mali	(1st January 1996)
*Malta	(1st January 1996)
*Mauritania	(1st January 1996)
*Mauritius	(1st January 1996)
*Morocco	(1st January 1996)
*Mozambique	(1st January 1996)
*Myanmar	(1st January 1996)
*Namibia	(1st January 1996)
*New Zealand	(1st January 1996)
*Nicaragua	(1st January 1996)
*Pakistan	(1st January 1996)
*Poland	(1st January 1996)
*Portugal	(1st January 1996)
*Romania	(1st January 1996)
*Saint Lucia	(1st January 1996)

*Saint Vincent and the Grenadines	(1st January 1996)
*Senegal	(1st January 1996)
*Sierra Leone	(1st January 1996)
*Slovenia	(1st January 1996)
*South Africa	(1st January 1996)
*Sri Lanka	(1st January 1996)
*Suriname	(1st January 1996)
*Swaziland	(1st January 1996)
*Tanzania	(1st January 1996)
*Thailand	(1st January 1996)
*Togo	(1st January 1996)
*Trinidad and Tobago	(1st January 1996)
*Tunisia	(1st January 1996)
*Turkey	(1st January 1996)
*Uganda	(1st January 1996)
*United States	(1st January 1996)
*Venezuela	(1st January 1996)
*Zambia	(1st January 1996)
*Zimbabwe	(1st January 1996)

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; and

(iii) in the parentheses after “Belgium” and “Cyprus”, in each case, by substituting for the word “only”, the words “; 1st January 1996— non-television”; and

(c) Schedule 4 is amended:

(i) by substituting for paragraphs 1 and 2 the following paragraph:

“**1.** In respect of Indonesia and Singapore, in the application of article 4(3) above in relation to cable programmes by virtue of article 4(6), the relevant date is 1st January 1985.”;

(ii) by renumbering paragraph 3 accordingly, and

(iii) by inserting the following paragraphs after paragraph 2:

“**3.** In the application of Part I of the Act by virtue of article 4 (broadcasts) above in relation to those countries identified in Schedule 3 to this Order by an asterisk, section 16 applies to broadcasts as if subsection (1)(b) (issue of copies of a work to the public), subsection (1)(d) (broadcast of a work or inclusion in a cable programme service) insofar as it relates to inclusion in a cable programme service and subsection (1)(c) (performing, showing or playing a work in public) insofar as it relates to broadcasts other than television broadcasts, were omitted.

4. The derogations in respect of broadcasts set out in paragraph 3 apply also to Belgium and Cyprus save that they apply only in respect of non-television broadcasts.”

*N. H. Nicholls*  
Clerk of the Privy Council

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

SCHEDULE

Article 2.

“SCHEDULE 1

Article 2(1) and (2)

COUNTRIES ENJOYING PROTECTION IN RESPECT OF ALL  
WORKS EXCEPT BROADCASTS AND CABLE PROGRAMMES

(The countries specified in this Schedule are parties to the Berne Copyright Convention and/or the Universal Copyright Convention or otherwise give adequate protection under their law.)

Albania  
Algeria (28th August 1973)  
Andorra (27th September 1957)  
Argentina  
Australia (including Norfolk Island)  
Austria  
Bahamas  
Bangladesh  
Barbados  
Belarus (25th December 1991)  
Belgium  
Belize  
Benin  
Bolivia  
Bosnia-Herzegovina  
Brazil  
Bulgaria  
Burkina Faso  
Cameroon  
Canada  
Central African Republic  
Chad  
Chile  
China  
Colombia  
Congo  
Costa Rica  
Côte d'Ivoire  
Croatia  
Cuba (27th September 1957)  
Cyprus, Republic of  
Czech Republic  
Denmark (including Greenland and the Faeroe Islands)

Dominican Republic (8th May 1983)  
Ecuador  
Egypt  
El Salvador  
Estonia  
Fiji  
Finland  
France (including all Overseas Departments and Territories)  
Gabon  
Gambia  
Georgia  
Germany  
Ghana  
Greece  
Guatemala (28th October 1964)  
Guinea  
Guinea-Bissau  
Guyana  
Haiti (27th September 1957)  
Holy See Honduras  
Hungary  
Iceland  
India  
Indonesia  
Ireland, Republic of  
Israel  
Italy  
Jamaica  
Japan  
Kampuchea (27th September 1957)  
Kazakhstan (25th December 1991)  
Kenya  
Korea, Republic of (1st October 1987)  
Laos (27th September 1957)  
Latvia  
Lebanon  
Lesotho  
Liberia  
Libya  
Liechtenstein

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Lithuania  
Luxembourg  
Macedonia  
Madagascar  
Malawi  
Malaysia  
Mali  
Malta  
Mauritania  
Mauritius  
Mexico  
Moldova  
Monaco  
Morocco  
Namibia  
Netherlands (including Aruba and the Netherlands Antilles)  
New Zealand  
Nicaragua (16th August 1961)  
Niger  
Nigeria  
Norway  
Pakistan  
Panama (17th October 1962)  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Romania  
Russian Federation  
Rwanda  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Saudi Arabia (13th July 1994)  
Senegal  
Singapore  
Slovak Republic  
Slovenia  
South Africa

Soviet Union (27th May 1973)  
Spain  
Sri Lanka  
Suriname  
Sweden  
Switzerland  
Taiwan, territory of (10th July 1985)  
Tajikistan (25th December 1991)  
Tanzania  
Thailand  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda (20th July 1964)  
Ukraine  
United States of America (including Puerto Rico and all territories and possessions)  
Uruguay  
Venezuela  
Yugoslavia  
Zaire  
Zambia  
Zimbabwe

## SCHEDULE 2

Article 3(a)(i)

### COUNTRIES ENJOYING FULL PROTECTION FOR SOUND RECORDINGS

(The countries specified in this Schedule either are parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations or otherwise give adequate protection under their law.)

Argentina  
Australia (including Norfolk Island)  
Austria  
Bangladesh  
Barbados  
Bolivia  
Brazil  
Bulgaria  
Burkina  
Faso

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Chile  
Colombia  
Congo  
Costa Rica  
Czech Republic  
Denmark (including Greenland and the Faeroe Islands) Dominican Republic  
Ecuador  
El Salvador  
Fiji  
Finland  
France (including all Overseas Departments and Territories)  
Germany  
Ghana  
Greece  
Guatemala  
Honduras  
Hungary  
Iceland  
India  
Indonesia  
Ireland, Republic of  
Italy  
Jamaica  
Japan  
Lesotho  
Luxembourg  
Malawi  
Malaysia  
Mexico  
Moldova  
Monaco  
Netherlands  
New Zealand  
Niger  
Nigeria  
Norway  
Pakistan  
Panama  
Paraguay  
Peru

Philippines  
Slovak Republic  
Spain  
Sweden  
Switzerland  
Taiwan, territory of  
Thailand  
Uruguay

### SCHEDULE 3

Article 4(1), (2) and (5)

#### COUNTRIES ENJOYING PROTECTION IN RESPECT OF BROADCASTS

(The countries specified in this Schedule are parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations and/or the European Agreement on the Protection of Television Broadcasts or otherwise give adequate protection under their law.)

Argentina (2nd March 1992)  
Australia (30th September 1992)  
Austria (9th June 1973)  
Barbados (18th September 1983)  
Belgium (8th March 1968— television only)  
Bolivia (24th November 1993)  
Brazil (29th September 1965)  
Bulgaria (31st August 1995)  
Burkina Faso (14th January 1988)  
Chile (5th September 1974)  
Colombia (17th September 1976)  
Congo (18th May 1964)  
Costa Rica (9th September 1971)  
Cyprus, Republic of (5th May 1970— television only)  
Czech Republic (1st January 1993)  
Denmark (including Greenland and the Faeroe Islands) (1st February 1962— television; 1st July 1965— non-television)  
Dominican Republic (27th January 1987)  
Ecuador (18th May 1964)  
El Salvador (29th June 1979)  
Fiji (11th April 1972)  
Finland (21st October 1983)  
France (including all Overseas Departments and Territories) (1st July 1961— television; 3rd July 1987— non-television)

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Germany (21st October 1966)  
Greece (6th January 1993)  
Guatemala (14th January 1977)  
Honduras (16th February 1990)  
Hungary (10th February 1995)  
Iceland (15th June 1994)  
Indonesia (1st June 1957)  
Ireland, Republic of (19th September 1979)  
Italy (8th April 1975)  
Jamaica (27th January 1994)  
Japan (26th October 1989)  
Lesotho (26th January 1990)  
Luxembourg (25th February 1976)  
Malawi (22nd June 1989)  
Malaysia (1st June 1957)  
Mexico (18th May 1964)  
Moldova (5th December 1995)  
Monaco (6th December 1985)  
Netherlands (7th October 1993)  
Niger (18th May 1964)  
Nigeria (29th October 1993)  
Norway (10th August 1968— television; 10th July 1978— non-television)  
Panama (2nd September 1983)  
Paraguay (26th February 1970)  
Peru (7th August 1985)  
Philippines (25th September 1984)  
Singapore (1st June 1957)  
Slovak Republic (1st January 1993)  
Spain (19th November 1971— television; 14th November 1991— non-television)  
Sweden (1st July 1961— television; 18th May 1964— non-television)  
Switzerland (24th September 1993)  
Uruguay (4th July 1977)”

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Copyright (Application to Other Countries) Order 1993 (S.I.1993/942 as amended by S.I. 1994/263) to take account of the accession of:

- (a) Estonia, Georgia, Guyana, Latvia, Lithuania, Moldova, the Russian Federation, Saint Kitts and Nevis, Tanzania and the Ukraine to the Berne Copyright Convention (Cmnd. 5002); and
- (b) Belarus and Saudi Arabia to the Universal Copyright Convention (Cmnd. 4905); and
- (c) Bulgaria, Hungary, Iceland, Jamaica and Moldova to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425).

The Order also makes amendments consequent upon the entry into force for the United Kingdom of the Agreement Establishing the World Trade Organisation (Cm. 2556-59, 2561-69, 2571-74) and the obligations arising therefrom under the Agreement on Trade-Related Aspects of Intellectual Property Rights which are to take effect on 1st January 1996.