
STATUTORY INSTRUMENTS

1996 No. 2967

The Copyright and Related Rights Regulations 1996

PART II

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Satellite broadcasts and cable re-transmission

Place where broadcast treated as made

5. For section 6(4) (broadcasts: place where regarded as made) substitute—

“(4) For the purposes of this Part, the place from which a broadcast is made is the place where, under the control and responsibility of the person making the broadcast, the programme-carrying signals are introduced into an uninterrupted chain of communication (including, in the case of a satellite transmission, the chain leading to the satellite and down towards the earth).”.

Safeguards in relation to certain satellite broadcasts

6.—(1) In section 6 (broadcasts), after subsection (4) insert—

“(4A) Subsections (3) and (4) have effect subject to section 6A (safeguards in case of certain satellite broadcasts).”

(2) After that section insert—

“Safeguards in case of certain satellite broadcasts.

6A.—(1) This section applies where the place from which a broadcast by way of satellite transmission is made is located in a country other than an EEA State and the law of that country fails to provide at least the following level of protection—

- (a) exclusive rights in relation to broadcasting equivalent to those conferred by section 20 (infringement by broadcasting) on the authors of literary, dramatic, musical and artistic works, films and broadcasts;
- (b) a right in relation to live broadcasting equivalent to that conferred on a performer by section 182(1)(b) (consent required for live broadcast of performance); and
- (c) a right for authors of sound recordings and performers to share in a single equitable remuneration in respect of the broadcasting of sound recordings.

(2) Where the place from which the programme-carrying signals are transmitted to the satellite (“the uplink station”) is located in an EEA State—

- (a) that place shall be treated as the place from which the broadcast is made, and
- (b) the person operating the uplink station shall be treated as the person making the broadcast.

- (3) Where the uplink station is not located in an EEA State but a person who is established in an EEA State has commissioned the making of the broadcast—
- (a) that person shall be treated as the person making the broadcast, and
 - (b) the place in which he has his principal establishment in the European Economic Area shall be treated as the place from which the broadcast is made.”.

Exercise of rights in relation to cable re-transmission

7. In Chapter VII of Part I (provisions as to copyright licensing), after section 144 insert—

“Compulsory collective administration of certain rights

Collective exercise of certain rights in relation to cable re-transmission.

144A.—(1) This section applies to the right of the owner of copyright in a literary, dramatic, musical or artistic work, sound recording or film to grant or refuse authorisation for cable re-transmission of a broadcast from another EEA member state in which the work is included. That right is referred to below as “cable re-transmission right”.

(2) Cable re-transmission right may be exercised against a cable operator only through a licensing body.

(3) Where a copyright owner has not transferred management of his cable re-transmission right to a licensing body, the licensing body which manages rights of the same category shall be deemed to be mandated to manage his right. Where more than one licensing body manages rights of that category, he may choose which of them is deemed to be mandated to manage his right.

(4) A copyright owner to whom subsection (3) applies has the same rights and obligations resulting from any relevant agreement between the cable operator and the licensing body as have copyright owners who have transferred management of their cable re-transmission right to that licensing body.

(5) Any rights to which a copyright owner may be entitled by virtue of subsection (4) must be claimed within the period of three years beginning with the date of the cable re-transmission concerned.

(6) This section does not affect any rights exercisable by the maker of the broadcast, whether in relation to the broadcast or a work included in it.

(7) In this section— “cable operator” means a person providing a cable programme service; and

“cable re-transmission” means the reception and immediate re-transmission by way of a cable programme service of a broadcast.”.

Meaning of wireless telegraphy.

8. In section 178 (minor definitions), in the definition of “wireless telegraphy” at the end insert “, but does not include the transmission of microwave energy between terrestrial fixed points”.