
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

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.”.