
STATUTORY INSTRUMENTS

1999 No. 1752

RIGHTS IN PERFORMANCES

**The Performances (Reciprocal Protection)
(Convention Countries) Order 1999**

Made - - - - 22nd June 1999
Laid before Parliament 1st July 1999
Coming into force - - 22nd July 1999

At the Court at Windsor Castle, the 22nd day of June 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the authority conferred upon Her by section 208(1)(a) of the Copyright, Designs and Patents Act 1988(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

1.—(1) This Order may be cited as the Performances (Reciprocal Protection) (Convention Countries) Order 1999 and shall come into force on 22nd July 1999.

(2) In this Order—

“the Act” means the Copyright, Designs and Patents Act 1988.

2. The countries specified in:

- (a) Part 1, and
- (b) subject to article 3 below, Part 2,

of the Schedule to this Order are designated as enjoying reciprocal protection under Part II of the Copyright, Designs and Patents Act 1988 (rights in performances).

3. In the application of Part II of the Act by virtue of article 2(b) above in relation to those countries specified in Part 2 of the Schedule to this Order, that Part shall apply only to the extent that it confers rights on a performer in respect of:

- (a) the making of—
 - (i) a sound recording directly from a live performance of his;

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- (ii) a copy of that sound recording; and
 - (b) the broadcast live, or the inclusion live in a cable programme service, of a performance of his.
4. The Performances (Reciprocal Protection) (Convention Countries) Order 1995⁽²⁾ is hereby revoked.

A.K. Galloway
Clerk of the Privy Council

(2) S.I. 1995/2990.

SCHEDULE

Article 2

Part 1

(Article 2(a))

Argentina
Australia
Barbados
Bolivia
Brazil
Bulgaria
Burkina Faso
Canada
Cape Verde
Chile
Colombia
Congo
Costa Rica
Czech Republic
Dominican Republic
Ecuador
El Salvador
Faeroe Islands
Fiji
Greenland
Guatemala
Honduras
Hungary
Iceland
Jamaica
Japan
Lebanon
Lesotho
Macedonia
Mexico
Moldova
Monaco
Niger
Nigeria
Norway

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Panama
Paraguay
Peru
Philippines
Poland
Romania
Saint Lucia
Slovak Republic
Slovenia
Switzerland
Uruguay
Venezuela

Part 2 (Articles 2(b) and 3)

Antigua and Barbuda
Angola
Bahrain
Bangladesh
Belize
Benin
Botswana
Brunei Darussalam
Burundi
Cameroon
Central African Republic
Chad
Cote D'Ivoire
Cuba
Cyprus
Democratic Republic of Congo
Djibouti
Dominica
Egypt
Gabon
Gambia
Ghana
Grenada
Guinea

Guinea-Bissau
Guyana
Haiti
Hong Kong
India
Indonesia
Israel
Kenya
Korea, Republic of
Kuwait
Kyrgyz Republic
Latvia
Liechtenstein
Macau
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mongolia
Morocco
Mozambique
Myanmar
Namibia
New Zealand
Nicaragua
Pakistan
Papua New Guinea
Qatar
Rwanda
Saint Kitts and Nevis
Saint Vincent and the Grenadines
Senegal
Sierra Leone
Singapore
Solomon Islands
South Africa

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Sri Lanka
Suriname
Swaziland
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United States
Zambia
Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

Section 180 of Part II of the Copyright, Designs and Patents Act 1988 (rights in performances) confers rights on performers and persons having recording rights. A performance is a qualifying performance for the purposes of Part II of the Act if it is given by a qualifying individual or takes place in a qualifying country. In Part II of the Act “qualifying country” means the United Kingdom, another member State of the European Community, or, to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection.

The Performances (Reciprocal Protection) (Convention Countries) Order 1995 (S.I.1995/2990) designated certain countries, which are parties to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (the Rome Convention) (Cmnd. 2425), as enjoying reciprocal protection under Part II of the Act.

Canada, Cape Verde, Lebanon, Macedonia, Poland, Romania, Saint Lucia, Slovenia and Venezuela have become parties to the Rome Convention since the making of the 1995 Order. This Order revokes and replaces the 1995 Order to include those countries in the list of designated countries.

The 1995 Order also designated certain countries, which are parties to the Agreement Establishing the World Trade Organisation (Cm. 2556–59, 2561–69, 2571–74) including the Agreement on Trade-Related Aspects of Intellectual Property Rights, as enjoying the more limited reciprocal obligations in respect of rights in performances arising therefrom.

Angola, Benin, Cameroon, Chad, Democratic Republic of the Congo, Gambia, Grenada, Haiti, Kyrgyz Republic, Latvia, Madagascar, Mongolia, Papua New Guinea, Qatar, Rwanda, Saint Kitts and Nevis, Solomon Islands and United Arab Emirates have become parties to the WTO Agreement since the making of the 1995 Order. This Order revokes and replaces the 1995 Order to include those countries in the list of designated countries.

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