



# Intellectual Property Act 2014

## 2014 CHAPTER 18

### PART 3

#### MISCELLANEOUS

#### **20 Freedom of information: exemption for research**

After section 22 of the Freedom of Information Act 2000, insert—

##### **“22A Research**

- (1) Information obtained in the course of, or derived from, a programme of research is exempt information if—
  - (a) the programme is continuing with a view to the publication, by a public authority or any other person, of a report of the research (whether or not including a statement of that information), and
  - (b) disclosure of the information under this Act before the date of publication would, or would be likely to, prejudice—
    - (i) the programme,
    - (ii) the interests of any individual participating in the programme,
    - (iii) the interests of the authority which holds the information, or
    - (iv) the interests of the authority mentioned in paragraph (a) (if it is a different authority from that which holds the information).
- (2) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) if, or to the extent that, compliance with section 1(1) (a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1)(b).”

## 21 Reporting duty

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the end of each financial year, lay before Parliament a report setting out—
  - (a) the Secretary of State’s opinion of the extent to which during that year—
    - (i) the activities of the Patent Office have contributed to the promotion of innovation and of economic growth in the United Kingdom, and
    - (ii) legislation relating to intellectual property has been effective in facilitating innovation and economic growth in the United Kingdom, and
  - (b) how the promotion of innovation and of economic growth in the United Kingdom was taken into account in the case of any legislation relating to intellectual property that was passed or made during that year.
- (2) The reference to the activities of the Patent Office is a reference to—
  - (a) the activities of the comptroller-general of patents, designs and trade marks, and
  - (b) the activities of the officers and clerks of the Patent Office.
- (3) The references to legislation relating to intellectual property do not include a reference to legislation relating to plant breeders’ rights or rights under section 7 of the Plant Varieties Act 1997.
- (4) “Financial year” means a period of 12 months ending with 31 March.
- (5) “Legislation” includes—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978, and
  - (b) legislation of the European Union.

## 22 Recognition of foreign copyright works and performances

- (1) In section 154 of the Copyright, Designs and Patents Act 1988 (qualification by reference to author), in subsection (1)—
  - (a) in paragraph (a), after “a British citizen,” insert “a national of another EEA state,”,
  - (b) for paragraph (b) (but not the following “or”) substitute—
    - “(b) an individual domiciled or resident in the United Kingdom or another EEA state or in the Channel Islands, the Isle of Man or Gibraltar or in a country to which the relevant provisions of this Part extend,” and
  - (c) for paragraph (c) substitute—
    - “(c) a body incorporated under the law of a part of the United Kingdom or another EEA state or of the Channel Islands, the Isle of Man or Gibraltar or of a country to which the relevant provisions of this Part extend.”
- (2) In section 155 of that Act (qualification by reference to country of first publication), in subsection (1)—
  - (a) in paragraph (a), after “the United Kingdom” insert “, another EEA state, the Channel Islands, the Isle of Man or Gibraltar”, and
  - (b) in paragraph (b), for “another country” substitute “a country”.

- (3) In section 156 of that Act (qualification by reference to place of transmission), in subsection (1)—
- (a) in paragraph (a), after “the United Kingdom” insert “, another EEA state, the Channel Islands, the Isle of Man or Gibraltar”, and
  - (b) in paragraph (b), for “another country” substitute “a country”.
- (4) For section 159 of that Act substitute—

**“159 Application of this Part to countries to which it does not extend**

- (1) Where a country is a party to the Berne Convention or a member of the World Trade Organisation, this Part, so far as it relates to literary, dramatic, musical and artistic works, films and typographical arrangements of published editions—
- (a) applies in relation to a citizen or subject of that country or a person domiciled or resident there as it applies in relation to a person who is a British citizen or is domiciled or resident in the United Kingdom,
  - (b) applies in relation to a body incorporated under the law of that country as it applies in relation to a body incorporated under the law of a part of the United Kingdom, and
  - (c) applies in relation to a work first published in that country as it applies in relation to a work first published in the United Kingdom.
- (2) Where a country is a party to the Rome Convention, this Part, so far as it relates to sound recordings and broadcasts—
- (a) applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1), and
  - (b) applies in relation to a broadcast made from that country as it applies to a broadcast made from the United Kingdom.
- (3) Where a country is a party to the WPPT, this Part, so far as relating to sound recordings, applies in relation to that country as mentioned in paragraphs (a), (b) and (c) of subsection (1).
- (4) Her Majesty may by Order in Council—
- (a) make provision for the application of this Part to a country by subsection (1), (2) or (3) to be subject to specified restrictions;
  - (b) make provision for applying this Part, or any of its provisions, to a specified country;
  - (c) make provision for applying this Part, or any of its provisions, to any country of a specified description;
  - (d) make provision for the application of legislation to a country under paragraph (b) or (c) to be subject to specified restrictions.
- (5) Provision made under subsection (4) may apply generally or in relation to such classes of works, or other classes of case, as are specified.
- (6) Her Majesty may not make an Order in Council containing provision under subsection (4)(b) or (c) unless satisfied that provision has been or will be made under the law of the country or countries in question, in respect of the classes to which the provision under subsection (4)(b) or (c) relates, giving adequate protection to the owners of copyright under this Part.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Application under subsection (4)(b) or (c) is in addition to application by subsections (1) to (3).
- (8) Provision made under subsection (4)(c) may cover countries that become (or again become) of the specified description after the provision comes into force.
- (9) In this section—
- “the Berne Convention” means any Act of the International Convention for the Protection of Literary and Artistic Works signed at Berne on 9 September 1886;
- “the Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961;
- “the WPPT” means the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20 December 1996.
- (10) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In section 206 of that Act (rights in performances: qualifying countries, etc.), in subsection (1), in the definition of “qualifying country”—
- (a) for paragraph (b) substitute—
- “(b) another EEA state,”
- (b) after that paragraph (but before the following “or”) insert—
- “(ba) the Channel Islands, the Isle of Man or Gibraltar,” and
- (c) after paragraph (ba) (but before the following “or”) insert—
- “(bb) a country which is a party to the Rome Convention.”
- (6) In that section, after subsection (3) insert—
- “(4) Her Majesty may by Order in Council—
- (a) make provision for the application of this Part to a country by virtue of paragraph (bb) or (c) of the definition of “qualifying country” in subsection (1) to be subject to specified restrictions;
- (b) amend the definition of “qualifying country” in subsection (1) so as to add a country which is not a party to the Rome Convention;
- (c) make provision for the application of this Part to a country added under paragraph (b) to be subject to specified restrictions.
- (5) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (7) In that section, after subsection (5) insert—
- “(6) In this section, “the Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26 October 1961.”

- (8) In section 208(5) of that Act (which, so far as it gives power to designate any of the Channel Islands or the Isle of Man, is superseded by the new section 206(1)(ba)) omit “any of the Channel Islands, the Isle of Man or”.
- (9) After section 212 of that Act insert—

*“Supplementary*

**212A Power to amend in consequence of changes to international law**

- (1) The Secretary of State may by order amend this Part in consequence of changes to international law in the area of performance rights.
- (2) An order under this section must be made by statutory instrument; and no order may be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.”