
EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies or continues to apply the provisions of Part I of, and Schedule 1 to, the Copyright, Designs and Patents Act 1988 to works of different types originating in the countries specified in the Schedules to the Order, with the effect that those works receive or continue to receive copyright protection in the United Kingdom. The Order revokes and replaces the Copyright (Application to Other Countries) (No. 2) Order 1989 and its amending Orders (article 8).

Article 2 provides protection for literary, dramatic, musical and artistic works, films and published editions originating in any country in Schedule 1. All of those countries are either parties to the Berne Copyright Convention (Cmnd. 5002), the Universal Copyright Convention (Cmnd. 4905) or both; or otherwise give adequate protection under their laws; the countries in respect of which a date is specified are countries whose works do not enjoy copyright protection in the United Kingdom where published in those countries before that date. Protection is excluded for literary, dramatic, musical and artistic works first published in a non-Schedule country before 1st June 1957 or, if the author was not a qualifying person at the time of publication, before 1st August 1989. Typeface designs are excluded.

Article 3 provides protection for sound recordings originating in any country in Schedule 1 or Indonesia. The protection extends to playing in public or broadcasting only if the country of origin of the recording is in Schedule 2 (parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Cmnd. 2425) and countries otherwise giving adequate protection).

Article 4 provides protection for broadcasts originating in any country in Schedule 3. These countries are parties either to the Rome Convention or to the European Agreement on the Protection of Television Broadcasts (Cmnd. 1163) or otherwise give adequate protection under their laws. Protection does not extend to broadcasts made before the specified dates. The protection for Singapore also covers cable programmes.

Article 5 modifies the Order in respect of Indonesia, Singapore and the territory of Taiwan.

Article 6 preserves existing qualifications and article 7 preserves contrary acquired rights.

This Order takes account of—

- (a) the accession of—
 - (i) China, Croatia (formerly part of the Federal Republic of Yugoslavia), Ecuador, Gambia, Guinea-Bissau, Honduras, Lesotho, Paraguay and Slovenia (formerly part of the Federal Republic of Yugoslavia) to the Berne Copyright Convention; and
 - (ii) Bolivia to the Universal Copyright Convention; and
 - (iii) Argentina, Australia, Greece, Honduras, Japan, Lesotho and Spain to the International (Rome) Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations; and
- (b) the making of provision—
 - (i) in respect of literary, dramatic, musical and artistic works, films and typographical arrangements of published editions, under the law of Uganda,
 - (ii) in respect of sound recordings, under the laws of Bangladesh, Ghana, Malawi and Thailand, and

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

- (iii) in respect of broadcasts, under the law of Malawi, giving adequate protection to owners of copyright in such works under Part I of the Copyright, Designs and Patents Act 1988; and
- (c) the unification of the German Democratic Republic into the Federal Republic of Germany, on 3rd October 1990; and
- (d) modification of the entry relating to Denmark so as to include Greenland as part of that country.