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STATUTORY INSTRUMENTS

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**2012 No. 799**

**The Copyright and Performances  
(Application to Other Countries) Order 2012**

**Application of Part II**

6.—(1) Where the entry for a country in the fifth column of the Table is the word “designated”, the country—

- (a) is a party to the Rome Convention and has not made a relevant declaration under the Rome Convention, or
- (b) has made or will make provision giving adequate protection for British performances under its law,

and accordingly that country is designated as enjoying reciprocal protection under Part II.

(2) Where the entry for a country in the fifth column of the Table is the word “deemed”, the country is not a party to the Rome Convention but is a party to the WPPT and has not made a relevant declaration under the WPPT, and accordingly that country shall be treated as if it were designated as enjoying reciprocal protection under Part II, except as provided in paragraph (6) and article 7(1).

(3) Where the entry for a country includes a minus sign (-) in the fifth column of the Table, the country is neither a party to the Rome Convention nor the WPPT but is a party to the WTO TRIPS, and accordingly that country shall be treated as if it were designated as enjoying reciprocal protection under Part II, except as provided in paragraph 6 and article 7(1) and (2).

(4) Where the entry for a country includes an asterisk (\*) in the fifth column of the Table, the country is a party to the Rome Convention but has made a relevant declaration under the Rome Convention, and accordingly that country shall be treated as if it were designated as enjoying reciprocal protection under Part II, except as provided in article 7(3).

(5) Where the entry for a country includes a hash sign (#) in the fifth column of the Table, the country is a party to the WPPT but has made a relevant declaration under the WPPT, and accordingly that country shall be treated as if it were designated as enjoying reciprocal protection under Part II, except as provided in paragraph (6) and article 7(1) and (4).

(6) In relation to the provisions of Part II—

- (a) as applied by paragraphs (2) and (3), and
- (b) to the extent applied by paragraph (5),

the definition of “recording”, in section 180(2) (rights conferred on performers and persons having recording rights)(1), shall be construed as applying only to sound recordings (and not to films).

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(1) Section 180(2) of the Act was amended by regulation 2(2) of, and Schedule 2 to, the Copyright and Related Rights Regulations 2003.