
STATUTORY INSTRUMENTS

2013 No. 536

**The Copyright and Performances
(Application to Other Countries) Order 2013**

Exceptions and modifications relating to sound recordings

4.—(1) Where the entry for a country in the second column of the Table does not include a plus (+) or minus (-) sign, the country is neither a party to the Rome Convention nor the WPPT but is a party to the Berne Convention or the WTO TRIPS or both, and accordingly the provisions of Part I, in so far as they relate to sound recordings, apply in relation to that country, except for the following—

- (a) section 18A (infringement by rental or lending of work to the public)(1) in so far as it applies to lending;
- (b) section 19 (infringement by playing of work in public)(2);
- (c) section 20 (infringement by communication to the public)(3);
- (d) section 26 (secondary infringement: provision of apparatus for infringing performance, &c); and
- (e) section 107(2A) and (3) (criminal liability for communicating to the public or playing a sound recording)(4).

(2) Where the entry for a country in the second column of the Table includes a minus sign (-), the country is not a party to the Rome Convention but is a party to the WPPT, and accordingly the provisions of Part I, in so far as they relate to sound recordings, apply in relation to that country with the following modifications—

- (a) section 18A (infringement by rental or lending of work to the public), except in so far as it applies to lending;
- (b) section 20 (infringement by communication to the public), except that references to communication to the public do not include the broadcasting of a sound recording; and
- (c) section 107(2A) (criminal liability for communicating to the public), except that it does not apply in relation to the broadcasting of a sound recording.

(1) Section 18A of the Act was inserted by regulation 10(2) of the Copyright and Related Rights Regulations 1996 *S.I. 1996/2967* and it was subsequently amended by regulation 2(1) of, and paragraph 6(2) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.

(2) Section 19 of the Act was amended by regulation 2(1) of, and paragraph 3(1) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.

(3) Section 20 of the Act was substituted by regulation 6(1) of the Copyright and Related Rights Regulations 2003.

(4) Section 107(2A) of the Act was inserted by regulation 26(1)(a) of the Copyright and Related Rights Regulations 2003 and section 107(3) of the Act was amended by regulation 2(1) of, and paragraph 9(2) of Schedule 1 to, those Regulations.