

**EXPLANATORY MEMORANDUM TO**  
**THE COPYRIGHT AND PERFORMANCES (APPLICATION TO OTHER**  
**COUNTRIES) (AMENDMENT) ORDER 2015**

**2015 No. 216**

1. This Explanatory Memorandum has been prepared by the Intellectual Property Office, an Executive Agency of the Department of Business, Innovation and Skills, and is laid before Parliament by Command of Her Majesty.

2. **Description of the Instrument**

- 2.1 The Copyright and Performances (Application to Other Countries) (Amendment) Order 2015 amends the Copyright and Performances (Application to Other Countries) Order 2013 by inserting an entry into the Schedule to the 2013 Order relating to the Bailiwick of Guernsey. This entry ensures protection in the United Kingdom for copyright works from Guernsey and performances taking place there.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 The 2015 Order is made under sections 159 and 208 of the Copyright, Designs and Patents Act 1988. These sections permit the making of provision to extend the protections of Parts 1 and 2 of the 1988 Act to copyright works and performances from outside the United Kingdom.

5. **Territorial Extent and Application**

- 5.1 This instrument extends to all of the United Kingdom.

6. **European Convention on Human Rights**

- 6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. **Policy Background**

- 7.1 Appropriate protection for United Kingdom copyright works and performances is made in the Bailiwick of Guernsey by Guernsey law. United Kingdom copyright policy is to extend reciprocal protection to works and performances of a country outside the United Kingdom where that country affords protection to United Kingdom copyright works and performances.

7.2 Section 22 of the Intellectual Property Act 2014 amends the Copyright, Designs and Patents Act 1988 to enable automatic reciprocal protection of copyright works to comply with our international obligations and is designed to reduce the need for statutory instruments to be laid for new signatories. It will also extend the protection of the 1988 Act to Guernsey works and performances. However as section 22 has not yet been brought into force, the existing procedure is being used in order to extend the provisions of the 1988 Act to Bailiwick of Guernsey works and performances.

## **8. Consultation Outcome**

8.1 A consultation was not carried out because no impact on business, charities or the voluntary sector is foreseen.

## **9. Guidance**

9.1 Guidance on the extension of UK intellectual property rights abroad is available on the gov.uk website.

## **10. Impact Assessment**

10.1 No Impact Assessment has been carried out as no impact is foreseen on businesses, charities, voluntary bodies or the public sector.

## **11. Regulating small business**

11.1 The legislation applies to businesses regardless of size.

## **12. Monitoring & review**

12.1 The review and updating of Orders in Council to grant reciprocity for copyright is continuous.

## **13. Contact**

13.1 Megan Heap at the Intellectual Property Office, an executive agency of the Department of Business, Innovation and Skills, can answer any queries regarding the instrument. Contact: 01633 814290 and e-mail: [megan.heap@ipo.gov.uk](mailto:megan.heap@ipo.gov.uk)