
STATUTORY INSTRUMENTS

2016 No. 1219

**The Copyright and Performances
(Application to Other Countries) Order 2016**

PART 5

PERFORMANCES

Application of Part 2 of the Act to WTO countries

12.—(1) This article applies to a country listed in Part 2 of the Schedule to this Order where this article is specified in the entry relating to that country (WTO members not party to the Rome Convention or the WPPT).

(2) A country to which this article applies is, subject to paragraph (3), designated as enjoying reciprocal protection under Part 2 of the Act.

(3) Part 2 of the Act applies subject to the following modifications—

- (a) the definition of recording in section 180(2) (rights conferred on performers and persons having recording rights), shall be construed as applying only to sound recordings (and not to films); and
- (b) the following provisions do not apply—
 - (i) section 182C (consent required for rental or lending of copies to public), in so far as it relates to lending;
 - (ii) section 182CA (consent required for making available to the public) ^{M1};
 - (iii) section 182D (right to equitable remuneration for exploitation of sound recording) ^{M2};
 - (iv) section 183 (infringement of performer's rights by use of recording made without consent);
 - (v) sections 185 to 188 (rights of persons having recording rights); and
 - (vi) section 198(1A) and (2) (criminal liability for making available to the public) ^{M3}.

Marginal Citations

M1 Section 182CA was inserted by regulation 7(1) of the [Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#).

M2 Section 182D was inserted by regulation 20(2) of the [Copyright and Related Rights Regulations 1996 \(S.I. 1996/2967\)](#) and was amended by regulation 7(2) of the [Copyright and Related Rights Regulations 2003](#), by paragraphs 1 and 3(1) and (3) of the Schedule to the [Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#) and by regulation 7 of the [Copyright and Duration of Rights in Performances Regulation 2013 \(S.I. 2013/1782\)](#).

Changes to legislation: *There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 12. (See end of Document for details)*

M3 Section 198(1A) was inserted by regulations 3 and 26(3)(a) of the Copyright and Related Rights Regulations 2003.

Changes to legislation:

There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 12.