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## EXPLANATORY NOTE

*(This note is not part of the Order in Council)*

Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48) (“the Act”) confers copyright on the creators of certain works. Part 1 applies to works originating from certain countries, and it is applied by the Copyright and Performances (Application to Other Countries) Order 2016 (S.I. 2016/1219) (“the 2016 Order”) to works originating from certain other countries. Part 2 of the Act confers rights on performers and persons having recording rights in relation to a performance. Part 2 applies to performances connected with certain countries, and it is applied by the 2016 Order to performances connected with certain other countries.

This Order amends the 2016 Order as follows.

Article 3 replaces, in relation to countries that are party to the Berne Convention for the Protection of Literary and Artistic Works (Cm. 1212) or are members of the World Trade Organisation (“WTO members”), the restriction imposed by the 2016 Order on the application of Part 1 of the Act to literary, dramatic, musical or artistic works first published before 1st June 1957. The effect of the replacement restriction is to enable such works to qualify for copyright protection by reference to the author.

Article 4 removes, in relation to countries that are party to the World Intellectual Property Organisation Performances and Phonograms Treaty (“the WPPT”, Cm. 8160), certain restrictions imposed by the 2016 Order on the application of Part 1 of the Act to sound recordings.

Article 5 removes, in relation to countries that are party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (“the Rome Convention”, Cm. 2425) or are WTO members, certain restrictions imposed by the 2016 Order on the application of Part 1 of the Act to broadcasts.

Article 6 removes, in relation to certain countries that are party to the Rome Convention and certain countries that are party to the WPPT, certain restrictions imposed by the 2016 Order on the application of Part 2 of the Act to performances. It also revokes article 10 of the 2016 Order which contained errors.

These changes are made in order to enable the United Kingdom to accede to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (including the UK Accession Protocol), and to implement other international obligations of the United Kingdom relating to copyright and performances.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

A copy of this instrument and the Explanatory Memorandum are available from the Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ. The Explanatory Memorandum is also available alongside this instrument on the Legislation UK website at [www.legislation.gov.uk](http://www.legislation.gov.uk).