

2005-22 Intellectual Property (Copyright and Related Rights)

Subsidiary Legislation made under s.169.

Intellectual Property (Rome Convention) Order 2021

LN.2021/211

Commencement

1.4.2021

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Interpretation.
3. Application of Part I of the Act to Rome Convention countries.

2005-22 Intellectual Property (Copyright and Related Rights)

2021/211 Intellectual Property (Rome Convention) Order 2021

In exercise of the powers conferred upon the Minister by section 169 of the Intellectual Property (Copyright and Related Rights) Act 2005, and all other enabling powers, and for the purposes of implementing, in part, the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26th October 1961, the Minister has made the following Order-

Title and commencement.

1. This Order may be cited as the Intellectual Property (Rome Convention) Order 2021 and comes into operation on the day of publication.

Interpretation.

2.(1) In this Order-

“the Act” means the Intellectual Property (Copyright and Related Rights) Act 2005;

“Rome Convention” means the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations done at Rome on 26th October 1961;

“Rome Convention country” means a country or territory which is a party to or has extension of the Rome Convention.

(2) In this Order, words and expressions that are not defined must have the same meaning as given in the Act.

Application of Part I of the Act to Rome Convention countries.

3.(1) Part I of the Act shall apply to a Rome Convention country, insofar as it relates to sound recordings and in respect of-

- (a) persons who are citizens or subjects of a Rome Convention country or a person domiciled or resident there as it applies to Gibraltarians or persons who are domiciled or resident in Gibraltar;
- (b) bodies incorporated under the law of a Rome Convention country as it applies to a bodies incorporated under Gibraltar law; and
- (c) a sound recording first published in a Rome Convention country as it applies in relation to a sound recording first published in Gibraltar.

(2) Subject to the restriction in subparagraph (3), Part I of the Act shall apply to a Rome Convention country insofar as it relates to broadcasts and in respect of –

- (a) persons who are citizens or subjects of a Rome Convention country or a person domiciled or resident there as it applies to Gibraltarians or persons who are domiciled or resident in Gibraltar;
- (b) bodies incorporated under the law of a Rome Convention country as it applies to a bodies incorporated under Gibraltar law; and
- (c) a broadcast made from that Rome Convention country as it applies to a broadcast made from Gibraltar.

(3) Part I of the Act applies by virtue of subparagraph (2) to a broadcast made from a country or territory on or after the date that country or territory becomes a Rome Convention country.