

2005-22 Intellectual Property (Copyright and Related Rights)

Subsidiary Legislation made under s.169.

Intellectual Property (WPPT Country) Order 2021

LN.2021/214

Commencement **1.4.2021**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
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3. Application of Part I of the Act to WPPT countries.

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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 World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20th December 1996, the Minister has made the following Order-

Title and commencement.

1. This Order may be cited as the Intellectual Property (WPPT Country) 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;

“the Treaty” means the World Intellectual Property Organisation Performances and Phonograms Treaty adopted in Geneva on 20th December 1996;

“WPPT country” means a country or territory which is a party or has extension of the Treaty;

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

(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 WPPT countries.

3.(1) Subject to the restriction in subparagraph (2), Part I of the Act insofar as it relates to sound recordings shall apply to a WPPT country in respect of-

- (a) persons who are citizens or subjects of a WPPT 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 WPPT country as it applies to a bodies incorporated under Gibraltar law; and

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(c) a sound recording first published in a WPPT country as it applies in relation to a sound recording first published in Gibraltar.

(2) Where a WPPT country is not a party to the Rome Convention, Part I of the Act applies except that section 24 (infringement by rental or lending of work to the public) does not apply insofar as it relates to lending.