

2005-22 Intellectual Property (Copyright and Related Rights)

Subsidiary Legislation made under s.243.

Intellectual Property Regulations 2021

LN.2021/212

Commencement

1.4.2021

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Interpretation.
3. Extension of protection.
4. Limitations on the application of Part III of the Act.

2005-22 Intellectual Property (Copyright and Related Rights)

2021/212 Intellectual Property Regulations 2021

In exercise of the powers conferred upon the Minister by section 243 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 Regulations-

Title and commencement.

1. These Regulations may be cited as the Intellectual Property Regulations 2021 and come into operation on the day of publication.

Interpretation.

2.(1) In these Regulations-

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

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

Extension of protection.

3.(1) The Minister designates Rome Convention countries for the purposes of section 243 (1) (a) of the Act.

(2) Part III of the Act shall apply to a Rome Convention country in respect of performances-

(a) given by an individual who is a national or who is domiciled or resident in a Rome Convention country; or

(b) taking place in a Rome Convention country,

subject to the limitations in regulation 4.

Limitations on the application of Part III of the Act.

4.(1) This regulation applies to a Rome Convention country that has made a declaration under Article 16 (1) (a) of the Rome Convention that it will not apply the provisions of Article 12 (which provides for the payment of a single equitable remuneration).

(2) Where a declaration referred to in subregulation (1) is in force in the law of a Rome Convention country in relation to a Gibraltar performance, Part III of the Act shall not grant protection as provided under Article 12 of the Rome Convention, unless the sound recording is first published in a country which –

- (a) is a Rome Convention country; and
- (b) has not made a declaration of the kind referred to in subregulation (1).