Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. XXXX

EXITING THE EUROPEAN UNION INTELLECTUAL PROPERTY

The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

(**1**) 2018 c.16.

PART 2

Amendments to the Copyright, Designs and Patents Act 1988

Amendments to the Copyright, Designs and Patents Act 1988

2. The Copyright, Designs and Patents Act 1988(**2**) is amended in accordance with this Part.

3. In section 6A (safeguards in case of certain satellite broadcasts)(**3**)—

(a) for "an EEA State", in each place it occurs, substitute "the United Kingdom";

(b) in subsection (2)(a), for "that place" substitute "the United Kingdom";

(c) in subsection (3)(b), for "the place in which he has his principal establishment in the European Economic Area" substitute "the United Kingdom".

4. In section 12(6) and (8)(c) (duration of copyright in literary, dramatic, musical or artistic works)(**4**), for "an EEA state", in each place it occurs, substitute "the United Kingdom".

5. In section 13A(4) (duration of copyright in sound recordings)(**5**), for "an EEA state" substitute "the United Kingdom".

6. In section 13B(7) and (8) (duration of copyright in films)(**6**), for "an EEA state", in each place it occurs, substitute "the United Kingdom".

7. In section 14(3) (duration of copyright in broadcasts)(**7**), for "an EEA state" substitute "the United Kingdom".

8. In section 15A(4) (meaning of country of origin)(**8**)—

(a) for sub-paragraph (a) substitute—

"(a) if the United Kingdom is one of those countries, the country of origin is the United Kingdom; and";

(b) in sub-paragraph (b), for "if none of those countries is an EEA state" substitute "if the United Kingdom is not one of those countries".

9. In section 31B(1) and (9) (making and supply of accessible copies by authorised bodies)(**9**) omit "or another member State of the European Union" in each place it occurs.

10. In section 31BB(4)(b) (accessible and intermediate copies: records and notification)(**10**), for "another" substitute "a".

11. Omit section 44B (permitted uses of orphan works)(**11**).

12. Omit section 76A (certain permitted uses of orphan works)(**12**).

13. In section 144A(1) (collective exercise of certain rights in relation to cable re-transmission)(**13**), for "another" substitute "an".

(**2**) 1988 c.48.
(**3**) Section 6A was inserted by S.I. 1996/2967, amended by S.I. 2003/2498.
(**4**) Section 12 was substituted by S.I. 1995/3297, amended by the Government of Wales Act 2006 (c.32), section 160(1), Schedule 10, paragraphs 22,23, S.I. 2003/2498, S.I. 2013/1782.
(**5**) Section 13A was substituted by S.I. 1995/3297, amended by S.I. 2003/2498, S.I. 2013/1782.
(**6**) Section 13B was substituted by S.I. 1995/3297, amended by S.I. 2003/2498.
(**7**) Section 14 was substituted by S.I. 1995/3297, amended by S.I. 2003/2498.
(**8**) Section 15A was inserted by S.I. 1995/3297.
(**9**) Section 31B was amended by S.I. 2018/995, regulation 5.
(**10**) Section 31BB was amended by S.I. 2018/995, regulation 7.
(**11**) Section 44B was inserted by S.I. 2014/2861.
(**12**) Section 76A was inserted by S.I. 2014/2861.
(**13**) Section 144A was inserted by S.I. 1996/2967, amended by S.I. 2003/2498, S.I. 2006/1028.

14. In section 154(1) (qualification by reference to author)(**14**)—

(a) in paragraph (a), omit "a national of another EEA state,";

(b) in paragraphs (b) and (c), omit "or another EEA state".

15. In section 155(1)(a) (qualification by reference to country of first publication)(**15**) omit "another EEA state,".

16. In section 156(1)(a) (qualification by reference to place of transmission)(**16**) omit "another EEA state,".

17. In section 170 (transitional provisions and savings)(**17**) omit subsection (3).

18. In section 172A (meaning of EEA and related expressions)(**18**) omit subsection (2).

19. In section 178 (minor definitions)(**19**), at the appropriate place insert—

""national of the United Kingdom" means—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas Citizen,

(b) a person who under the British Nationality Act 1981 is a British subject,

(c) a British protected person within the meaning of that Act, or

(d) a body incorporated under the law of any part of the United Kingdom."

20. In section 179 (index of defined expressions)(**20**)—

(a) in the entry for "the EEA, EEA state and national of an EEA state", for ", EEA state and national of an EEA state" substitute "and EEA state";

(b) at the appropriate place insert—

"national of the United Kingdom	section 178".

21. In section 191(4) (duration of rights)(**21**), for "an EEA state" substitute "the United Kingdom".

22. In section 206(1) (qualifying countries, individuals and persons)(**22**) omit paragraph (b).

23. Omit Schedule ZA1 (certain permitted uses of orphan works)(**23**).

24. In Schedule 1 (copyright: transitional provisions and savings)(**24**), in paragraph 6(1A), for "another" substitute "an".

(**14**) Section 154 was amended by the British Overseas Territories Act 2002 (c.8), section 2(3), the Intellectual Property Act 2014 (c.18), section 22(1), S.I. 1995/3297, S.I. 2003/2498.
(**15**) Section 155 was amended by the Intellectual Property Act 2014 (c.18), section 22(2).
(**16**) Section 156 was amended by the Intellectual Property Act 2014 (c.18), section 22(3), S.I. 2003/2498.
(**17**) Section 170 was amended by the Enterprise and Regulatory Reform Act 2013 (c.24), section 76.
(**18**) Section 172A was inserted by S.I. 1995/3297, amended by S.I. 1996/2967, S.I. 2006/1028.
(**19**) Section 178 was amended by the Northern Ireland Act 1998 (c.47), section 99, Schedule 13, para 8(7), the Scotland Act 1998 (c.46), section 125(1), Schedule 8, para 25(7), the Government of Wales Act 2006 (c.32), section 160(1), Schedule 10, paras 22,29, S.I.1996/2967, S.I. 2003/2498.
(**20**) Section 179 was amended by the Broadcasting Act 1990 (c.42), section 175(3), the Northern Ireland Act 1998 (c.47), section 99, Schedule 13, paragraph 8(8), the Scotland Act 1998 (c.46), section 125, Schedule 8, para 25(8), the Copyright (Visually Impaired Persons) Act 2002 (c.33), section 7(2), the Government of Wales Act 2006 (c.32), section 160(1), Schedule 10, paragraphs 22,30, S.I. 1992/3233, S.I. 1995/3297, S.I. 1996/2967, S.I. 1997/3032, S.I. 2003/2498, S.I. 2006/1028, S.I. 2014/1372, S.I. 2014/1384.
(**21**) Section 191 was amended by S.I. 1995/3297, S.I. 1996/2967, S.I. 2003/2498, S.I. 2006/18, S.I. 2013/1782.
(**22**) Section 206 was amended by the British Overseas Territories Act 2002 (c.8), section 2(3), the Intellectual Property Act 2014 (c.18), section 22(5), (6), (7).
(**23**) Schedule ZA1 was inserted by S.I. 2014/2861.
(**24**) Schedule 1 was amended by the British Overseas Territories Act 2002 (c.8), s1(2), the Enterprise and Regulatory Reform Act 2013 (c.24), s 74(1), (3)(b), S.I. 2003/2498, S.I. 2006/1210.

25. In Schedule 2 (rights in performances: permitted acts)(**25**)—

(a) in paragraph 3B(1) omit "or another member State of the European Union";

(b) in paragraph 3B(8) omit "or in another member State of the European Union";

(c) in paragraph 3D(4)(b), for "another" substitute "a".

PART 3

Amendments to subordinate legislation

Amendments to the Duration of Copyright and Rights in Performances Regulations 1995

26.—(1) The Duration of Copyright and Rights in Performances Regulations 1995(**26**) are amended as follows.

(2) In regulation 16 (duration of copyright: application of new provisions), in paragraph (d) for "another EEA state" substitute "an EEA state".

(3) In regulation 29 (duration of rights in performances: application of new provisions), in paragraph (d) for "another EEA state" substitute "an EEA state".

(4) In regulation 36 (construction of references to EEA states)—

(a) in paragraphs (1) and (2) for "another EEA state", in each place it occurs, substitute "an EEA state";

(b) omit paragraph (3).

Amendments to the Copyright and Related Rights Regulations 1996

27.—(1) The Copyright and Related Rights Regulations 1996(**27**) are amended as follows.

(2) In regulation 2 (interpretation) at the appropriate place insert ""national of the United Kingdom" has the meaning given by section 178 of the Copyright, Designs and Patents Act 1988".

(3) In regulation 16(4) (publication right)—

(a) in sub-paragraph (a), after "European Economic Area" insert "or in the United Kingdom";

(b) in sub-paragraph (b), after "an EEA state" insert "or a national of the United Kingdom";

(c) in the full out words of that paragraph, after "an EEA state" insert "or a national of the United Kingdom".

(4) In regulation 29(1)(a) (satellite broadcasting: international co-production agreements) after "an EEA state" insert "or a national of the United Kingdom".

Amendments to the Copyright and Rights in Databases Regulations 1997

28.—(1) The Copyright and Rights in Databases Regulations 1997(**28**) are amended as follows.

(2) In regulation 12(1) (interpretation) at the appropriate place insert ""national of the United Kingdom" has the meaning given by section 178 of the 1988 Act".

(3) In regulation 18 (qualification for database right)—

(a) in paragraph (1)—

(**25**) Schedule 2 was amended by S.I. 2018/995, regulations 12 to 16.
(**26**) S.I. 1995/3297, amended by S.I 2006/1028, S.I 2016/1210.
(**27**) S.I. 1996/2967, amended by S.I. 2003/2498, S.I. 2006/1028.
(**28**) S.I. 1997/3032, amended by S.I. 2003/2501; there are other amending instruments but none is relevant.