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GUERNSEY STATUTORY INSTRUMENT

2014 No. 74

**The Copyright (Application to the United Kingdom)
(Bailiwick of Guernsey) (Amendment) Regulations, 2014**

<i>Made</i>	18 th November 2014
<i>Coming into operation</i>	21 st November, 2014
<i>Laid before the States</i>	, 2014

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 185 and 221 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the 2014 Regulations.

1. The Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) Regulations, 2014^b ("**2014 Regulations**") are amended as follows.

2. After regulation 3 of the 2014 Regulations insert –

"3A. Where copyright subsists in a work by virtue of these regulations, the Ordinance applies in relation to the work.

^a Recueil d'Ordonnances Tome XXX, p.186, as amended by Ordinance No. XXXIII of 2013.

^b G.S.I. No. 5 of 2014.

3B. For the avoidance of doubt, copyright does not subsist in a work by virtue of section 182 (qualification by reference to author) of the Ordinance if it was first published before 1st January, 2006.

Savings.

3C. (1) For the purposes of this regulation an act is an "excluded act" where –

- (a) a person (A) has incurred any expenditure or liability in connection with the act, and
- (b) A began in good faith to do the act, or made in good faith effective and serious preparations to do the act,

at a time when the act neither infringed nor was restricted by the relevant rights in the work.

(2) Subject to paragraph (3), where another person (B) acquires those relevant rights on or after the coming into force of these Regulations, A has the right –

- (a) to continue to do the excluded act, or
- (b) to do the excluded act,

notwithstanding that the excluded act infringes or is restricted by those relevant rights under these Regulations.

(3) Paragraph (2) no longer applies where B, or B's exclusive licensee, pays reasonable compensation to A.

(4) Where -

(a) B (or B's exclusive licensee) offers to pay compensation to A under paragraph (3), but

(b) A and B (or B's exclusive licensee) cannot agree on what compensation is reasonable,

either person may refer the matter to arbitration."

Interpretation.

3. (1) In these Regulations, unless the context requires otherwise –

"**first published**" shall be construed in accordance with section 183(3) of the Ordinance,

"**the Ordinance**" means the Copyright (Bailiwick of Guernsey) Ordinance, 2005,

"**relevant rights**" means copyright and the rights conferred by Part IV of the Ordinance (moral rights),

and other expressions have the same meanings as in the Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

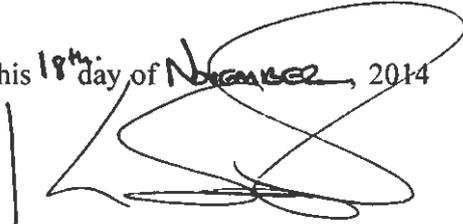
Extent.

4. These Regulations have effect throughout the Bailiwick.

Citation and commencement.

5. These Regulations may be cited as the Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) (Amendment) Regulations, 2014 and shall come into force on the 21st November, 2014.

Dated this 18th day of November, 2014



K.A. STEWART

Minister of the Commerce and Employment Department

For and on behalf of the Department

^c Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make some consequential amendments to the Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) (Amendment) Regulations, 2014.

These Regulations come into force on the 21st November, 2014.

