

STATES OF JERSEY



DRAFT INTELLECTUAL PROPERTY (UNREGISTERED RIGHTS) (JERSEY) LAW 2011 (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 30th October 2012
by the Minister for Economic Development**

STATES GREFFE



Jersey

DRAFT INTELLECTUAL PROPERTY (UNREGISTERED RIGHTS) (JERSEY) LAW 2011 (APPOINTED DAY) ACT 201-

REPORT

Overview

The Intellectual Property (Unregistered Rights) (Jersey) Law 2011 was adopted by the States on 1st December 2010, sanctioned by Order of Her Majesty in Council on 16th November 2011 and registered in the Royal Court on 9th December 2011. Article 411(2) of the Law provides for it to come into force on such day or days as the States may appoint. The Draft Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (Appointed Day) Act 201- will bring the whole of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 into force 7 days after the Act is adopted by the States.

Background

The Intellectual Property (Unregistered Rights) (Jersey) Law 2011 completely replaces and modernises current copyright law in the Island. The current law is provided by an extension to the Island of the UK Copyright Act 1911, an Act which has not provided copyright law in the UK since 1956. The Law also makes provision about other unregistered intellectual property rights. The provisions in the Law comply with major international conventions and treaties about unregistered intellectual property rights, and so the Law paves the way for Jersey to have the UK's membership of these extended to the Island. Convention membership delivers automatic protection for the relevant creative content in all convention countries. Both the modern Law and convention membership increase the attractiveness of Jersey as a place for the successful creative industries, such as music, publishing, film, software and video-games, and other industries, particularly in the area of e-commerce, to do business. Bringing the Law into force will be a milestone in the Island's work to encourage diversification of the Island's economy.

Article 411(2) of the 2011 Law permits different days to be appointed for different purposes or different provisions of the Law. Article 408 of the Law permits Regulations about application, transitional provisions and savings in respect of commencement of the Law. The Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012) make provision for the transition from the 1911 Act to the provision in the 2011 Law on copyright, and also for the introduction of new provision on related rights and other matters in the Law. The report on those draft Regulations in addition explains 4 Orders which will be made by the Minister to coincide with commencement of the Law. It is therefore appropriate to bring the whole of the Law

into force on the same day, and this is what the draft Appointed Day Act will do. If the draft Regulations and the Appointed Day Act are approved by the States, the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 will come into force 7 days after the Act is adopted by the States.

Financial and manpower implications

The report on the Draft Intellectual Property (Unregistered Rights) (Jersey) Law 201- (P.141/2010) and the report on the Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012) both indicate that there are unlikely to be financial or manpower implications which cannot be met from the existing resources of Economic Development Department. No further resource implications have been identified.

Explanatory Note

This Act brings the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 into force 7 days after this Act is adopted by the States.

The Law (L.29/2011) was lodged as P.141/2010 and adopted by the States on 1st December 2010.



Jersey

**DRAFT INTELLECTUAL PROPERTY
(UNREGISTERED RIGHTS) (JERSEY) LAW 2011
(APPOINTED DAY) ACT 201-**

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 411(2) of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011¹, have made the following Act –

1 Intellectual Property (Unregistered Rights) (Jersey) Law 2011 commenced

The Intellectual Property (Unregistered Rights) (Jersey) Law 2011² shall come into force 7 days after this Act is adopted by the States.

2 Citation

This Act may be cited as the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (Appointed Day) Act 201-.

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- ¹ *L.29/2011*
² *L.29/2011*