

COPYRIGHT ACT, 1911

Preamble 1 - THE COPYRIGHT ACT, 1911

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[16th December 1911]

PREAMBLE

An Act to amend and consolidate the Law relating to Copyright.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

by the authority of the same, as follows :--

Section 1 - Copyright

(1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His

Majesty's dominions to which this Act extends for the term hereinafter mentioned in every

original literary dramatic musical and artistic work, if--

(a) in the case of a published work, the work was first published within such parts of

His Majesty's dominions as aforesaid; and

(b) in the case of an unpublished work, the author was at the date of the making of

the work a British subject or resident within such parts of His Majesty's dominions as

aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by

Orders in Council thereunder relating to self-governing dominions to which this Act does not

extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the

work or any substantial part thereof in any material form whatsoever, to perform, or in the

case of a lecture to deliver, the work or any substantial part thereof in public; if the work is

unpublished, to publish the work or any substantial part thereof, and shall include the sole

right,--

(a) to produce, reproduce, perform, or publish any translation of the work;

(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic

work;

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to

convert it into a dramatic work, by way of performance in public or otherwise;

(d) in the case of a literary, dramatic, or musical work, to make any record,

perforated roll, cinematograph film, or other contrivance by means of which the work

may be mechanically performed or delivered, and to authorise any such acts as

aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of

copies of the work to the public, and does not include the performance in public of a dramatic

or musical work, the delivery in public of a lecture, the exhibition in public of an artistic

work, or the construction of an architectural work of art, but, for the purposes of this

provision, the issue of photographs and engravings of works of sculpture and architectural

works of art shall not be deemed to be publication of such works.

Section 2 - Infringement of copyright

(1) Copyright in a work shall be deemed to be infringed by any person who, without the

consent of the owner of the copyright, does anything the sole right to do which is by this Act

conferred on the owner of the copyright: Provided that the following acts shall not constitute

an infringement of copyright:--

(i) Any fair dealing with any work for the purposes of private study, research,

criticism, review, or newspaper summary:

(ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work :

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art :

(iv) The publication in a collection, mainly composed of non-copyright matter, bona fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists : Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged :

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and

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maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions

in paragraph (i) as to newspaper summaries :

(vi) The reading or recitation in public by one person of any reasonable extract from

any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who--

(a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or

(b) distributes- either for the purposes of trade or to such an extent as to affect

prejudicially the owner of the copyright; or

(c) by way of trade exhibits in public; or

(d) imports for sale or hire into any part of His Majesty's dominions to which this Act

extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had

been made within the part of His Majesty's dominions in or into which the sale or hiring,

exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his

private profit permits a theatre or other place of entertainment to be used for the

performance in public of the work without the consent of the owner of the copyright, unless

he was not aware, and had no reasonable ground for suspecting, that the performance would

be an infringement of copyright.

Section 3 - Term of copyright

The term for which copyright shall subsist shall, except as otherwise expressly provided by

this Act, be the life of the author and a period of fifty years after his death :

Provided that at any time after the expiration of twenty-five years, or in the case of a

work in which copyright subsists at the passing of this Act thirty years, from the death

of the author of a published work, copyright in the work shall not be deemed to be

infringed by the reproduction of the work for sale if the person reproducing the work

proves that he has given the prescribed notice in writing of his intention to reproduce

the work, and that he has paid in the prescribed manner to, or for the benefit of, the

owner of the copyright royalties in respect of all copies of the work sold by him

calculated at the rate of ten per cent. on the price at which he publishes the work;

and, for the purposes of this proviso, the Board of Trade may make regulations

prescribing the mode in which notices are to be given, and the particulars to be given

in such notices, and the mode, time, and frequency of the payment of royalties,

including (if they think fit) regulations requiring payment in advance or otherwise

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securing the payment of royalties.

Section 4 - Compulsory licences

If at any time after the death of the author of a literary, dramatic, or musical work which has

been published or performed in public a complaint is made to the Judicial Committee of the

Privy Council that the owner of the copyright in the work has refused to republish or to allow

the republication of the work or has refused to allow the performance in public of the work,

and that by reason of such refusal the work is withheld from the public, the owner of the

copyright may be ordered to grant a licence to reproduce the work or perform the work in

public, as the case may be, on such terms and subject to such conditions as the Judicial

Committee may think fit.

Section 5 - Ownership of copyright, &c.

(1) Subject to the provisions of this Act, the author of a work shall be the first owner of the

copyright therein :

Provided that--

(a) where, in the case of an engraving, photograph, or portrait, the plate or

other original was ordered by some other person and was made for valuable

consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original

was ordered shall be the first owner of the copyright; and

(b) where the author was in the employment of some other person under a

contract of service or apprenticeship and the work was made in the course of

his employment by that person, the person by whom the author was employed

shall, in the absence of any agreement to the contrary, be the first owner of

the copyright, but where the work is an article or other contribution to a

newspaper, magazine, or similar periodical, there shall, in the absence of any

agreement to the contrary, be deemed to be reserved to the author a right to

restrain the publication of the work, otherwise than as part of a newspaper,

magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially,

and either generally or subject to limitations to the United Kingdom or any self-governing

dominion or other part of His Majesty's dominions to which this Act extends, and either for

the whole term of the copyright or for any part thereof, and may grant any interest in the

right by licence, but no such assignment or grant shall be valid unless it is in writing signed

by the owner of the right in respect of which the assignment or grant is made, or by his duly

authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein,

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no assignment of the copyright, and no grant of any interest therein, made by him

(otherwise than by will) after the passing of this Act, shall be operative to vest in the

assignee or grantee any rights with respect to the copyright in the work beyond the

expiration of twenty-five years from the death of the author, and the reversionary

interest in the copyright expectant on the termination of that period shall, on the

death of the author, notwithstanding any agreement to the contrary, devolve on his

legal personal representatives as part of his estate, and any agreement entered into

by him as to the disposition of such reversionary interest shall be null and void, but

nothing in this proviso shall be construed as applying to the assignment of the

copyright in a collective work or a licence to publish a work or part of a work as part

of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any

right comprised in copyright, the assignee as respects the right so assigned, and the assignor

as respects the rights not assigned, shall be treated for the purposes of this Act as the owner

of the copyright, and the provisions of this Act shall have effect accordingly.

Section 6 - Civil remedies for infringement of copyright

(1) Where copyright in any work has been infringed, the owner of the copyright shall, except

as otherwise provided by this Act, be entitled to all such remedies by way of injunction or

interdict, damages, accounts, and otherwise, as are or may be conferred by law for the

infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright

shall be in the absolute discretion of the court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be

a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the

copyright, unless the defendant puts in issue the existence of the copyright, or, as the case

may be, the title of the plaintiff, and where any such question is in issue, then--

(a) if a name purporting to be that of the author of the work is printed or otherwise

indicated thereon in the usual manner, the person whose name is so printed or

indicated shall, unless the contrary is proved, be presumed to be the author of the

work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not

the author's true name or the name by which he is commonly known, and a name

purporting to be that of the publisher or proprietor of the work is printed or otherwise

indicated thereon in the usual manner, the person whose name is so printed or

indicated shall, unless the contrary is proved, be presumed to be the owner of the

copyright in the work for the purposes of proceedings in respect of the infringement of

copyright therein.

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Section 7 - Rights of owner against persons possessing or dealing with infringing copies,

&c.

All infringing copies of any work in which copyright subsists, or of any substantial part

thereof, and all plates used or intended to be used for the production of such infringing

copies, shall be deemed to be the property of the owner of the copyright, who accordingly

may take proceedings for the recovery of the possession thereof or in respect of the

conversion thereof.

Section 8 - Exemption of innocent infringer from liability to pay damages, &c

Where proceedings are taken in respect of the infringement of the copyright in any work and

the defendant in his defence alleges that he was not aware of the existence of the copyright

in the work, the plaintiff shall not be entitled to any remedy other than an injunction or

interdict in respect of the infringement if the defendant proves that at the date of the

infringement he was not aware and had no reasonable ground for suspecting that copyright

subsisted in the work.

Section 9 - Restriction on remedies in the case of architecture

(1) Where the construction of a building or other structure which infringes or which, if

completed, would infringe the copyright in some other work has been commenced, the owner

of the copyright shall not be entitled to obtain an injunction or interdict to restrain the

construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall

be deemed to be the property of the owner of the copyright, or as impose summary

penalties, shall not apply in any case to which this section applies.

Section 10 - Limitation of actions

An action in respect of infringement of copyright shall not be commenced after the expiration

of three years next after the infringement.

Section 11 - Penalties for dealing with infringing copies, &c

(1) If any person knowingly--

(a) makes for sale or hire any infringing copy of a work in which copyright subsists; or

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any

infringing copy of any such work; or

(c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
(d) by way of trade exhibits in public any infringing copy of any such work; or

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(e) imports for sale or hire into the United Kingdom any infringing copy of any such

work :

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine

not exceeding forty shillings for every copy dealt with in contravention of this section, but

not exceeding fifty pounds in respect of the same transaction; or, in the case of a second or

subsequent offence, either to such fine or to imprisonment with or without hard labour for a

term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of

making infringing copies of any work in which copyright subsists, or knowingly and for his

private profit causes any such work to be performed in public without the consent of the

owner of the copyright, he shall be guilty of an offence under this Act, and be liable on

summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or

subsequent offence, either to such fine or to imprisonment with or without hard labour for a

term not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged

offender is convicted or not, order that all copies of the work or all plates in the possession of

the alleged offender, which appear to it to be infringing copies or plates for the purpose of

making infringing copies, be destroyed or delivered up to the owner of the copyright or

otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the

Musical (Summary Proceedings) Copyright Act, 1902 (2 Edw. 7. c. 15.), or the Musical

Copyright Act, 1906(6 Edw. 7. c. 36.).

Section 12 - Appeals to quarter sessions

Any person aggrieved by a summary conviction of an offence under the foregoing provisions

of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland

under and in terms of the Summary Jurisdiction (Scotland) Acts.

Section 13 - Extent of provisions as to summary remedies

The provisions of this Act with respect to summary remedies shall extend only to the United

Kingdom.

Section 14 - Importation of copies

(1) Copies made out of the United Kingdom of any work in which copyright subsists which if

made in the United Kingdom would infringe copyright, and as to which the owner of the

copyright gives notice in writing by himself or his agent to the Commissioners of Customs

and Excise, that he is desirous that such copies should not be imported into the United

Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be

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deemed to be included in the table of prohibitions and restrictions contained in section

forty-two of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36.), and that section

shall apply accordingly.

(2) Before detaining any such copies or taking any further proceedings with a view to the

forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and

Excise may require the regulations under this section, whether as to information, conditions,

or other matters, to be complied with, and may satisfy themselves in accordance with those

regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or

special, respecting the detention and forfeiture of copies the importation of which is

prohibited by this section, and the conditions, if any, to be fulfilled before such detention and

forfeiture, and may, by such regulations, determine the information, notices, and security to

be given, and the evidence requisite for any of the purposes of this section, and the mode of

verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is

prohibited by this section, or different regulations may be made respecting different classes

of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of

Customs and Excise all expenses and damages incurred in respect of any detention made on

his information, and of any proceedings consequent on such detention; and may provide for

notices under any enactment repealed by this Act being treated as notices given under this

section.

(6) The foregoing provisions of this section shall have effect as if they were part of the

Customs Consolidation Act, 1876 : Provided that, notwithstanding anything in that Act, the

Isle of Man shall not be treated as part of the United Kingdom for the purposes of this

section.

(7) This section shall, with the necessary modifications, apply to the importation into a

British possession to which this Act extends of copies of works made out of that possession.

Section 15 - Delivery of copies to British Museum and other libraries

(1) The publisher of every book published in the United Kingdom shall, within one month

after the publication, deliver, at his own expense, a copy of the book to the trustees of the

British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after

publication, deliver within one month after receipt of that written demand or, if the demand

was made before publication, within one month after publication, to some depot in London

named in the demand a copy of the book for, or in accordance with the directions of, the

authority Having the control of each of the following libraries, namely: the Bodleian Library,

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Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at

Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this

section the National Library of Wales. In the case of an encyclopaedia, newspaper, review,

magazine, or work published in a series of numbers or parts, the written demand may

include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole

book with all maps and illustrations belonging thereto, finished and coloured in the same

manner as the best copies of the book are published, and shall be bound, sewed, or stitched

together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the

paper on which the largest number of copies of the book is printed for sale, and shall be in

the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not

include books of such classes as may be specified in regulations to be made by the Board of

Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction

to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to

the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression " book " includes every part or division of

a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table separately

published, but shall not include any second or subsequent edition of a book unless such

edition contains additions or alterations either in the letterpress or in the maps, prints, or

other engravings belonging thereto.

Section 16 - Works of joint authors

(1) In the case of a work of joint authorship, copyright shall subsist during the life of the

author who first dies and for a term of fifty years after his death, or during the life of the

author who dies last, whichever period is the longer, and references in this Act to the period

after the expiration of any specified number of years from the death of the author shall be

construed as references to the period after the expiration of the like number of years from

the death of the author who dies first or after the death of the author who dies last,

whichever period may be the shorter, and in the provisions of this Act with respect to the

grant of compulsory licences a reference to the date of the death of the author who dies last

shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors

do not satisfy the conditions conferring copyright laid down by this Act, the work shall be

treated for the purposes of this Act as if the other author or authors had been the sole

author or authors thereof :

Provided that the term of the copyright shall be the same as it would have been if all

the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, " a work of joint authorship" means a work produced by the

collaboration of two or more authors in which the contribution of one author is not distinct

from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such

married woman therein shall be her separate property.

Section 17 - Posthumous works

(1) In the case of a literary dramatic or musical work, or an engraving, in which copyright

subsists at the date of the death of the author or, in the case of a work of joint authorship, at

or immediately before the date of the death of the author who dies last, but which has not

been published, nor, in the case of a dramatic or musical work, been performed in public,

nor, in the case of a lecture, been delivered in public, before that date, copyright shall

subsist till publication, or performance or delivery in public, whichever may first happen, and

for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the

case of such a work, apply as if the author had died at the date of such publication or

performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been

acquired under a testamentary disposition made by the author and the manuscript is of a

work which has not been published nor performed in public nor delivered in public, shall be

prima facie proof of the copyright being with the owner of the manuscript.

Section 18 - Provisions as to Government publications

Without prejudice to any rights or privileges of the Crown, where any work has, whether

before or after the commencement of this Act, been prepared or published by or under the

direction or control of His Majesty or any Government department, the copyright in the work

shall, subject to any agreement with the author, belong to His Majesty, and in such case

shall continue for a period of fifty years from the date of the first publication of the work.

Section 19 - Provisions as to mechanical instruments

(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of

which sounds may be mechanically reproduced, in like manner as if such contrivances were

musical works, but the term of copyright shall be fifty years from the making of the original

plate from which the contrivance was directly or indirectly derived, and the person who was

the owner of such original plate at the time when such plate was made shall be deemed to be

the author of the work, and, where such owner is a body corporate, the body corporate shall

be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions

to which this Act extends if it has established a place of business within such parts.

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(2) It shall not be deemed to be an infringement of copyright in any musical work for any

person to make within the parts of His Majesty's dominions to which this Act extends records,

perforated rolls, or other contrivances by means of which the work may be mechanically

performed, if such person proves--

(a) that such contrivances have previously been made by, or with the consent or

acquiescence of, the owner of the copyright in the work; and

(b) that he has given the prescribed notice of his intention to make the contrivances,

and has paid in the prescribed manner to, or for the benefit of, the owner of the

copyright in the work royalties in respect of all such contrivances sold by him,

calculated at the rate hereinafter mentioned :

Provided that--

(i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced, unless contrivances reproducing

the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner

of the copyright, or unless such alterations or omissions are reasonably

necessary for the adaptation of the work to the contrivances in question; and

(ii) for the purposes of this provision, a musical work shall be deemed

to include any words so closely associated therewith as to form part of

the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall--

(a) in the case of contrivances sold within two years after the commencement of this

Act by the person making the same, be two and one-half per cent.; and

(b) in the case of contrivances sold as aforesaid after the expiration of that period,

five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so

however that the royalty payable in respect of a contrivance shall, in no case, be less than a

halfpenny for each separate musical work in which copyright subsists reproduced thereon,

and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction

shall be reckoned as a farthing :

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional

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only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which

notices are to be given and the particulars to be given in such notices,
and the mode, time,

and frequency of the payment of royalties, and any such regulations
may, if the Board think

fit, include regulations requiring payment in advance or otherwise
securing the payment of

royalties.

(7) In the case of musical works published before the commencement
of this Act, the

foregoing provisions shall have effect, subject to the following
modifications and additions :--

(a) The conditions as to the previous making by, or with the consent
or acquiescence

of, the owner of the copyright in the work, and the restrictions as to
alterations in or

omissions from the work, shall not apply :

(b) The rate of two and one-half per cent. shall be substituted for the
rate of five per

cent. as the rate at which royalties are to be calculated, but no
royalties shall be

payable in respect of contrivances sold before the first day of July,
nineteen hundred

and thirteen, if contrivances reproducing the same work had been
lawfully made, or

placed on sale, within the parts of His Majesty's dominions to which
this Act extends

before the first day of July, nineteen hundred and ten:

(c) Notwithstanding any assignment made before the passing of this
Act of the

copyright in a musical work, any rights conferred by this Act in
respect of the making,

or authorising the making, of contrivances by means of which the
work may be

mechanically performed shall belong to the author or his legal
personal

representatives and not to the assignee, and the royalties aforesaid
shall be payable

to, and for the benefit of, the author of the work or his legal personal
representatives

:

(d) The saving contained in this Act of the rights and interests arising from, or in

connexion with, action taken before the commencement of this Act shall not be

construed as authorising any person who has made contrivances by means of which

the work may be mechanically performed to sell any such contrivances, whether made

before or after the passing of this Act, except on the terms and subject to the

conditions laid down in this section :

(e) Where the work is a work on which copyright is conferred by an Order in Council

relating to a foreign country, the copyright so conferred shall not, except to such

extent as may be provided by the Order, include any rights with respect to the

making of records, perforated rolls, or other contrivances by means of which the work

may be mechanically performed.

(8) Notwithstanding anything in this Act, where a record, perforated roll, or other

contrivance by means of which sounds may be mechanically reproduced has been made

before the commencement of this Act, copyright shall, as from the commencement of this

Act, subsist therein in like manner and for the like term as if this Act had been in force at the

date of the making of the original plate from which the contrivance was directly or indirectly

derived.

Provided that--

(i) the person who, at the commencement of this Act, is the owner of such

original plate shall be the first owner of such copyright; and

(ii) nothing in this provision shall be construed as conferring copyright in any

such contrivance if the making thereof would have infringed copyright in some

other such contrivance, if this provision had been in force at the time of the

making of the first-mentioned contrivance.

Section 20 - Provision as to political speeches

Notwithstanding anything in this Act, it shall not be an infringement of copyright in an

address of a political nature delivered at a public meeting to publish a report thereof in a

newspaper.

Section 21 - Provisions as to photographs

The term for which copyright shall subsist in photographs shall be fifty years from the

making of the original negative from which the photograph was directly or indirectly derived,

and the person who was owner of such negative at the time when such negative was made

shall be deemed to be the author of the work, and, where such owner is a body corporate,

the body corporate shall be deemed for the purposes of this Act to reside within the parts of

His Majesty's dominions to which this Act extends if it has established a place of business

within such parts.

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Section 22 - Provisions as to designs registrable under 7Edw. 7. c.29

(1) This Act shall not apply to designs capable of being registered under the Patents and

Designs Act, 1907, except designs which, though capable of being so registered, are not used

or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section eighty-six of the Patents and Designs Act, 1907. may be

made for determining the conditions under which a design shall be deemed to be used for

such purposes as aforesaid.

Section 23 - Works of foreign authors first published in parts of His Majesty's dominions

to which Act extends

If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

Section 24 - Existing works

(1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder: Provided that--

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act

and then subsisting shall determine; but the person who immediately before

the date at which the right would so have expired was the owner of the right

or interest shall be entitled at his option either--

(i) on giving such notice as hereinafter mentioned, to an assignment of

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the right or the grant of a similar interest therein for the remainder of

the term of the right for such consideration as, failing agreement, may

be determined by arbitration; or

(ii) without any such assignment or grant, to continue to reproduce or

perform the work in like manner as theretofore subject to the payment,

if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or

interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor

less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers :

(b) where any person has, before the twenty-sixth day of July nineteen

hundred and ten, taken any action whereby he has incurred any expenditure

or liability in connexion with the reproduction or performance of any work in a

manner which at the time was lawful, or for the purpose of or with a view to

the reproduction or performance of a work at a time when such reproduction

or performance would, but for the passing of this Act, have been lawful,

nothing in this section shall diminish or prejudice any rights or interest arising

from or in connexion with such action which are subsisting and valuable at the

said date, unless the person who by virtue of this section becomes entitled to

restrain such reproduction or performance agrees to pay such compensation

as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal personal

representatives of a deceased author.

(3) Subject to the provisions of section nineteen sub-sections (7) and (8) and of section

thirty-three of this Act, copyright shall not subsist in any work made before the

commencement of this Act, otherwise than under, and in accordance with, the provisions of

this section.

Section 25 - Application of Act to British dominions

(1) This Act, except such of the provisions thereof as are expressly restricted to the United

Kingdom, shall extend throughout His Majesty's dominions :

Provided that it shall not extend to a self-governing dominion, unless declared by the

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Legislature of that dominion to be in force therein either without any modifications or

additions, or with such modifications and additions relating exclusively to procedure

and remedies, or necessary to adapt this Act to the circumstances of the dominion, as

may be enacted by such Legislature.

(2) If the Secretary of State certifies by notice published in the London Gazette that any

self-governing dominion has passed legislation under which works,
the authors whereof were
at the date of the making of the works British subjects resident
elsewhere than in the
dominion or (not being British subjects) were resident in the parts of
His Majesty's dominions
to which this Act extends, enjoy within the dominion rights
substantially identical with those
conferred by this Act, then, whilst such legislation continues in force,
the dominion shall, for
the purposes of the rights conferred by this Act, be treated as if it
were a dominion to which
this Act extends; and it shall be lawful for the Secretary of State to
give such a certificate as
aforesaid, notwithstanding that the remedies for enforcing the rights,
or the restrictions on
the importation of copies of works, manufactured in a foreign
country, under the law of the
dominion, differ from those under this Act.

Section 26 - Legislative powers of self-governing dominions

(1) The Legislature of any self-governing dominion may, at any time,
repeal all or any of the
enactments relating to copyright passed by Parliament (including
this Act) so far as they are
operative within that dominion: Provided that no such repeal shall
prejudicially affect any
legal rights existing at the time of the repeal, and that, on this Act or
any part thereof being
so repealed by the Legislature of a self-governing dominion, that
dominion shall cease to be
a dominion to which this Act extends.

(2) In any self-governing dominion to which this Act does not extend,
the enactments
repealed by this Act shall, so far as they are operative in that
dominion, continue in force
until repealed by the Legislature of that dominion.

(3) Where His Majesty in Council is satisfied that the law of a self-
governing dominion to
which this Act does not extend provides adequate protection within
the dominion for the
works (whether published or unpublished) of authors who at the
time of the making of the

work were British subjects resident elsewhere than in that dominion,
His Majesty in Council

may, for the purpose of giving reciprocal protection, direct that this
Act, except such parts (if

any) thereof as may be specified in the Order, and subject to any
conditions contained

therein, shall, within the parts of His Majesty's dominions to which
this Act extends, apply to

works the authors whereof were, at the time of the making of the
work, resident within the

first-mentioned dominion, and to works first published in that
dominion; but, save as

provided by such an Order, works the authors whereof were resident
in a dominion to which

this Act does not extend shall not, whether they are British subjects
or not, be entitled to

any protection under this Act except such protection as is by this Act
conferred on works first

published within the parts of His Majesty's dominions to which this
Act extends;

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Provided that no such Order shall confer any rights within a self-
governing dominion,

but the Governor in Council of any self-governing dominion to which
this Act extends,

may, by Order, confer within that dominion the like rights as His
Majesty in Council is,

under the foregoing provisions of this subsection, authorised to
confer within other

parts of His Majesty's dominions.

For the purposes of this subsection, the expression "a "dominion to
which this Act extends"

includes a dominion which is for the purposes of this Act to be
treated as if it were a

dominion to which this Act extends.

Section 27 - Power of Legislatures of British possessions to pass
supplemental legislation

The Legislature of any British possession to which this Act extends
may modify or add to any

of the provisions of this Act in its application to the possession, but,
except so far as such

modifications and additions relate to procedure and remedies, they shall apply only to works

the authors whereof were, at the time of the making of the work, resident in the possession,

and to works first published in the possession.

Section 28 - Application to protectorates

His Majesty may, by Order in Council, extend this Act to any territories under his protection

and to Cyprus, and on the making of any such Order, this Act shall, subject to the provisions

of the Order, have effect as if the territories to which it applies or Cyprus were part of His

Majesty's dominions to which this Act extends.

Section 29 - Power to extend Act to foreign works

(1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any,

thereof as may be specified in the Order) shall apply--

(a) to works first published in a foreign country to which the Order relates, in like

manner as if they were first published within the parts of His Majesty's dominions to

which this Act extends;

(b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors

whereof were at the time of the making of the work subjects or citizens of a foreign

country to which the Order relates, in like manner as if the authors were British

subjects;

(c) in respect of residence in a foreign country to which the Order relates, in like

manner as if such residence were residence in the parts of His Majesty's dominions to

which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act

shall apply accordingly :

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Provided that--

(i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I. of this Act;

(ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;

(iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;

(iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;

(v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;

(vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International

Copyright Act, 1886 (49 & 50 Vict, c. 33.).

(2) An Order in Council under this section may extend to all the several countries named or described therein.

Section 30 - Application of Part II. to British possessions

(1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions

to which this Act extends except self-governing dominions and any other possession specified

in the Order with respect to which it appears to His Majesty expedient that the Order should not apply.

(2) The Governor in Council of any self-governing dominion to which this Act extends may,

as respects that dominion, make the like orders as under this Part of this Act His Majesty in

Council is authorised to make with respect to His Majesty's dominions other than

self-governing dominions, and the provisions of this Part of this Act shall, with the necessary

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modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any order any

part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty

by the same or any other Order in Council to declare that such order and this Part of this Act

shall not, and the same shall not, apply to such part, except so far as is necessary for

preventing any prejudice to any rights acquired previously to the date of such Order.

Section 31 - Abrogation of common law rights

No person shall be entitled to copyright or any similar right in any literary, dramatic,

musical, or artistic work, whether published or unpublished, otherwise than under and in

accordance with the provisions of this Act, or of any other statutory enactment for the time

being in force, but nothing in this section shall be construed as abrogating any right or

jurisdiction to restrain a breach of trust or confidence.

Section 32 - Provisions as to Orders in Council

(1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in

Council made under this Act, or under any enactments repealed by this Act, but any Order

made under this section shall not affect prejudicially any rights or interests acquired or

accrued at the date when the Order comes into operation, and shall provide for the

protection of such rights and interests.

(2) Every Order in Council made under this Act shall be published in the London Gazette and

shall be laid before both Houses of Parliament as soon as may be after it is made, and shall

have effect as if enacted in this Act.

Section 33 - Saving of university copyright. 15 Geo. 3.C. 53

Nothing in this Act shall deprive any of the universities and colleges mentioned in the

Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies

and penalties for infringement of any such copyright shall be under this Act and not under

that Act.

Section 34 - Saving of compensation to certain libraries

There shall continue to be charged on, and paid out of, the Consolidated Fund of the United

Kingdom such annual compensation as was immediately before the commencement of this

Act payable in pursuance of any Act as compensation to a library for the loss of the right to

receive gratuitous copies of books :

Provided that this compensation shall not be paid to a library in any year, unless the

Treasury are satisfied that the compensation for the previous year has been applied in

the purchase of books for the use of and to be preserved in the library.

Section 35 - Interpretation

(1) In this Act, unless the context otherwise requires,--

" Literary work " includes maps, charts, plans, tables, and compilations;

" Dramatic work " includes any piece for recitation, choreographic work or

entertainment in dumb show, the scenic arrangement or acting form of which is fixed

in writing or otherwise, and any cinematograph production where the arrangement or

acting form or the combination of incidents represented give the work an original

character;

" Artistic work" includes works of painting, drawing, sculpture and artistic

craftsmanship, and architectural works of art and engravings and photographs;

" Work of sculpture " includes casts and models;

" Architectural work of art" means any building or structure having an artistic

character or design, in respect of such character or design, or any model for such

building or structure, provided that the protection afforded by this Act shall be

confined to the artistic character and design, and shall not extend to processes or

methods of construction;

"Engravings" include etchings, lithographs, wood-cuts, prints, and other similar works,

not being photographs;

"Photograph" includes photo-lithograph and any work produced by any process

analogous to photography;

"Cinematograph" includes any work produced by any-process analogous to

cinematography;

" Collective work " means--

(a) an encyclopedia, dictionary, year book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or

parts of works of different authors are incorporated;

"Infringing," when applied to a copy of a work in which copyright subsists, means any

copy, including any colourable imitation, made, or imported in contravention of the

provisions of this Act;

"Performance" means any acoustic representation of a work and any visual

representation of any dramatic action in a work, including such a representation made

by means of any mechanical instrument;

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" Delivery," in relation to a lecture, includes delivery by means of any mechanical

instrument;

" Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer,

or negative used or intended to be used for printing or reproducing copies of any

work, and any matrix or other appliance by which records, perforated rolls or other

contrivances for the acoustic representation of the work are or are intended to be

made;

" Lecture " includes address, speech, and sermon;

" Self-governing dominion" means the Dominion of Canada, the Commonwealth of

Australia, the Dominion of New Zealand, the Union of South Africa, and

Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a

work shall not be deemed to be published or performed in public, and a lecture shall not be

deemed to be delivered in public, if published, performed in public, or delivered in public,

without the consent or acquiescence of the author, his executors administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

Section 36 - Repeal

Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to

this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that this repeal shall not take effect in any part of His Majesty's dominions

until this Act comes into operation in that part.

Section 37 - Short title and commencement

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(1) This Act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation--

(a) in the United Kingdom, on the first day of July nineteen hundred and twelve or

such earlier date as may be fixed by Order in Council;

(b) in a self-governing dominion to which this Act extends, at such date as may be

fixed by the Legislature of that dominion;

(c) in the Channel Islands, at such date as may be fixed by the States of those islands

respectively;

(d) in any other British possession to which this Act extends, on the proclamation

thereof within the possession by the Governor.

Schedule I - FIRST SCHEDULE

FIRST SCHEDULE.

Section 24

Existing Rights.

Existing Eight. Substituted Eight.

(a) In the case of Works other than Dramatic and Musical Works.

Copyright..... Copyright as defined by this Act.*

(6) In the case of Musical and Dramatic Works.

Both copyright and performing right Copyright as defined by this Act.*

Copyright, but not performing right

-

Copyright as defined by this Act,
except the sole right to perform the
work or any substantial part thereof
in public.

Performing right, but not copyright -

The sole right to perform the work in
public, but none of the other rights
comprised in copyright as defined by
this Act.

For the purposes of this Schedule the following expressions, where
used in the first column

thereof, have the following meanings :--

"Copyright," in the case of a work which according to the law in force
immediately

before the commencement of this Act has not been published before that date and

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statutory copyright wherein depends on publication, includes the right at common law

(if any) to restrain publication or other dealing with the work;

" Performing right," in the case of a work which has not been performed in public

before the commencement of this Act, includes the right at common law (if any) to

restrain the performance thereof in public.

* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or

work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to

which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled

under section eighteen of the Copyright Act, 1842.

Schedule II - SECOND SCHEDULE

SECOND SCHEDULE

Section 36

Enactments repealed.

Session and

Chapter.

Short Title. Extent of Repeal.

8 Geo. 2. c.

13

The Engraving Copyright

Act, 1734.

The whole Act.

7 Geo. 3. c.

38

The Engraving Copyright

Act, 1767.

The whole Act.

15 Geo. 3. c.

53

The Copyright Act, 1775 The whole Act.

17 Geo. 3. c.

57

The Prints Copyright Act,

1777.

The whole Act.

54 Geo. 3. c.

56

The Sculpture Copyright Act,

1814.

The whole Act.

3 & 4 Will.

4. c. 15.

The Dramatic Copyright Act,

1833.

The whole Act.

23

5 & 6 Will.

4. c. 65.

The Lectures Copyright Act,

1835.

The whole Act.

6 & 7 Will.

4. c. 59.

The Prints and Engravings

Copyright (Ireland) Act,

1836.

The whole Act.

6 & 7 Will.

4. c. 110.

The Copyright Act, 1836 - The whole Act.

5 & 6 Vict. c.

45.

The Copyright Act, 1842 - The whole Act.

7 & 8 Vict. c.

12.

The International Copyright

Act, 1844.

The whole Act.

10 & 11

Vict. c. 95.

The Colonial Copyright Act,

1847.

The whole Act.

15 & 16

Vict. c. 12.

The International Copyright

Act, 1852.

The whole Act.

25 & 26

Vict. c. 68.

The Fine Arts Copyright Act,

1862.

Sections one to six. In

section eight the words " and

" pursuant to any Act for

" the protection of copy-

" right engravings," and

" and in any such Act as

" aforesaid." Sections nine

to twelve.

38 & 39

Vict. c. 12.

The International Copyright

Act, 1875.

The whole Act.

39 & 40

Vict. c. 36.

The Customs Consolidation
Act, 1876.

Section forty - two, from
"Books wherein" to "such
copyright will expire."
Sections forty-four,
forty-five, and one hundred
and fifty-two.

45 & 46

Vict. c. 40.

The Copyright (Musical
Compositions) Act, 1882.

The whole Act.

49 & 50

Vict. c. 33.

The International Copyright
Act, 1886.

The whole Act.

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51 & 52

Vict. c. 17.

The Copyright (Musical
Compositions) Act, 1888.

The whole Act.

52 & 53

Vict. c. 42.

The Revenue Act.. 1889 Section one, from " Books
first published " to " as
provided in that section."

6 Edw. 7. c.

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The Musical Copyright Act,
1906.

In section three the words

" and which has been re-
" gistered in accordance
" with the provisions of the
" Copyright Act, 1842, or
" of the International
" Copyright Act, 1844,
" which registration may
" be effected notwithstanding
" ing anything in the In-
" ternational Copyright
" Act, 1886."

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