THE

COPYRIGHT ACT, 1911

BEING A

KING'S PRINTERS' COPY

BOUND UP WITH

THE MUSICAL COPYRIGHT ACT, 1906,

MUSICAL (SUMMARY PROCEEDINGS) COPYRIGHT ACT, 1902,

AND THE UNREPEALED SECTIONS OF THE

FINE ARTS COPYRIGHT ACT, 1862,

AND

AN INDEX TO THE WHOLE

TOGETHER WITH TABLES SHEWING WHERE THE CORRESPONDING SECTIONS OF THE REPEALED ACTS ARE TO BE FOUND IN THE NEW ACT AND *VICE VERSÂ*,

AND

AN INTRODUCTION POINTING OUT THE MORE IMPORTANT CHANGES IN THE LAW MADE BY THE ACT,

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LONDON:

THE SOLICITORS' LAW STATIONERY SOCIETY, LIMITED,

Law and Company Printers and Engravers,

22, CHANCERY LANE, W.C.

29, WALBROOK, E.C. 6, VICTORIA STREET, S.W.

(1912)

TABLE OF CONTENTS.

	PAGE
Introduction	i
Copyright Act, 1911	1
Musical Copyright Act, 1906	31
Musical (Summary Proceedings) Copyright Act, 1902..	34
Unrepealed sections Fine Arts Copyright Act, 1862	36
Index to The Copyright Act, 1911, etc.	39
Table I., showing what sections of the repealed Acts are reproduced or represented by each of the sections of the Act of 1911	50
Table II., showing by what sections of the Act of 1911 the various sections of the old Acts are reproduced	51

INTRODUCTION.

THE Copyright Act, 1911, is both a consolidating and an amending Act. It is far from complete in either respect. Though a multitude of earlier Acts have been repealed by it, several have been left on the Statute Book and incorporated only by reference. These are printed here after the Act itself. And it is not complete as an amending Act, since it leaves certain difficulties in the present law unsolved and introduces a number of new provisions the real effect of which will only be known when we have a long series of decisions of the Courts upon them.

The very first section of the Act makes three intended and possibly as many unintended alterations in the law of copyright. It creates copyright in unpublished works, it extends copyright to the reproductions of architectural works and to reproductions of literary, dramatic and musical works by mechanical means, and it includes under copyright the sole right to change a drama into a novel or a novel into a drama. These are the intended alterations. One of the unintended ones—the restriction of copyright to original literary, dramatic, musical and artistic work—may prove a greater change than them all. Let us consider shortly the effects of each of these.

First, as to the copyright now given in unpublished work. Hitherto there has been no copyright, at any rate in literary work, till the work had taken a material form and was actually published in the sense of its being reproduced in material form and offered to the public generally. The remedy for piracy of other literary work, whether reduced to a material form (as letters) or whether not so reduced as a professor's lectures (*Laird* v. *Sime*, 12 App. Cas. 326) was by injunction to restrain breach of an implied contract not to publish what it was known to the defendant was not intended by author to be published by him. There was some difficulty as to this remedy, but it may be doubted whether there will not be more as to the new one, though here again the old law is preserved, while it is declared to be abrogated (see Section 31). What will the new position be with regard to posthumous works, and more especially letters? The law with regard to these was settled by the case of *Macmillan & Co.* v. *Dent*, 1907, 1 Ch. 107. Under Section 3 of the Copyright Act, 1842, in an ordinary literary work the copyright belonged to the person who, possessing its manuscript, first published it after the author's death, subject

to the right of the author's personal representatives to object to the publication of private letters where this was undesirable. Now the copyright in posthumous works is only to reside in the person who has the manuscript where the manuscript was left to him by the author's will (Section 17 (2)). This must apply to private letters, since even a licence to publish literary work can only be granted by written assignment (Section 5 (2)). In the absence, then, of a bequest of the author's manuscripts (probably a residuary gift would be sufficient to satisfy Section 17) the copyright of all the deceased's unpublished documents vests in his executors or administrators. It will therefore be in the power of a deceased person's representatives to suppress the publication of his private papers practically for ever, since the provisions as to compulsory licences apply only to published work (Section 4). And as addressing a public meeting is not a publication of the address, then if, as we infer see infra. p. iii) a speaker has now a copyright in his speech against all except newspapers, the same thing may be done in the case of a public man's speeches or clergyman's sermons.

The extension of copyright to architectural works is of little importance and probably will prove unworkable. It means that the Court will have to become an art critic, and decide whether a new "artistic" building infringes on the artistic merits of an existing one (see definition in Section 35). The real grievance of the ordinary architect was that the plans he drew for one house became the property of the building owner who sometimes used them for one thousand other houses. Whether this grievance in the vast bulk of cases will be remedied by the new law seems doubtful. Section 9 refuses an injunction to restrain a breach of architectural copyright and also summary convictions for the same.

The extension of copyright to include mechanical reproductions of literary and musical work, which really formed the chief motive for passing the Act, simply reverses the decision in *Boosey* v. *Wright*, 1900, 1 Ch. D. 122, which was probably wrong and certainly contrary to International practice. Since it, however, a great trade has sprung up in the manufacture of these machines and this has necessitated the elaborate provisions of Section 19.

As regards the provision making the change of a novel into a play or a play into a novel, this can be called no more than a nominal alteration of the law. The case of *Warne & Co.* v. *Seebohm*, 39 Ch. D. 73, rendered

the danger of making these transformations so great that since then they have been almost invariably made only with the consent of the author.

The alteration in the law made, apparently unintentionally, by Section 1 of the Act is, as has been said, probably the most important. It limits copyright to "original literary dramatic musical and artistic work." No definition is given of what is meant by "original" or what is meant by "work." "Original" is not used in the Copyright Act, 1842, and in *Walter* v. *Lane*, 1900, A. C. 539, the House of Lords held that any document not the copy literally and substantially of an existing document was entitled to copyright. Has this law been changed? Is a report of a speech an "original" work although every word is the speaker's, or the speech itself a "literary" work although not written? We are inclined to think that the Court will ultimately hold that the law as laid down in *Walter* v. *Lane* (*supra*) has been reversed, and that a reporter has no copyright in his report and a speaker has copyright in his speech. This view we think is supported by Sections 2 (i., iv.) and 20. The former makes the report of a lecture (which includes a speech) if published in a newspaper no infringement of copyright if no notice is given that it is not to be reported. The latter makes no report in a newspaper of a political address an infringement of copyright. It will be observed that both these assume that but for them such reports would be infringements of copyright and therefore that the copyright is in the speaker. Both, too, are limited to reports in newspapers. Henceforth therefore it would seem that the only person entitled to publish a public man's speeches in a volume is the speaker himself. Perhaps thousands will shortly find themselves in trouble. We have not followed the discussions in Committee closely enough to know whether this great change in the law was intended, but have a pretty clear notion that it was not.

If the Courts hold that original literary work means really new work emanating from the author's own brain then the long controversy as to whether there can be copyright in news will also be settled. That controversy after the decision of *Walter* v. *Lane* (*supra*) seemed to us very futile since, if the report of what a public man says about public affairs is not news, we fail to understand what is. However, in some cases since then weight has been laid on the point (see *Springfield* v. *Thume*, 89 L.T. 242), and in the Report of the Copyright Commission it is expressly said that no English Court has decided that there is copyright in news

(p. 20), and so the Act may decide the question finally, if unintentionally. How in face of that it can be held that there is copyright in a directory or a dictionary or a geography or maps, is hard to understand. Originality in giving the name of a street, the meaning of a word, or the population of a city, or in the boundaries of a country is more common than useful.

Another great, and in this case intended, alteration of the law made by the Act is as to the duration and ownership of copyright. In the first place (Section 3) copyright in original work is extended to fifty years after the death of the author, or in cases of joint authorship of the first of the joint authors to die, and as respects works published posthumously to fifty years after publication. Formerly the period was forty-two years after publication, or seven years after the death of the author, whichever period was the longer. An attempt has been made to secure to the author some benefit from this enlargement of the right. No assignment of it by the author, save in the case of a collective work—like an encyclopædia—is to operate, to effect the title of his representatives after twenty-five years after his death (Section 5 (2)). In other words, the reversion in the copyright after that period will revest in the person to whom he has bequeathed it or if it be not bequeathed in his executors or administrators of the persons entitled to his personal estate. Whether this provision will prevent the impecunious author from contracting to make his will so as to leave his copyright to his publisher is not very certain. It is quite legal to contract to make your will in a certain person's interest, and a breach of such a contract creates a right of action against the testator's executors or administrators.

A concession to writers for newspapers and periodicals is contained in Section 5 (1) (*b.*) It allows a person employed and paid for his services, in the absence of any agreement to the contrary, to restrain the separate publication of his contributions. This, in our opinion, goes somewhat further than the old law, which seemed to us to give this right only to persons employed to write the articles, and not to persons whose services in general were retained. The right to restrain, however, is limited to preventing its republication otherwise than in " a newspaper," etc. This on the face of it would seem to indicate any newspaper, etc., and not as the old law was interpretated a re-issue of the same newspaper, etc. The case of *Aflalo* v. *Lawrence & Bullen, Limited*, 1904, A.C. 17, is not affected, since that was a case of contribution not to a periodical but to an encyclopædia, and it was there held that in the absence of an agreement to the contrary the employer became absolutely entitled to the copyright. Incidentally it seems to take away the right given by Section 18 of the

Copyright Act, 1842, to persons employed and paid to contribute to newspapers and periodicals, to publish such contributions separately after twenty-eight years. Section 5 (1) *b* of the Copyright Act, 1912, vests the whole copyright in such contributions in the employer as "first owner" and Section 5 (2) applies only where the author of a work is the first owner.

Lastly, the necessity for registration at Stationers' Hall has been abolished. This is entirely to the good, as registration was subject to all sorts of objections. First, it constantly proved a trap to the unwary, since not infrequently a failure to register before action brought or some irregularity in the registration, led to the defeat of a plaintiff who had suffered through piracy. In the second place, since registration was not necessary to secure copyright but merely as a preliminary to bringing an action for piracy, the register was deceptive to editors who searched it when they wished to discover whether a book was copyright or not. It may be doubted, however, if the legislative are justified in refusing a plaintiff damages where an editor innocently publishes his work not knowing it to be copyright (Section 8). Whether a man's property is taken innocently or not he suffers the same loss. As a sort of compensation, wilful piracy is now made a criminal offence, which on a repetition may be punished with two months' imprisonment (Section 11). Formerly penalties were reserved for piracy of music (*see* Musical Copyright Act, 1906, s. 1, *infra* p. 31) and fraudulent production of pictures, etc. (*see* Fine Arts Copyright Act, 1862, s. 7, *infra* p. 36).

The Act constitutes a great step towards the codification, or rather standardisation, of the copyright law of all Europe. It will be interesting to see if the Courts in considering its construction will pay any attention to the views of foreign legal authorities.

Copyright Act, 1911.

[1 & 2 Geo. 5. Ch. 46.]

ARRANGEMENT OF SECTIONS.

Part I.

Imperial Copyright.

Rights.

Section.

1. Copyright.
2. Infringement of copyright.
3. Term of copyright.
4. Compulsory licences.
5. Ownership of copyright, &c.

Civil Remedies.

6. Civil remedies for infringement of copyright.
7. Rights of owner against persons possessing or dealing with infringing copies, &c.
8. Exemption of innocent infringer from liability to pay damages, &c.
9. Restriction on remedies in the case of architecture.
10. Limitation of actions.

Summary Remedies.

11. Penalties for dealing with infringing copies, &c.
12. Appeals to quarter sessions.
13. Extent of provisions as to summary remedies.

Importation of Copies.

14. Importation of copies.

Delivery of Books to Libraries.

15. Delivery of copies to British Museum and other libraries.

Special Provisions as to certain Works.

16. Works of joint authors.
17. Posthumous works.

[*Price* 3*d.*]

A.D. 1911. Section.

18. Provisions as to Government publications.
19. Provisions as to mechanical instruments.
20. Provision as to political speeches.
21. Provisions as to photographs.
22. Provisions as to designs registrable under 7 Edw. 7. c. 29.
23. Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.
24. Existing works.

Application to British Possessions.

25. Application of Act to British Dominions.
26. Legislative powers of self-governing Dominions.
27. Power of Legislatures of British possessions to pass supplemental legislation.
28. Application to protectorates.

PART II.

INTERNATIONAL COPYRIGHT.

29. Power to extend Act to foreign works.
30. Application of Part II. to British possessions.

PART III.

SUPPLEMENTAL PROVISIONS.

31. Abrogation of common law rights.
32. Provisions as to Orders in Council.
33. Saving of university copyright.
34. Saving of compensation to certain libraries.
35. Interpretation.
36. Repeal.
37. Short title and commencement.

SCHEDULES.

CHAPTER 46.

An Act to amend and consolidate the Law relating to Copyright. [16th December 1911.] A.D. 1911.

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:—

PART I.

IMPERIAL COPYRIGHT.

Rights.

Copyright.

1.—(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 herein-after 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

A.D. 1911.

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.

Infringement of copyright.

2.—(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, bonâ 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 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

A.D. 1911.

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.

Term of copyright.

3. 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 securing the payment of royalties.

Compulsory licences.

4. 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.

A.D. 1911.

Ownership of copyright, &c.

5.—(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, 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 agree-

A.D. 1911.

ment 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.

Civil Remedies.

Civil remedies for infringement of copyright.

6.—(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.

Rights of owner against persons possessing or dealing with infringing copies, &c.

7. 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.

Exemption of innocent infringer from liability to pay damages, &c.

8. 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.

Restriction on remedies in the case of architecture.

9.—(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.

Limitation of actions.

10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Summary Remedies.

Penalties for dealing with infringing copies, &c.

11.—(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

A.D. 1911.

(*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

(*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.

2 Edw. 7. c. 15. 6 Edw. 7. c. 36.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

Appeals to quarter sessions.

12. 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.

Extent of provisions as to summary remedies.

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

Importation of Copies.

A.D. 1911.

Importation of copies.

14.—(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 deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly. 39 & 40 Vict. c. 36.

(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

A.D. 1911.

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.

Delivery of Books to Libraries.

Delivery of copies to British Museum and other libraries.

15.—(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 depôt 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, 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 encyclopædia, 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 letter-press, 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.

Special Provisions as to certain Works.

Works of joint authors.

16.—(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.

A.D. 1911.

Posthumous works.

17.—(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.

Provisions as to Government publications.

18. 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.

Provisions as to mechanical instruments.

19.—(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.

(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 herein-after 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 half-penny 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:

A.D. 1911.

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 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

A.D. 1911.

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.

Provision as to political speeches.

20. 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.

Provisions as to photographs.

21. 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.

Provisions as to designs registrable under 7 Edw. 7. c. 29.

22.—(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.

Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.

23. 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.

Existing works.

24.—(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 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

A.D. 1911.

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 subsections (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.

Application to British Possessions.

Application of Act to British dominions.

25.—(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 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.

Legislative powers of self-governing dominions.

26.—(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

A.D. 1911.

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:

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.

Power of Legislatures of British possessions to pass supplemental legislation.

27. 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.

Application to protectorates.

28. 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.

Part II.

International Copyright.

Power to extend Act to foreign works.

29.—(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:

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;

A.D. 1911.

(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.

Application of Part II. to British possessions.

30.—(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 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.

Part III.

Supplemental Provisions.

Abrogation of common law rights.

31. 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.

Provisions as to Orders in Council.

32.—(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.

Saving of university copyright. 15 Geo. 3. c. 53.

33. 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.

Saving of compensation to certain libraries.

34. 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.

Interpretation.

35.—(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

A.D. 1911.

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 encyclopædia, 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;

"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.

36. 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: Repeal.

A.D. 1911.

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.

Short title and commencement.

37.—(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.

SCHEDULES.

FIRST SCHEDULE.

Section 24.

Existing Rights.

Existing Right.	Substituted Right.
(a) In the case of Works other than Dramatic and Musical Works.	
Copyright.	Copyright as defined by this Act.*
(b) 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 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.

A.D. 1911.

Section 36.

SECOND SCHEDULE.

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.
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.
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."

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 36.	The Musical Copyright Act, 1906.	In section three the words " and which has been registered in accordance " with the provisions of the " Copyright Act, 1842, or " of the International " Copyright Act, 1844, " which registration may " be effected notwithstanding anything in the International Copyright " Act, 1886."

Printed by EYRE and SPOTTISWOODE, Ltd.,
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CHAPTER 36.

An Act to amend the law relating to Musical Copyright. A.D. 1906.

[4th August 1906.]

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 :—

Penalty for being in possession of pirated music.

1.—(1) Every person who prints, reproduces, or sells, or exposes, offers, or has in his possession for sale, any pirated copies of any musical work, or has in his possession any plates for the purpose of printing or reproducing pirated copies of any musical work, shall (unless he proves that he acted innocently) be guilty of an offence punishable on summary conviction, and shall be liable to a fine not exceeding five pounds, and on a second or subsequent conviction to imprisonment with or without hard labour for a term not exceeding two months or to a fine not exceeding ten pounds : Provided that a person convicted of an offence under this Act who has not previously been convicted of such an offence, and who proves that the copies of the musical work in respect of which the offence was committed had printed on the title page thereof a name and address purporting to be that of the printer or publisher, shall not be liable to any penalty under this Act unless it is proved that the copies were to his knowledge pirated copies.

(2) Any constable may take into custody without warrant any person who in any street or public place sells or exposes, offers, or has in his possession for sale any pirated copies of any such musical work as may be specified in any general written authority addressed to the chief officer of police, and signed by the apparent owner of the copyright in such work or his agent thereto authorised in writing, requesting the arrest, at the risk of such owner, of all persons found committing offences under this section in respect to such work, or who offers for sale any pirated copies of any such specified musical work by personal canvass or by personally delivering advertisements or circulars.

(3) A copy of every written authority addressed to a chief officer of police under this section shall be open to inspection at all reasonable hours by any person without payment of any fee, and any person may take copies of or make extracts from any such authority.

A.D. 1906.

(4) Any person aggrieved by a summary conviction under this section may in England or Ireland appeal to a court of quarter sessions, and in Scotland under and in terms of the Summary Prosecutions Appeals (Scotland) Act, 1875.

38 & 39 Vict. c. 62.

Right of entry by police for execution of Act.

2.—(1) If a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act is being committed on any premises, the court may grant a search warrant authorising the constable named therein to enter the premises between the hours of six of the clock in the morning and nine of the clock in the evening, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to seize any copies of any musical work or any plates in respect of which he has reasonable ground for suspecting that an offence against this Act is being committed.

(2) All copies of any musical work and plates seized under this section shall be brought before a court of summary jurisdiction, and if proved to be pirated copies or plates intended to be used for the printing or reproduction of pirated copies shall be forfeited and destroyed or otherwise dealt with as the court think fit.

Definitions.

3. In this Act—

The expression "pirated copies" means any copies of any musical work written, printed, or otherwise reproduced without the consent lawfully given by the owner of the copyright in such musical work:

The expression "musical work" means a musical work in which there is a subsisting copyright, ~~and which has been registered in accordance with the provisions of the Copyright Act, 1842, or of the International Copyright Act, 1844, which registration may be effected notwithstanding anything in the International Copyright Act, 1886~~:

5 & 6 Vict. c. 45. [*Repealed Copyright Act*, 1911.] 7 & 8 Vict. c. 12. 49 & 50 Vict. c. 33.

The expression "plates" includes any stereotype or other plates, stones, matrices, transfers, or negatives used or intended to be used for printing or reproducing copies of any musical work: Provided that the expressions "pirated copies" and "plates" shall not, for the purposes of this Act, be deemed to include perforated music rolls used for playing mechanical instruments, or records used for the reproduction of sound waves, or the

matrices or other appliances by which such rolls or records respectively are made:

The expression "chief officer of police"—

(*a*) with respect to the City of London, means the Commissioner of City Police;

(*b*) elsewhere in England has the same meaning as in the Police Act, 1890; 53 & 54 Vict. c. 45.

(*c*) in Scotland has the same meaning as in the Police (Scotland) Act, 1890; 53 & 54 Vict. c. 67.

(*d*) in the police district of Dublin metropolis means either of the Commissioners of Police for the said district;

(*e*) elsewhere in Ireland means the District Inspector of the Royal Irish Constabulary:

The expression "court of summary jurisdiction" in Scotland means the sheriff or any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general police Act.

4. This Act may be cited as the Musical Copyright Act, 1906. Short title.

CHAPTER 15.

A.D. 1902

An Act to amend the Law relating to Musical Copyright.

[22nd July 1902.]

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 :

Seizure, &c. of pirated copies.

1. A court of summary jurisdiction, upon the application of the owner of the copyright in any musical work, may act as follows : If satisfied by evidence that there is reasonable ground for believing that pirated copies of such musical work are being hawked, carried about, sold, or offered for sale, may, by order, authorise a constable to seize such copies without warrant and to bring them before the court, and the court, on proof that the copies are pirated, may order them to be destroyed or to be delivered up to the owner of the copyright if he makes application for that delivery.

Power to seize copies on hawkers.

2. If any person shall hawk, carry about, sell, or offer for sale any pirated copy of any musical work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the copyright in such work, or of his agent thereto authorised in writing, and at the risk of such owner.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and, on proof that they are infringements of copyrights, shall be forfeited or destroyed, or otherwise dealt with as the court may think fit.

Definitions.

3. "Musical copyright" means the exclusive right of the owner of such copyright under the Copyright Acts in force for the time being to do or to authorise another person to do all or any of the following things in respect of a musical work :—

(1) To make copies by writing or otherwise of such musical work.

(2) To abridge such musical work.

(3) To make any new adaptation, arrangement, or setting of such musical work, or of the melody thereof, in any notation or system.

"Musical work" means any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced.

"Pirated musical work" means any musical work written, printed, or otherwise reproduced, without the consent lawfully given by the owner of the copyright in such musical work.

Short title and commencement.

4. This Act may be cited as the Musical (Summary Proceedings) Copyright Act, 1902, and shall come into operation on the first day of October one thousand nine hundred and two, and shall apply only to the United Kingdom.

A.D. 1862.

S. 7. No person shall do or cause to be done any or either of the following Acts; that is to say—

Penalties on fraudulent productions and sales.

First, no Person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any Painting, Drawing, or Photograph, or the negative thereof, any Name, Initials, or Monogram:

Secondly, no Person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, Exhibition, or Distribution, any Painting, Drawing, or Photograph, or Negative of a Photograph, having thereon the Name, Initials, or Monogram of a Person who did not execute or make such work:

Thirdly, no Person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Fourthly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any alteration shall afterwards be made therein by any other Person, by addition or otherwise, no Person shall be at liberty during the Life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Works so altered as aforesaid, or of any part thereof, as or for the unaltered Work of such Author or Maker:

Penalties.

Every Offender under this Section shall, upon Conviction, forfeit to the person aggrieved a sum not exceeding Ten Pounds, or not exceeding double the full Price, if any, at which such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name,

Initials, or Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within Twenty Years next before the Time when the Offence may have been committed.

S. 8. All pecuniary Penalties which shall be incurred, and all such unlawful Copies, Imitations, and all other Effects and Things as shall have been forfeited by Offenders, pursuant to this Act, ... may be recovered by the Person hereinbefore . . . . empowered to recover the same respectively, and hereinafter called the Complainant or the Complainer, as follows:—

In England and Ireland, either by Action against the Party offending, or by summary Proceeding before any Two Justices having Jurisdiction where the Party offending resides:

In Scotland by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County where the Offence may be committed or the Offender resides, . . . and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject to Review by . . . . Suspension, Reduction, or otherwise.

Index to the Copyright Act, 1911, and unrepealed sections of Musical Copyright Acts of 1906 and 1902 and Fine Arts Copyright Act, 1862.

	SECTION	PAGE
ABROGATION OF COMMON LAW RIGHTS	31 ..	23
ACTIONS—*See* REMEDIES, CIVIL.		
ADVERTISEMENT—		
by assignee, as owner expiring of rights, when author cannot be found	24 (1)..	18
ALTERATIONS—		
in works reproduced by mechanical contrivances	19 (2)..	13
APPEALS—		
from summary conviction	12 ..	8
APPLICATION OF ACT—		
to British dominions	25 ..	19
to British possessions	27 ..	20
to Protectorates	28 ..	20
of Part II. to British possessions	30 ..	22
to Foreign works, by Order in Council	29 ..	21
ARBITRATION—		
to determine consideration for assignment or grant of further term conferred by Act	24 ..	17
to determine royalties in respect of further term	24 ..	18
to apportion royalties with reference to mechanical contrivances	19 (4)..	14
to determine compensation in respect of subsisting rights ..	24 ..	18
ARCHITECTURAL WORK OF ART—		
Definition of	35 ..	24
Making or publishing paintings, photographs, &c., of, no infringement	2 (1)..	3
ARCHITECTURE— ..		
Remedies in case of	9 ..	7

	SECTION	PAGE
ARTISTIC WORK—		
Definition of	35	24
where author of, is not owner of copyright	2 (1)	2
ASSIGNMENT—		
must be in writing signed	5 (2)	5
not operative beyond 25 years from death of author	5 (2)	5
Partial	5 (3)	6
before Act, of copyright in musical work (with reference to mechanical reproduction)	19 (7)	15
AUTHOR—		
where expression includes personal representatives of deceased	24 (2)	18
with respect to mechanical instruments	19 (1)	12
Foreign	23	16
BUILDINGS—		
infringing copyright, restriction on remedies in case of	9	7
BOARD OF TRADE—		
may make regulations with respect to reproduction of work after 25 (30) years from death of author	3	4
and as to reproduction by means of mechanical contrivances	19	14
to make regulations as to books to be delivered to National Library of Wales	15 (5)	10
BODLEIAN LIBRARY—		
Delivery of books to	15	10
BRITISH MUSEUM—		
Delivery of goods to	15	10
BRITISH POSSESSIONS—		
Importation of infringing copies into	14 (7)	10
Power of Legislatures to pass supplemental legislation	27	20
CAMBRIDGE UNIVERSITY LIBRARY—		
Delivery of books to	15	10
CINEMATOGRAPH—		
Definition of	35	24
Right to make film included in copyright	1 (2)	2
CINEMATOGRAPH PRODUCTION—		
a "dramatic work," where of original character	35	24
COLLECTIONS—		
for use of schools, may contain short passages	2 (1)	3

	SECTION	PAGE
COLLECTIVE WORK—		
Definition of	35	24
not affected by right of personal representative to reversionary interest	5 (2)	6
Proprietor of, need not pay royalties during extended term	24 (1)	18
COMMENCEMENT OF ACT	37	26
COMMISSIONERS OF CUSTOMS AND EXCISE—		
may detain infringing copies on importation if owner of copyright gives notice in writing	14	9
may make regulations respecting detention and forfeiture	14	9
COMMON LAW RIGHTS—		
Abrogation of	31	23
COMPENSATION—		
to certain libraries, preserved	34	23
as to subsisting rights where person becoming entitled under Act could restrain	24	18
COMPULSORY LICENCES—		
of work withheld from public after death of author	4	4
in case of joint authors	16	11
COPIES, INFRINGING—		
to be deemed property of owner of copyright	7	7
Importation of, prohibited by notice in writing to Commissioners of Customs	14	9
COPYRIGHT—		
Definition of	1 (2)	1
in what it subsists	1 (1)	1
is infringed by anyone who knowingly		
(A) Sells or lets for hire		
(B) Distributes		
(C) By way of trade exhibits in public		
(D) Imports for sale or hire, infringing copies	2 (2)	3
infringed by performance in theatre	2 (3)	4
International	23	21
term of, general	3	4
in Government publications	18	12
in works of joint authorship	16	11
in photographs	21	16
in posthumous works	17	12
in records, perforated rolls, &c.	19	12

And *see* FIRST SCHEDULE.

	SECTION	PAGE
COPYRIGHT ACT, 1775—		
Saving of copyright of universities and colleges therein mentioned	33 ..	23
COSTS—		
in respect of infringement, to be in discretion of Court ..	6 (2)..	6
CRITICISM—		
Fair dealing for purposes of, no infringement	2 (1)..	2
CUSTOMS CONSOLIDATION ACT—		
as to importation of infringing copies	14 ..	9
DELIVERY OF BOOKS TO LIBRARIES	15 ..	10
DELIVERY OF LECTURE—		
Definition of	35 ..	24
DESIGNS REGISTRABLE UNDER PATENTS AND DESIGNS ACT—		
Prima facie, not affected by this Act	22 ..	16
DISTRIBUTING INFRINGING COPIES	2 (2)..	3
Penalty for	11 ..	8
DRAMATIC WORK—		
Definition of	35 ..	23
Copyright in, includes sole right to convert into a novel ..	2 (2) (*b*)	2
or to make mechanical contrivance for reproducing	2 (2) (*d*)	2
EDINBURGH, LIBRARY OF FACULTY OF ADVOCATES—		
Delivery of books to	15 ..	10
EMPLOYMENT—		
Effect of, on copyright	5 (1)..	5
ENGRAVING—		
Definition of	35 ..	24
included in copyright	1 (2)..	2
Copyright in, when plate made to order	5 ..	5
of sculpture, &c., permanently situate in public place ..	2 (1)..	3
EXECUTORS—*See* PERSONAL REPRESENTATIVES.		
EXISTING WORKS—		
Rights under Act substituted for subsisting rights in ..	24 ..	17
period, 30 years before right of reproduction arises	3 ..	4
And *see* FIRST SCHEDULE.		

	SECTION	PAGE
EXTENT—		
of Act	25 (1)	19
,, to foreign works by Order in Council	29	21
of provisions as to summary remedies	13	8
FIRST OWNER—		
Who is	5 (1)	5
with reference to mechanical contrivances made before commencement of Act	19 (8)	16
FIRST PUBLISHED—		
as affecting copyright	1 (1)	1
Meaning of, in case of simultaneous publication	35	25
FOREIGN AUTHORS—		
Works of, when not resident in British dominions	23	16
GOVERNMENT PUBLICATIONS—		
term, 50 years from first publication	18	12
IMPORTATION OF INFRINGING COPIES—		
penalty, if done knowingly for sale or hire	11	8
may be restrained by notice in writing to Commissioners of Customs	14	9
INFRINGEMENT OF COPYRIGHT—		
What constitutes	2 (1)	2
What acts are not	2 (1)	2
none, after 25 years from death of author if notice given and royalties paid	3	4
Innocent, no damages recoverable	8	7
INFRINGING—		
Definition of	35	24
INFRINGING COPIES—		
to be destroyed or delivered to owner of copyright	11 (3)	8
not to be imported	14	9
INTERNATIONAL COPYRIGHT	29	21
INTERPRETATION—		
of expressions used in Act	35	23
ISLE OF MAN—		
not treated as part of United Kingdom for purposes of Section 14	14 (6)	10

	SECTION	PAGE
JOINT AUTHORSHIP—		
Work of, definition of	16 (3)	11
Term of copyright in case of	16 (1)	11
posthumous works	17	12
married woman and husband	16 (4)	11
where one joint author fails to satisfy conditions of Act	16 (2)	11
JUDICIAL COMMITTEE OF PRIVY COUNCIL—		
may order compulsory licences	4	4
LECTURE—		
Definition of	35	25
Copyright in, includes sole right to deliver	1 (2)	2
Delivery in public of, not publication	1 (3)	2
Newspaper report of, where delivered in public, no infringement, unless report prohibited	2 (1)	3
of a political nature and delivered at political meeting, newspaper report no infringement	20	16
LIBRARIES—		
Delivery of books to	15	10
to British Museum, within one month	15 (1)	10
to other specified libraries, if written demand made	15 (2)	10
penalties for not delivering	15 (6)	11
definition of book	15 (7)	11
Saving of compensation to certain	34	23
LICENCES—		
Compulsory	4	4
granting interest in copyright, to be in writing signed	5 (2)	5
not to affect right of personal representatives to reversion	5 (2)	6
LITERARY WORK—		
Definition of	35	23
LIMITATION OF ACTIONS	10	7
MARRIED WOMAN—		
If joint author with husband, interest in copyright to be separate property	16 (4)	11
MECHANICAL INSTRUMENTS OR CONTRIVANCES—		
Right to make included in copyright	1 (2)	2
Provisions as to	19	12
Term of copyright in, 50 years	19 (1)	12
owner of original plate at time of making to be deemed author of work	19 (1)	12

	SECTION	PAGE
where no infringement of copyright in musical work	19 (2)..	13
rate of royalties payable..	19 (3)..	13
power of Board of Trade to alter rates	19 (3)..	13
where royalties to be apportioned	19 (4)..	14
where consent to be deemed given	19 (5)..	14
modifications in case of musical works published before Act..	19 (7)..	14
Where copyright in work assigned before Act, rights in respect of, to belong to author..	19 (7)..	15
as to copyright conferred by Order in Council relating to foreign country	19 (7)..	15
as to contrivances made before Act	19 (8)..	15
MUSICAL (SUMMARY PROCEEDINGS) COPYRIGHT ACT, 1902, and MUSICAL COPYRIGHT ACT, 1906—		
not affected by summary remedies afforded by this Act ..	11 ..	8
MUSICAL WORK—		
may include words	19 (2)..	13
NAME—		
Presumption that person whose name is indicated is author of work	6 (3)..	6
Where name on work is not author's true name	6 (3)..	6
NEWSPAPER—		
Report of lecture in, no infringement unless prohibited ..	2 (1) ..	3
Report of political speech in, no infringement	20 ..	16
Contributions to	5 ..	5
is a collective work	35 ..	24
summaries, no infringement	2 (1)..	2
NEWSPAPER SUMMARIES—		
of copyright work, no infringement if " fair dealing ".. ..	2 (1)..	2
of lectures, where report prohibited	2 (1) (v)	3
NOTICE—		
of intention to reproduce after 25 (30) years from author's death	3 ..	4
prohibiting report of lecture	2 (1) (v) .	3
to Commissioners of Customs to detain infringing copies ..	14 ..	9
of intention to make mechanical contrivance	19 ..	13
by owner of expiring rights with reference to assignment or grant for further term conferred by Act	24 (1)..	17
OFFERING OF INFRINGING COPIES—		
if done knowingly, infringement of copyright..	2 (2)..	3
Summary remedies for	11 ..	7

	SECTION	PAGE
OMISSIONS—		
in works reproduced by mechanical contrivances	19 (2)..	13
ORDERS IN COUNCIL—		
Protection of Act may be extended to foreign countries by ..	1 (1).. / 29 ..	1 / 21
as to works of foreign authors	23 ..	16
for giving reciprocal protection to a dominion	26 (3)..	19
for extending Act to protectorates	28 ..	20
Copyright conferred by, on foreign country not *prima facie* to include rights with reference to mechanical contrivances	19 (7)..	15
Provisions as to altering	32 (1)..	23
to be published in "London Gazette"	32 (2)..	23
PENALTIES—		
for dealing with infringing copies	11 (1)..	7
for making or possessing plate for purpose of making infringing copies	11 (2)..	8
for not delivering books to specified libraries	15 (6)..	11
for being in possession of pirated music, *see* MUSICAL COPYRIGHT ACT, 1906.		
for fraudulent production and sales of paintings &c., *see* FINE ARTS COPYRIGHT ACT, 1862.		
PERFORMANCE—		
Definition of	35 ..	24
PERFORMANCE IN PUBLIC—		
not "publication" of dramatic or musical work	1 (3)..	2
for private profit without consent of owner of copyright; penalty	11 (2)..	8
PERFORMING RIGHT—		
included in copyright	1 (2)..	1
See FIRST SCHEDULE.		
PERIODICALS—		
Contributions to	5 ..	5
PERSONAL REPRESENTATIVES—		
of deceased author, rights of as to reversionary interest ..	5 (2)..	6
Where included in expression "author"	24 (2)..	18
PHOTOGRAPHS—		
Definition of	35 ..	24
Term, 50 years from making of original negative	21 ..	16
Original owner of negative to be deemed author of work ..	21 ..	16
Person, by whom plate ordered, to be first owner of copyright	5 (1)..	5

	SECTION	PAGE
PLATE—		
Definition of	35	24
of engraving, photograph, or portrait, made to order	5 (1)	5
Penalties for making or possessing infringing	11 (2)	8
as to mechanical instruments	19 (1)	12
as to photographs	21	16
for production of infringing copies, to be deemed property of owner of copyright	7	7
POLITICAL SPEECHES—		
Newspaper report, no infringement	20	16
POSTHUMOUS WORKS	17	12
PRESUMPTIONS (REBUTTABLE)—		
as to name on work	6 (3)	6
in actions (*a*) that work is copyright (*b*) that plaintiff is owner	6 (3)	6
PRIVATE STUDY—		
Fair dealing for purposes of, no infringement	2 (1)	2
PROTECTION OF EXISTING INTERESTS	24	17
See also Section 19 (7) and (8) and Section 33.		
PUBLIC BUILDING—		
Works of sculpture and artistic craftsmanship permanently situate in, may be drawn, photographed, &c., without infringing copyright	2 (1)	3
PUBLICATION—		
Definition of	1 (3)	2
What is not	35 (2)	25
Simultaneous	35 (3)	25
READING OR RECITING IN PUBLIC—		
by one person of reasonable extract, no infringement	2 (1)	3
RECORDS, PERFORATED ROLLS, &C.—		
Sole right to make, included in copyright	1 (1)	2
General provisions	19	12
Term of copyright 50 years from making of original plate	19 (1)	12
Where made before Act	19 (8)	15
REPEAL OF FORMER ACTS	36	25
REMEDIES—		
Civil	6	6
Summary	11	7
Extent of provisions	13	8
In MUSICAL COPYRIGHT, *see* MUSICAL (SUMMARY PROCEEDINGS) COPYRIGHT ACT, 1902.		

	SECTION	PAGE
REPUBLICATION—		
Refusal to allow	4	4
of contributions to periodicals	5	5
And *see* FIRST SCHEDULE.		
RESIDENCE—		
Author deemed to be resident if domiciled	35 (5)	25
REVIEW—		
Fair dealing for purposes of, no infringement	2 (1)	2
ROYALTIES—		
in respect of work reproduced after author's death	3	4
in respect of mechanical contrivances reproducing copyright works	19	13
Where such works published before Act	19 (7)	14
in respect of continuance of assignee's rights during extension of term conferred by Act	24	17
SCHOOLS—		
Publications for use of, may contain short passages	2 (1)	3
SCULPTURE—		
Copyright in	1 (2)	1
Work of, includes casts and models	35	24
included in "artistic work"	35	24
SEISURE OF PIRATED COPIES—*See* MUSICAL COPYRIGHT ACT, 1906.		
SELF-GOVERNING DOMINIONS	35	25
Legislative powers of	26	19
SIMULTANEOUS PUBLICATION	35 (3)	25
SUBSISTING RIGHTS	24	18
SUBSTITUTED RIGHTS	24	17
See FIRST SCHEDULE.		
TERM OF COPYRIGHT—		
General	3	4
in Government publications	18	12
in works of joint authorship	16	11
in photographs	21	16
in posthumous works	17	12
in records, perforated rolls, &c.	19	12
THEATRE—		
Permitting, to be used for performance of copyright work	2 (3)	4

	SECTION	PAGE
TRANSLATION—		
Right of, included in copyright	1 (2)..	2
International copyright	29 (1) (v)	22
TRINITY COLLEGE, DUBLIN—		
Delivery of books to	15 ..	10
TRUST—		
Breach of, right to restrain	31 ..	23
UNIVERSITY COPYRIGHT	33 ..	23
UNPUBLISHED MANUSCRIPTS—		
Copyright in, after death of author	17 (2)..	12
WALES, NATIONAL LIBRARY OF—		
Delivery of books to	15 (2)..	10
Regulations to be made by Board of Trade	15 (5)..	10
WORK OF JOINT AUTHORSHIP—		
Definition of	16 (3)..	11
WORK OF SCULPTURE	35 ..	24

TABLE I.

Showing what sections of the repealed Acts are represented by each of the sections of the Copyright Act, 1911.

C.A. = Copyright Act.
I.C.A. = International Copyright Act.
R. = Repealed previously to the Act of 1911.
A blank (—) indicates that there is no section to correspond definitely or at all with the section given in the other column of the table.

Section of new Act	Section or Sections of old Acts.
1 (1)	—
1 (2)	Dramatic C.A. 1833, s. 1. Lectures C.A. 1835, s. 1. C.A. 1842, s. 2. I.C.A. 1886, s. 5 (1).
1 (3)	—
2	Prints C.A. 1777, s. 1. Sculpture C.A. 1814, s. 3. Dramatic C.A. 1833, ss. 1 & 2. Lectures C.A. 1835, s. 2. Fine Arts C.A. 1862, s. 1 C.A. 1842, ss. 15 & 17, etc. etc.
2 (1) (v)	Lectures C.A. 1835, s. 2.
2 (3)	Dramatic C.A. 1833, s. 1.
3	Engraving C.A. 1734, s. 1. Engraving C.A. 1767, s. 7. C.A. 1842, ss. 3 & 10. Fine Arts C.A. 1862, s. 1.
4	C.A. 1842, s. 5.
5 (1)	Engraving C.A. 1734, s. 2. C.A. 1842, s. 18.
5 (2)	Engraving C.A. 1734, s. 1. Sculpture C.A. 1814, ss. 4 & 6. Fine Arts C.A. 1862, ss. 1 & 3.
6	Engraving C.A. 1734, s. 3. C.A. 1842, ss. 15 & 21. Fine Arts C.A. 1862, s. 9.
6 (3)	C.A. 1842, s. 6.
6 (3) (b)	I.C.A. 1844, s. 7.
7	Engraving C.A. 1734, s. 1. C.A. 1775, s. 2. C.A. 1842, s. 23.
8	—
9	—
10	Engraving C.A. 1734, s. 4. Engraving C.A. 1767, s. 6. Sculpture C.A. 1814, s. 5. C.A. 1842, s. 26.
11	Engraving C.A. 1734, s. 1. Engraving C.A. 1767, s. 5. C.A. 1842, s. 17. Fine Arts C.A. 1862, s. 6.
12	—
13	—
14	C.A. 1842, s. 17. I.C.A. 1852, s. 9. Fine Arts C.A. 1862, s. 10.
15 (1)	Customs Consolidation Act 1876, ss. 42, 44, 152. Revenue Act 1889, s. 1.
(2)	C.A. 1842, ss. 6 & 7.
(6)	C.A. 1842, ss. 8 & 9.
16	C.A. 1842, s. 10.
17	—
18	Engraving C.A. 1734, s. 1. C.A. 1842, s. 3.
19	—
20	—
21	Fine Arts C.A. 1862, s. 1.
22	—
23	—
24	C.A. 1842, ss. 4 & 28.
25	C.A. 1842, s. 29.
26	—
27	—
28	—
29	I.C.A. 1844, ss. 2—5. I.C.A. 1852, ss. 2—4. I.C.A. 1886, s. 4.
29 (1) (i)	I.C.A. 1886, s. 4 (2).
(1) (ii)	I.C.A. 1866, s. 2.
(1) (iii)	I.C.A. 1886, s. 8.
(1) (vi)	I.C.A. 1886, s. 6.
29 (2)	I.C.A. 1886, s. 2 (1).
30 (1)	Colonial C.A. 1847. I.C.A. 1886, s. 9.
(2)	I.C.A. 1886, s. 8.
(3)	I.C.A. 1886, s. 9.
31	—
32 (1)	I.C.A. 1844, s. 17. I.C.A. 1886, s. 10.
(2)	I.C.A. 1844, ss. 15 & 16.
33	C.A. 1775, ss. 1—3. C.A. 1842, s. 27.
34	C.A. 1836, ss. 2 & 3.
35 (1)	C.A. 1842, s. 2. I.C.A. 1886, s. 11.
(2)	—
(3)	I.C.A. 1886, s. 3.
36	C.A. 1842, s. 1.
37	—

TABLE II.

Showing by what sections of the Act of 1911 the various sections of the old Acts are reproduced.

C.A. = Copyright Act.

I.C.A. = International Copyright Act.

R. = Repealed previously to the Act of 1911.

A blank (—) indicates that there is no section to correspond definitely or at all with the section given in the other column of the table.

Engraving C.A. 1734.	Act of 1911.
1	3 17 5 (2) 11 7
2	5
3	6
4	10
Engraving C.A. 1767.	
1 & 2	1
5	11
6	10
7	3
8	10 6
Copyright Act 1775.	
1	33
2	6 7 8 11
3	33
4 & 5	—
6	R
7	6

Prints C.A. 1777.	Act of 1911.
1	1 (2) 2 (1) 6–11
Sculpture C.A. 1814.	
1	1 & 3
3	2
4	5
5	10
6	5 (2)
Dramatic C.A. 1833.	
1	1 & 2 (3)
2	6 & 8
3	10
4	35
Lectures C.A. 1835.	
1	1
2	2 (1) (v) & 20
3	1 (3) & 1 (1) & (3)
4	3
5	— (and see 1 & 2)

Prints and Engravings C. (Ireland) A. 1836.	Act of 1911.
1 & 2	13
C.A. 1836.	
1	—
2 & 3	34
Copyright Act 1842.	
1	36
2	35 (1) 1 (2)
3	3 17
4	24
5	4
6 & 7	15 (1) & (3)
8 & 9	15 (2)
10	15 (6)
11–14	—
15	6
16	6 (3)
17	14
18	5
19	
20	1 (2) & (3)

TABLE II.—*continued.*

Copyright Act 1842.	Act of 1911.
21	6
22	1 (1) & 5 (2)
23	7
24	—
25	—
26	10
27	33
28	24
29	1 (1) & 25
International C.A. 1844.	
1	36
2–5	29 (1)
6	—
7	6 (3) (b)
8 & 9	—
10	29 (1) & 14
11 & 12	—
13	29
14	29 (1) (i)
15 & 16	32 (2)
17	32 (1)
18	29 (1)
19	—
20	35
Colonial C.A. 1847.	
1 & 2	30

International C.A. 1852.	Act of 1911.
1	—
2 & 3	29 & 1 (2) (a)
4 & 5	29
6	—
7	29 & 2 (1)
8	—
9	14
10 & 11	—
12 & 13	R
14	35 (1)
I.C.A. 1875 (as to s. 6 of Act of 1852).	
Fine Arts C.A. 1862.	
1	3 & 21
2	—
3	5 (2)
4 & 5	—
6	11
9	6
10	14
11	6 & 7
12	—
Customs Consolidation Act 1876.	
42	14 (1)
44	—
45	—
152	14 (7)

Copyright (Musical Compositions) A 1882.	Act of 1911.
International C.A. 1886.	
1	—
2	29 (2) 29 (1) (ii)
3	35 (3)
4 (1)	—
4 (2)	29 (1) (i)
5	1 (2) (a) 29 (1) (vi)
6	29 (1) (vi)
7	—
8	30 (1)
9	30 (1) & (3)
10	32
11	35
12	36
C. (Musical Compositions) A. 1888.	
1	—
2	6 (2)
3	2 (3) 8
4 & 5	—
Revenue Act 1889	
1	14

LONDON:

PRINTED AT THE WORKS OF THE SOCIETY,
104–107, FETTER LANE, E.C.

1912.