



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART I

COPYRIGHT IN ORIGINAL WORKS

1 Nature of copyright under this Act

- (1) In this Act “copyright” in relation to a work (except where the context otherwise requires) means the exclusive right, by virtue and subject to the provisions of this Act, to do, and to authorise other persons to do, certain acts in relation to that work in the United Kingdom or in any other country to which the relevant provision of this Act extends.

The said acts, in relation to a work of any description, are those acts which, in the relevant provision of this Act, are designated as the acts restricted by the copyright in a work of that description.

- (2) In accordance with the preceding subsection, but subject to the following provisions of this Act, the copyright in a work is infringed by any person who, not being the owner of the copyright, and without the licence of the owner thereof, does, or authorises another person to do, any of the said acts in relation to the work in the United Kingdom or in any other country to which the relevant provision of this Act extends.
- (3) In the preceding subsections references to the relevant provision of this Act, in relation to a work of any description, are references to the provision of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in works of that description.
- (4) The preceding provisions of this section shall apply, in relation to any subject-matter (other than a work) of a description to which any provision of Part II of this Act relates, as they apply in relation to a work.
- (5) For the purposes of any provision of this Act which specifies the conditions under which copyright may subsist in any description of work or other subject-matter, “qualified person” —

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- (a) in the case of an individual, means a person who is a British subject or British protected person or a citizen of the Republic of Ireland or (not being a British subject or British protected person or a citizen of the Republic of Ireland) is domiciled or resident in the United Kingdom or in another country to which that provision extends, and
- (b) in the case of a body corporate, means a body incorporated under the laws of any part of the United Kingdom or of another country to which that provision extends.

In this subsection “British protected person ” has the same meaning as in the British Nationality Act, 1948.

2 Copyright in literary, dramatic and musical works

- (1) Copyright shall subsist, subject to the provisions of this Act, in every original literary, dramatic or musical work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period.
- (2) Where an original literary, dramatic or musical work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,—
 - (a) the first publication of the work took place in the United Kingdom, or in another country to which this section extends, or
 - (b) the author of the work was a qualified person at the time when the work was first published, or
 - (c) the author had died before that time, but was a qualified person immediately before his death.
- (3) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the author died, and shall then expire:

Provided that if before the death of the author none of the following acts had been done, that is to say,—

- (a) the publication of the work,
- (b) the performance of the work in public,
- (c) the offer for sale to the public of records of the work, and
- (d) the broadcasting of the work,

the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year which includes the earliest occasion on which one of those acts is done.

- (4) In the last preceding subsection references to the doing of any act in relation to a work include references to the doing of that act in relation to an adaptation of the work.
- (5) The acts restricted by the copyright in a literary, dramatic or musical work are—
 - (a) reproducing the work in any material form ;
 - (b) publishing the work;
 - (c) performing the work in public ;
 - (d) broadcasting the work ;

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- (e) causing the work to be transmitted to subscribers to a diffusion service;
 - (f) making any adaptation of the work;
 - (g) doing, in relation to an adaptation of the work, any of the acts specified in relation to the work in paragraphs (a) to (e) of this subsection.
- (6) In this Act “adaptation ”—
- (a) in relation to a literary or dramatic work, means any of the following, that is to say,—
 - (i) in the case of a non-dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a dramatic work;
 - (ii) in the case of a dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a, non-dramatic work;
 - (iii) a translation of the work ;
 - (iv) a version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and
 - (b) in relation to a musical work, means an arrangement or transcription of the work,
- so however that the mention of any matter in this definition shall not affect the generality of paragraph (a) of the last preceding subsection.

3 Copyright in artistic works

- (1) In this Act “artistic work ” means a work of any of the following descriptions, that is to say,—
- (a) the following, irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and photographs;
 - (b) works of architecture, being either buildings or models for buildings;
 - (c) works of artistic craftsmanship, not falling within either of the preceding paragraphs.
- (2) Copyright shall subsist, subject to the provisions of this Act, in every original artistic work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period.
- (3) Where an original artistic work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,—
- (a) the first publication of the work took place in the United Kingdom, or in another country to which this section extends, or
 - (b) the author of the work was a qualified person at the time when the work was first published, or
 - (c) the author had died before that time, but was a qualified person immediately before his death.
- (4) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the author died, and shall then expire:

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Provided that—

- (a) in the case of an engraving, if before the death of the author the engraving had not been published, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which it is first published;
 - (b) the copyright in a photograph shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the photograph is first published, and shall then expire.
- (5) The acts restricted by the copyright in an artistic work are—
- (a) reproducing the work in any material form ;
 - (b) publishing the work ;
 - (c) including the work in a television broadcast;
 - (d) causing a television programme which includes the work to be transmitted to subscribers to a diffusion service.

4 Ownership of copyright in literary, dramatic, musical and artistic works

- (1) Subject to the provisions of this section, the author of a work shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act.
- (2) Where a literary, dramatic or artistic work is made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, and is so made for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall be entitled to the copyright in the work in so far as the copyright relates to publication of the work in any newspaper, magazine or similar periodical, or to reproduction of the work for the purpose of its being so published; but in all other respects the author shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act.
- (3) Subject to the last preceding subsection, where a person commissions the taking of a photograph, or the painting or drawing of a portrait, or the making of an engraving, and pays or agrees to pay for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting therein by virtue of this Part of this Act.
- (4) Where, in a case not falling within either of the two last preceding subsections, a work is made in the course of the author's employment by another person under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act.
- (5) Each of the three last preceding subsections shall have effect subject, in any particular case, to any agreement excluding the operation thereof in that case.
- (6) The preceding provisions of this section shall all have effect subject to the provisions of Part VI of this Act.

5 Infringements by importation, sale and other dealings

- (1) Without prejudice to the general provisions of section one of this Act as to infringements of copyright, the provisions of this section shall have effect in relation to copyright subsisting by virtue of this Part of this Act.

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- (2) The copyright in a literary, dramatic, musical or artistic work is infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private and domestic use) into the United Kingdom, or into any other country to which this section extends, if to his knowledge the making of that article constituted an infringement of that copyright, or would have constituted such an infringement if the article had been made in the place into which it is so imported.
- (3) The copyright in a literary, dramatic, musical or artistic work is infringed by any person who, in the United Kingdom, or in any other country to which this section extends, and without the licence of the owner of the copyright,—
- (a) sells, lets for hire, or by way of trade offers or exposes for sale or hire any article, or
 - (b) by way of trade exhibits any article in public,
- if to his knowledge the making of the article constituted an infringement of that copyright, or (in the case of an imported article) would have constituted an infringement of that copyright if the article had been made in the place into which it was imported.
- (4) The last preceding subsection shall apply in relation to the distribution of any articles either—
- (a) for purposes of trade, or
 - (b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question,
- as it applies in relation to the sale of an article.
- (5) The copyright in a literary, dramatic or musical work is also infringed by any person who permits a place of public entertainment to be used for a performance in public of the work, where the performance constitutes an infringement of the copyright in the work:
- Provided that this subsection shall not apply in a case where the person permitting the place to be so used—
- (a) was not aware, and had no reasonable grounds for suspecting, that the performance would be an infringement of the copyright, or
 - (b) gave the permission gratuitously, or for a consideration which was only nominal or (if more than nominal) did not exceed a reasonable estimate of the expenses to be incurred by him in consequence of the use of the place for the performance.
- (6) In this section “place of public entertainment” includes any premises which are occupied mainly for other purposes, but are from time to time made available for hire to such persons as may desire to hire them for purposes of public entertainment.

6 General exceptions from protection of literary, dramatic and musical works

- (1) No fair dealing with a literary, dramatic or musical work for purposes of research or private study shall constitute an infringement of the copyright in the work.
- (2) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.

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- (3) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events—
- (a) in a newspaper, magazine or similar periodical, or
 - (b) by means of broadcasting, or in a cinematograph film,
- and, in a case falling within paragraph (a) of this subsection, is accompanied by a sufficient acknowledgment.
- (4) The copyright in a literary, dramatic or musical work is not infringed by reproducing it for the purposes of a judicial proceeding, or for the purposes of a report of a judicial proceeding.
- (5) The reading or recitation in public by one person of any reasonable extract from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work:

Provided that this subsection shall not apply to anything done for the purposes of broadcasting.

- (6) The copyright in a published literary or dramatic work is not infringed by the inclusion of a short passage therefrom in a collection intended for the use of schools, if—
- (a) the collection is described in its title, and in any advertisements thereof issued by or on behalf of the publisher, as being so intended, and
 - (b) the work in question was not published for the use of schools, and
 - (c) the collection consists mainly of material in which no copyright subsists, and
 - (d) the inclusion of the passage is accompanied by a sufficient acknowledgment:

Provided that this subsection shall not apply in relation to the copyright in a work if, in addition to the passage in question, two or more other excerpts from works by the author thereof (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection.

- (7) Where by virtue of an assignment or licence a person is authorised to broadcast a literary, dramatic or musical work from a place in the United Kingdom, or in another country to which section two of this Act extends, but (apart from this subsection) would not be entitled to make reproductions of it in the form of a record or of a cinematograph film, the copyright in the work is not infringed by his making such a reproduction of the work solely for the purpose of broadcasting the work:

Provided that this subsection shall not apply if—

- (a) the reproduction is used for making any further reproduction therefrom, or for any other purpose except that of broadcasting in accordance with the assignment or licence, or
- (b) the reproduction is not destroyed before the end of the period of twenty-eight days beginning with the day on which it is first used for broadcasting the work in pursuance of the assignment or licence, or such extended period (if any) as may be agreed between the person who made the reproduction and the person who (in relation to the making of reproductions of the description in question) is the owner of the copyright.

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- (8) The preceding provisions of this section shall apply to the doing of any act in relation to an adaptation of a work as they apply in relation to the doing of that act in relation to the work itself.
- (9) The provisions of this section shall apply where a work, or adaptation of a work, is caused to be transmitted to subscribers to a diffusion service as they apply where a work or adaptation is broadcast.
- (10) In this Act “sufficient acknowledgment” means an acknowledgment identifying the work in question by its title or other description and, unless the work is anonymous or the author has previously agreed or required that no acknowledgment of his name should be made, also identifying the author.

7 Special exceptions as respects libraries and archives

- (1) The copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with.
- (2) In making any regulations for the purposes of the preceding subsection the Board of Trade shall make such provision as the Board may consider appropriate for securing—
 - (a) that the libraries to which the regulations apply are not established or conducted for profit;
 - (b) that the copies in question are supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose;
 - (c) that no person is furnished under the regulations with two or more copies of the same article;
 - (d) that no copy extends to more than one article contained in any one publication; and
 - (e) that persons to whom copies are supplied under the regulations are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production,and may impose such other requirements (if any) as may appear to the Board to be expedient.
- (3) The copyright in a published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with:

Provided that this subsection shall not apply if, at the time when the copy is made, the librarian knows the name and address of a person entitled to authorise the making of the copy, or could by reasonable inquiry ascertain the name and address of such a person.
- (4) The provisions of subsection (2) of this section shall apply for the purposes of the last preceding subsection:

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Provided that paragraph (d) of the said subsection (2) shall not apply for those purposes, but any regulations made under the last preceding subsection shall include such provision as the Board of Trade may consider appropriate for securing that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question.

- (5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work, or of part of it, by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, if—
- (a) the copy is supplied to the librarian of any library of a class so prescribed;
 - (b) at the time when the copy is made, the librarian by or on whose behalf it is supplied does not know the name and address of any person entitled to authorise the making of the copy, and could not by reasonable inquiry ascertain the name and address of such a person; and
 - (c) any other conditions prescribed by the regulations are complied with:

Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article contained in a periodical publication.

- (6) Where, at a time more than fifty years from the end of the calendar year in which the author of a literary, dramatic or musical work died, and more than one hundred years after the time, or the end of the period, at or during which the work was made,—
- (a) copyright subsists in the work, but
 - (b) the work has not been published, and
 - (c) the manuscript or a copy of the work is kept in a library, museum or other institution where (subject to any provisions regulating the institution in question) it is open to public inspection,

the copyright in the work is not infringed by a person who reproduces the work for purposes of research or private study, or with a view to publication.

- (7) Where a published literary, dramatic or musical work (in this subsection referred to as “the new work”) incorporates the whole or part of a work (in this subsection referred to as “the old work”) in the case of which the circumstances specified in the last preceding subsection existed immediately before the new work was published, and—
- (a) before the new work was published, such notice of the intended publication as may be prescribed by regulations made under this subsection by the Board of Trade had been given, and
 - (b) immediately before the new work was published, the identity of the owner of the copyright in the old work was not known to the publisher of the new work,

then for the purposes of this Act—

- (i) that publication of the new work, and
- (ii) any subsequent publication of the new work, either in the same or in an altered form,

shall, in so far as it constitutes a publication of the old work, not be treated as an infringement of the copyright in the old work or as an unauthorised publication of the old work:

Provided that this subsection shall not apply to a subsequent publication incorporating a part of the old work which was not included in the new work as originally published, unless (apart from this subsection) the circumstances specified in the last preceding

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subsection, and in paragraphs (a) and (b) of this subsection, existed immediately before that subsequent publication.

- (8) In so far as the publication of a work, or of part of a work, is, by virtue of the last preceding subsection, not to be treated as an infringement of the copyright in the work, a person who subsequently broadcasts the work, or that part thereof, as the case may be, or causes it to be transmitted to subscribers to a diffusion service, or performs it in public, or makes a record of it, does not thereby infringe the copyright in the work.
- (9) In relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it (in this subsection referred to as “illustrations”), the preceding provisions of this section shall apply as if—
- (a) wherever they provide that the copyright in the article or work is not infringed, the reference to that copyright included a reference to any copyright in any of the illustrations;
 - (b) in subsections (1) and (2), references to a copy of the article included references to a copy of the article together with a copy of the illustrations or any of them ;
 - (c) in subsections (3) to (5), references to a copy of the work included references to a copy of the work together with a copy of the illustrations or any of them, and references to a copy of part of the work included references to a copy of that part of the work together with a copy of any of the illustrations which were provided for explaining or illustrating that part; and
 - (d) in subsections (6) and (7), references to the doing of any act in relation to the work included references to the doing of that act in relation to the work together with any of the illustrations.
- (10) In this section “article” includes an item of any description.

8 Special exception in respect of records of musical works

- (1) The copyright in a musical work is not infringed by a person (in this section referred to as “the manufacturer”) who makes a record of the work or of an adaptation thereof in the United Kingdom, if—
- (a) records of the work, or, as the case may be, of a similar adaptation of the work, have previously been made in, or imported into, the United Kingdom for the purposes of retail sale, and were so made or imported by, or with the licence of, the owner of the copyright in the work;
 - (b) before making the record, the manufacturer gave to the owner of the copyright the prescribed notice of his intention to make it;
 - (c) the manufacturer intends to sell the record by retail, or to supply it for the purpose of its being sold by retail by another person, or intends to use it for making other records which are to be so sold or supplied; and
 - (d) in the case of a record which is sold by retail, the manufacturer pays to the owner of the copyright, in the prescribed manner and at the prescribed time, a royalty of an amount ascertained in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the royalty mentioned in paragraph (d) of the preceding subsection shall be of an amount equal to six and one-quarter per cent. of the ordinary retail selling price of the record, calculated in the prescribed manner:

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Provided that, if the amount so calculated includes a fraction of a farthing, that fraction shall be reckoned as one farthing, and if, apart from this proviso, the amount of the royalty would be less than three-farthings, the amount thereof shall be three-farthings.

- (3) If, at any time after the end of the period of one year beginning with the coming into operation of this section, it appears to the Board of Trade that the ordinary rate of royalty, or the minimum amount thereof, in accordance with the provisions of the last preceding subsection, or in accordance with those provisions as last varied by an order under this subsection, has ceased to be equitable, either generally or in relation to any class of records, the Board may hold a public inquiry in the prescribed manner; and if, in consequence of such an inquiry, the Board are satisfied of the need to do so, the Board may make an order prescribing such different rate or amount, either generally or in relation to any one or more classes of records, as the Board may consider just:

Provided that—

- (a) no order shall be made under this subsection unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament; and
 - (b) where an order comprising a class of records (that is to say, either a general order or an order relating specifically to that class, or to that class together with one or more other classes of records) has been made under this subsection, no further order comprising that class of records shall be made thereunder less than five years after the date on which the previous order comprising that class (or, if more than one, the last previous order comprising that class) was made thereunder.
- (4) In the case of a record which comprises (with or without other material, and either in their original form or in the form of adaptations) two or more musical works in which copyright subsists—
- (a) the minimum royalty shall be three-farthings in respect of each of those works, or, if a higher or lower amount is prescribed by an order under the last preceding subsection as the minimum royalty, shall be that amount in respect of each of those works ; and
 - (b) if the owners of the copyright in the works are different persons, the royalty shall be apportioned among them in such manner as they may agree or as, in default of agreement, may be determined by arbitration.
- (5) Where a record comprises (with or without other material) a performance of a musical work, or of an adaptation of a musical work, in which words are sung, or are spoken incidentally to or in association with the music, and either no copyright subsists in that work or, if such copyright subsists, the conditions specified in subsection (1) of this section are fulfilled in relation to that copyright, then if—
- (a) the words consist or form part of a literary or dramatic work in which copyright subsists, and
 - (b) such previous records as are referred to in paragraph (a) of subsection (1) of this section were made or imported by, or with the licence of, the owner of the copyright in that literary or dramatic work, and
 - (c) the conditions specified in paragraphs (b) and (d) of subsection (1) of this section are fulfilled in relation to the owner of that copyright,

the making of the record shall not constitute an infringement of the copyright in the literary or dramatic work:

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Provided that this subsection shall not be construed as requiring more than one royalty to be paid in respect of a record; and if copyright subsists both in the musical work and in the literary or dramatic work, and their owners are different persons, the royalty shall be apportioned among them (or among them and any other person entitled to a share thereof in accordance with the last preceding subsection) as they may agree or as, in default of agreement, may be determined by arbitration.

- (6) For the purposes of this section an adaptation of a work shall be taken to be similar to an adaptation thereof contained in previous records if the two adaptations do not substantially differ in their treatment of the work, either in respect of style or (apart from any difference in numbers) in respect of the performers required for performing them.
- (7) Where, for the purposes of paragraph (a) of subsection (1) of this section, the manufacturer requires to know whether such previous records as are mentioned in that paragraph were made or imported as therein mentioned, the manufacturer may make the prescribed inquiries; and if the owner of the copyright fails to reply to those inquiries within the prescribed period, the previous records shall be taken to have been made or imported, as the case may be, with the licence of the owner of the copyright.
- (8) The preceding provisions of this section shall apply in relation to records of part of a work or adaptation as they apply in relation to records of the whole of it:

Provided that subsection (1) of this section—

- (a) shall not apply to a record of the whole of a work or adaptation unless the previous records referred to in paragraph (a) of that subsection were records of the whole of the work or of a similar adaptation, and
 - (b) shall not apply to a record of part of a work or adaptation unless those previous records were records of, or comprising, that part of the work or of a similar adaptation.
- (9) In relation to musical works published before the first day of July, nineteen hundred and twelve, the preceding provisions of this section shall apply as if paragraph (a) of subsection (1), paragraph (b) of subsection (5), subsections (6) and (7), and the proviso to the last preceding subsection, were omitted:

Provided that this subsection shall not extend the operation of subsection (5) of this section to a record in respect of which the condition specified in paragraph (b) of that subsection is not fulfilled, unless the words comprised in the record (as well as the musical work) were published before the first day of July, nineteen hundred and twelve, and were so published as words to be sung to, or spoken incidentally to or in association with, the music.

- (10) Nothing in this section shall be construed as authorising the importation of records which could not lawfully be imported apart from this section; and accordingly, for the purposes of any provision of this Act relating to imported articles, where the question arises whether the making of a record made outside the United Kingdom would have constituted an infringement of copyright if the record had been made in the United Kingdom, that question shall be determined as if subsection (1) of this section had not been enacted.
- (11) In this section “prescribed” means prescribed by regulations made under this section by the Board of Trade; and any such regulations made for the purposes of paragraph (d) of subsection (1) of this section may provide that the taking of such steps as may be

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specified in the regulations (being such steps as the Board consider most convenient for ensuring the receipt of the royalties by the owner of the copyright) shall be treated as constituting payment of the royalties in accordance with that paragraph.

9 General exceptions from protection of artistic works

- (1) No fair dealing with an artistic work for purposes of research or private study shall constitute an infringement of the copyright in the work.
- (2) No fair dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.
- (3) The copyright in a work to which this subsection applies which is permanently situated in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a cinematograph film or in a television broadcast.

This subsection applies to sculptures, and to such works of artistic craftsmanship as are mentioned in paragraph (c) of subsection (1) of section three of this Act.

- (4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a cinematograph film or in a television broadcast.
- (5) Without prejudice to the two last preceding subsections, the copyright in an artistic work is not infringed by the inclusion of the work in a cinematograph film or in a television broadcast, if its inclusion therein is only by way of background or is otherwise only incidental to the principal matters represented in the film or broadcast.
- (6) The copyright in an artistic work is not infringed by the publication of a painting, drawing, engraving, photograph or cinematograph film, if by virtue of any of the three last preceding subsections the making of that painting, drawing, engraving, photograph or film did not constitute an infringement of the copyright.
- (7) The copyright in an artistic work is not infringed by reproducing it for the purposes of a judicial proceeding or for the purposes of a report of a judicial proceeding.
- (8) The making of an object of any description which is in three dimensions shall not be taken to infringe the copyright in an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work.
- (9) The copyright in an artistic work is not infringed by the making of a subsequent artistic work by the same author, notwithstanding that part of the earlier work—
 - (a) is reproduced in the subsequent work, and
 - (b) is so reproduced by the use of a mould, cast, sketch, plan, model or study made for the purposes of the earlier work,
 if in making the subsequent work the author does not repeat or imitate the main design of the earlier work.
- (10) Where copyright subsists in a building as a work of architecture, the copyright is not infringed by any reconstruction of that building; and where a building has been constructed in accordance with architectural drawings or plans in which copyright subsists, and has been so constructed by, or with the licence of, the owner of

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that copyright, any subsequent reconstruction of the building by reference to those drawings or plans shall not constitute an infringement of that copyright.

- (11) The provisions of this section shall apply in relation to a television programme which is caused to be transmitted to subscribers to a diffusion service as they apply in relation to a television broadcast.

10 Special exception in respect of industrial designs

- (1) Where copyright subsists in an artistic work, and a corresponding design is registered under the Registered Designs Act, 1949 (in this section referred to as “the Act of 1949”), it shall not be an infringement of the copyright in the work—
- (a) to do anything, during the subsistence of the copyright in the registered design under the Act of 1949, which is within the scope of the copyright in the design, or
 - (b) to do anything, after the copyright in the registered design has come to an end, which, if it had been done while the copyright in the design subsisted, would have been within the scope of that copyright as extended to all associated designs and articles:

Provided that this subsection shall have effect subject to the provisions of the First Schedule to this Act in cases falling within that Schedule.

- (2) Where copyright subsists in an artistic work, and—
- (a) a corresponding design is applied industrially by or with the licence of the owner of the copyright in the work, and
 - (b) articles to which the design has been so applied are sold, let for hire, or offered for sale or hire, and
 - (c) at the time when those articles are sold, let for hire, or offered for sale or hire, they are not articles in respect of which the design has been registered under the Act of 1949,

the following provisions of this section shall apply.

- (3) Subject to the next following subsection,—
- (a) during the relevant period of fifteen years, it shall not be an infringement of the copyright in the work to do anything which, at the time when it is done, would have been within the scope of the copyright in the design if the design had, immediately before that time, been registered in respect of all relevant articles; and
 - (b) after the end of the relevant period of fifteen years, it shall not be an infringement of the copyright in the work to do anything which, at the time when it is done, would, if the design had been registered immediately before that time, have been within the scope of the copyright in the design as extended to all associated designs and articles.

In this subsection “the relevant period of fifteen years ” means the period of fifteen years beginning with the date on which articles, such as are mentioned in paragraph (b) of the last preceding subsection, were first sold, let for hire, or offered for sale or hire in the circumstances mentioned in paragraph (c) of that subsection; and “all relevant articles ”, in relation to any time within that period, means all articles falling within the said paragraph (b) which had before that time been sold, let for hire, or offered for sale or hire in those circumstances.

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- (4) For the purposes of subsections (2) and (3) of this section,, no account shall be taken of any articles in respect of which, at the time when they were sold, let for hire, or offered for sale or hire, the design in question was excluded from registration under the Act of 1949 by rules made under subsection (4) of section one of that Act (which relates to the exclusion of designs for articles which are primarily literary or artistic in character); and for the purposes of any proceedings under this Act a design shall be conclusively presumed to have been so excluded if—
- (a) before the commencement of those proceedings, an application for the registration of the design under the Act of 1949 in respect of those articles had been refused;
 - (b) the reason or one of the reasons stated for the refusal was that the design was excluded from such registration by rules made under the said subsection (4); and
 - (c) no appeal against that refusal had been allowed before the date of the commencement of the proceedings or was pending on that date.
- (5) The power of the Board of Trade to make rules under section thirty-six of the Act of 1949 shall include power to make rules for the purposes of this section for determining the circumstances in which a design is to be taken to be applied industrially.
- (6) In this section, references to the scope of the copyright in a registered design are references to the aggregate of the things, which, by virtue of section seven of the Act of 1949, the registered proprietor of the design has the exclusive right to do, and references to the scope of the copyright in a registered design as extended to all associated designs and articles are references to the aggregate of the things which, by virtue of that section, the registered proprietor would have had the exclusive right to do if—
- (a) when that design was registered, there had at the same time been registered every possible design consisting of that design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and the said proprietor had been registered as the proprietor of every such design, and
 - (b) the design in question, and every other design such as is mentioned in the preceding paragraph, had been registered in respect of all the articles to which it was capable of being applied.
- (7) In this section “corresponding design”, in relation to an artistic work, means a design which, when applied to an article, results in a reproduction of that work.

11 Provisions as to anonymous and pseudonymous works, and works of joint authorship

- (1) The preceding provisions of this Part of this Act shall have effect subject to the modifications specified in the Second Schedule to this Act in the case of works published anonymously or pseudonymously.
- (2) The provisions of the Third Schedule to this Act shall have effect with respect to works of joint authorship.
- (3) In this Act “work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of each author is not separate from the contribution of the other author or authors.