



# Copyright Act 1911

## 1911 CHAPTER 46

### PART III

#### SUPPLEMENTAL PROVISIONS

#### **31 Abrogation of common law rights**

No person shall be entitled to copyright or any similar right in any literal, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this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.

#### **32 Provisions as to Orders in Council**

- (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.
- (2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

#### **33 Saving of university copyright**

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.

### 34 Saving of compensation to certain libraries

There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books :

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

### 35 Interpretation

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

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

" Dramatic work " includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

" Artistic work " includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs ;

" Work of sculpture " includes casts and models ;

" Architectural work of art " means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction ;

" Engravings " include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs ;

" Photograph " includes photo-lithograph and any work produced by any process analogous to photography ;

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

" Collective work " means—

(a) an encyclopaedia, 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 Repeal**

Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

### **37 Short title and commencement**

- (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;

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*Status: This is the original version (as it was originally enacted).*

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- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.