



# Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

## PART V

### EXTENSION OR RESTRICTION OF OPERATION OF ACT

#### **31 Extension of Act to Isle of Man, Channel Islands, colonies and dependencies**

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, subject to such exceptions and modifications (if any) as may be specified in the Order, to—
  - (a) the Isle of Man ;
  - (b) any of the Channel Islands ;
  - (c) any colony;
  - (d) any country outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;
  - (e) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in the last preceding paragraph.
- (2) The powers conferred by the preceding subsection shall be exercisable in relation to any Order in Council made under the following provisions of this Part of this Act, as those powers are exercisable by virtue of that subsection in relation to the provisions of this Act.
- (3) The legislature of any country to which any provisions of this Act have been extended may modify or add to those provisions, in their operation as part of the law of that country, in such manner as that legislature may consider necessary to adapt the provisions to the circumstances of that country:

Provided that no such modifications or additions, except in so far as they relate to procedure and remedies, shall be made so as to apply to any work or other subject-matter in which copyright can subsist unless—

- (a) in the case of a literary, dramatic, musical or artistic work, the author of the work, or, in the case of a sound recording or a cinematograph film, the maker

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- of the recording or film, was domiciled or resident in that country at the time when, or during the period while, the work, recording or film was made, or
  - (b) in the case of a published edition of a literary, dramatic or musical work, the publisher of the edition was domiciled or resident in that country at the date of its first publication, or
  - (c) in the case of a literary, dramatic, musical or artistic work, or of a sound recording or a cinematograph film or a published edition, it was first published in that country, or
  - (d) in the case of a television broadcast or sound broadcast, it was made from a place in that country.
- (4) For the purposes of any proceedings under this Act in the United Kingdom, where the proceedings relate to an act done in a country to which any provisions of this Act extend subject to exceptions, modifications or additions,—
- (a) the procedure applicable to the proceedings, including the time within which they may be brought, and the remedies available therein, shall be in accordance with this Act in its operation as part of the law of the United Kingdom; but
  - (b) if the act in question does not constitute an infringement of copyright under this Act in its operation as part of the law of the country where the act was done, it shall (notwithstanding anything in this Act) be treated as not constituting an infringement of copyright under this Act in its operation as part of the law of the United Kingdom.

### **32 Application of Act to countries to which it does not extend**

- (1) Her Majesty may by Order in Council make provision for applying any of the provisions of this Act specified in the Order, in the case of a country to which those provisions do not extend, in any one or more of the following ways, that is to say, so as to secure that those provisions—
- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in that country as they apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in the United Kingdom;
  - (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply in relation to persons who, at such a time, are British subjects;
  - (c) apply in relation to persons who, at a material time, are domiciled or resident in that country as they apply in relation to persons who, at such a time, are domiciled or resident in the United Kingdom;
  - (d) apply in relation to bodies incorporated under the laws of that country as they apply in relation to bodies incorporated under the laws of any part of the United Kingdom;
  - (e) apply in relation to television broadcasts and sound broadcasts made from places in that country, by one or more organisations constituted in, or under the laws of, that country, as they apply in relation to television broadcasts and sound broadcasts made from places in the United Kingdom by the Corporation or the Authority.
- (2) An Order in Council under this section—

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- (a) may apply the provisions in question as mentioned in the preceding subsection, but subject to exceptions or modifications specified in the Order;
  - (b) may direct that the provisions in question shall so apply either generally or in relation to such classes of works, or other classes of cases, as may be specified in the Order.
- (3) Her Majesty shall not make an Order in Council under this section applying any of the provisions of this Act in the case of a country, other than a country which is a party to a Convention relating to copyright to which the United Kingdom is also a party, unless Her Majesty is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under this Act.

### **33 Provisions as to international organisations**

- (1) Where it appears to Her Majesty that one or more sovereign Powers, or the government or governments thereof, are members of an organisation, and that it is expedient that the provisions of this section should apply to that organisation, Her Majesty may by Order in Council declare that the organisation is one to which this section applies.
- (2) Where an original literary, dramatic, musical or artistic work is made by or under the direction or control of an organisation to which this section applies in such circumstances that—
- (a) copyright would not subsist in the work apart from this subsection, but
  - (b) if the author of the work had been a British subject at the time when it was made, copyright would have subsisted in the work immediately after it was made and would thereupon have vested in the organisation,
- copyright shall subsist in the work as if the author had been a British subject when it was made, that copyright shall continue to subsist so long as the work remains unpublished, and the organisation shall, subject to the provisions of this Act, be entitled to that copyright.
- (3) Where an original literary, dramatic, musical or artistic work is first published by or under the direction or control of an organisation to which this section applies, in such circumstances that, apart from this subsection, copyright does not subsist in the work immediately after the first publication thereof, and either—
- (a) the work is so published in pursuance of an agreement with the author which does not reserve to the author the copyright (if any) in the work, or
  - (b) the work was made in such circumstances that, if it had been first published in the United Kingdom, the organisation would have been entitled to the copyright in the work,
- copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) as if it had been first published in the United Kingdom, that copyright shall subsist until the end of the period of fifty years from the end of the calendar year in which the work was first published, and the organisation shall, subject to the provisions of Part VI of this Act, be entitled to that copyright.
- (4) The provisions of Part I of this Act, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, shall apply in relation to copyright

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subsisting by virtue of this section as they apply in relation to copyright subsisting by virtue of the said Part I.

- (5) An organisation to which this section applies which otherwise has not, or at some material time otherwise had not, the legal capacities of a body corporate shall have, and shall be deemed at all material times to have had, the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

### **34 Extended application of provisions relating to broadcasts**

Her Majesty may by Order in Council provide that, subject to such exceptions and modifications (if any) as may be specified in the Order, such provisions of this Act relating to television broadcasts or to sound broadcasts as may be so specified shall apply in relation to the operation of wireless telegraphy apparatus by way of the emission (as opposed to reception) of electro-magnetic energy—

- (a) by such persons or classes of persons, other than the Corporation and the Authority, as may be specified in the Order, and
- (b) for such purposes (whether involving broadcasting or not) as may be so specified,

as they apply in relation to television broadcasts, or, as the case may be, to sound broadcasts, made by the Corporation and the Authority.

### **35 Denial of copyright to citizens of countries not giving adequate protection to British works**

- (1) If it appears to Her Majesty that the laws of a country fail to give adequate protection to British works to which this section applies, or fail to give such protection in the case of one or more classes of such works (whether the lack of protection relates to the nature of the work or the country of its author or both), Her Majesty may make an Order in Council designating that country and making such provision in relation thereto as is mentioned in the following provisions of this section.
- (2) An Order in Council under this section shall provide that, either generally or in such classes of cases as are specified in the Order, copyright under this Act shall not subsist in works to which this section applies which were first published after a date specified in the Order, if at the time of their first publication the authors thereof were—
- (a) citizens or subjects of the country designated by the Order, not being at that time persons domiciled or resident in the United Kingdom or in another country to which the relevant provision of this Act extends, or
  - (b) bodies incorporated under the laws of the country designated by the Order.
- (3) In making an Order in Council under this section Her Majesty shall have regard to the nature and extent of the lack of protection for British works in consequence of which the Order is made.
- (4) This section applies to the following works, that is to say, literary, dramatic, musical and artistic works, sound recordings and cinematograph films.
- (5) In this section—
- “British work ” means a work of which the author, at the time when the work was made, was a qualified person for the purposes of the relevant provision of this Act;

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“author ”, in relation to a sound recording or a cinematograph film, means the maker of the recording or film;

“the relevant provision of this Act ”, in relation to literary, dramatic and musical works means section two, in relation to artistic works means section three, in relation to sound recordings means section twelve, and in relation to cinematograph films means section thirteen, of this Act.