



Copyright Act 1956

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PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

36 Assignments and licences in respect of copyright

- (1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as personal or moveable property.
- (2) An assignment of copyright may be limited in any of the following ways, or in any combination of two or more of those ways, that is to say,—
 - (a) so as to apply to one or more, but not all, of the classes of acts which by virtue of this Act the owner of the copyright has the exclusive right to do (including any one or more classes of acts not separately designated in this Act as being restricted by the copyright, but falling within any of the classes of acts so designated);
 - (b) so as to apply to any one or more, but not all, of the countries in relation to which the owner of the copyright has by virtue of this Act that exclusive right;
 - (c) so as to apply to part, but not the whole, of the period for which the copyright is to subsist;

and references in this Act to a partial assignment are references to an assignment so limited.

- (3) No assignment of copyright (whether total or partial) shall have effect unless it is in writing signed by or on behalf of the assignor.
- (4) A licence granted in respect of any copyright by the person who, in relation to the matters to which the licence relates, is the owner of the copyright shall be binding upon every successor in title to his interest in the copyright, except a purchaser in good faith for valuable consideration and without notice (actual or constructive) of the licence or a person deriving title from such a purchaser; and references in this Act, in relation

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to any copyright, to the doing of anything with, or (as the case may be) without, the licence of the owner of the copyright shall be construed accordingly.

37 Prospective ownership of copyright

- (1) Where by an agreement made in relation to any future copyright, and signed by or on behalf of the prospective owner of the copyright, the prospective owner purports to assign the future copyright (wholly or partially) to another person (in this subsection referred to as “the assignee”), then if, on the coming into existence of the copyright, the assignee or a person claiming under him would, apart from this subsection, be entitled as against all other persons to require the copyright to be vested in him (wholly or partially, as the case may be), the copyright shall, on its coming into existence, vest in the assignee or his successor in title accordingly by virtue of this subsection and without further assurance.
- (2) Where, at the time when any copyright comes into existence, the person who, if he were then living, would be entitled to the copyright is dead, the copyright shall devolve as if it had subsisted immediately before his death and he had then been the owner of the copyright.
- (3) Subsection (4) of the last preceding section shall apply in relation to a licence granted by a prospective owner of any copyright as it applies in relation to a licence granted by the owner of a subsisting copyright, as if any reference in that subsection to the owner's interest in the copyright included a reference to his prospective interest therein.
- (4) The provisions of the Fifth Schedule to this Act shall have effect with respect to assignments and licences in respect of copyright (including future copyright) in television broadcasts.
- (5) In this Act “future copyright” means copyright which will or may come into existence in respect of any future work or class of works or other subject-matter, or on the coming into operation of any provisions of this Act, or in any other future event, and “prospective owner” shall be construed accordingly and, in relation to any such copyright, includes a person prospectively entitled thereto by virtue of such an agreement as is mentioned in subsection (1) of this section.

38 Copyright to pass under will with unpublished work

Where under a bequest (whether specific or general) a person is entitled, beneficially or otherwise, to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless a contrary intention is indicated in the testator's will or a codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

39 Provisions as to Crown and Government departments

- (1) In the case of every original literary, dramatic, musical or artistic work made by or under the direction or control of Her Majesty or a Government department,—
 - (a) if apart from this section copyright would not subsist in the work, copyright shall subsist therein by virtue of this subsection, and
 - (b) in any case, Her Majesty shall, subject to the provisions of this Part of this Act, be entitled to the copyright in the work.

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- (2) Her Majesty shall, subject to the provisions of this Part of this Act, be entitled—
- (a) to the copyright in every original literary, dramatic or musical work first published in the United Kingdom, or in another country to which section two of this Act extends, if first published by or under the direction or control of Her Majesty or a Government department;
 - (b) to the copyright in every original artistic work first published in the United Kingdom, or in another country to which section three of this Act extends, if first published by or under such direction or control.
- (3) Copyright in a literary, dramatic or musical work, to which Her Majesty is entitled in accordance with either of the preceding subsections,—
- (a) where the work is unpublished, shall continue to subsist so long as the work remains unpublished, and
 - (b) where the work is published, shall subsist (or, if copyright in the work subsisted immediately before its first publication, shall continue to 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 shall then expire.
- (4) Copyright in an artistic work to which Her Majesty is entitled in accordance with the preceding provisions 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 work was made, and shall then expire :
- Provided that where the work in question is an engraving or a photograph, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the engraving or photograph is first published.
- (5) In the case of every sound recording or cinematograph film made by or under the direction or control of Her Majesty or a Government department,—
- (a) if apart from this section copyright would not subsist in the recording or film, copyright shall subsist therein by virtue of this subsection, and
 - (b) in any case, Her Majesty shall, subject to the provisions of this Part of this Act, be entitled to the copyright in the recording or film, and it shall subsist for the same period as if it were copyright subsisting by virtue of, and owned in accordance with, section twelve or, as the case may be, section thirteen of this Act.
- (6) The preceding provisions of this section shall have effect subject to any agreement made by or on behalf of Her Majesty or a Government department with the author of the work, or the maker of the sound recording or cinematograph film, as the case may be, whereby it is agreed that the copyright in the work, recording or film shall vest in the author or maker, or in another person designated in the agreement in that behalf.
- (7) In relation to copyright subsisting by virtue of this section—
- (a) in the case of a literary, dramatic, musical or artistic work, the provisions of Part I of this Act, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, and
 - (b) in the case of a sound recording or cinematograph film, the provisions of Part II of this Act, with the exception of provisions thereof relating to the subsistence or ownership of copyright,

shall apply as those provisions apply in relation to copyright subsisting by virtue of Part I or, as the case may be, Part II of this Act.

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- (8) For the avoidance of doubt, it is hereby declared that the provisions of section three of the Crown Proceedings Act, 1947 (which relates to infringements of industrial property by servants or agents of the Crown) apply to copyright under this Act.
- (9) In this section “Government department” means any department of Her Majesty’s Government in the United Kingdom or of the Government of Northern Ireland, or any department or agency of the Government of any other country to which this section extends.

40 Broadcasts of sound recordings and cinematograph films, and diffusion of broadcast programmes

- (1) Where a sound broadcast or television broadcast is made by the Corporation or the Authority, and a person, by the reception of that broadcast, causes a sound recording to be heard in public, he does not thereby infringe the copyright (if any) in that recording under section twelve of this Act.
- (2) Where a television broadcast or sound broadcast is made by the Corporation or the Authority, and the broadcast is an authorised broadcast, any person who, by the reception of the broadcast, causes a cinematograph film to be seen or heard in public shall be in the like position, in any proceedings for infringement of the copyright (if any) in the film under section thirteen of this Act, as if he had been the holder of a licence granted by the owner of that copyright to cause the film to be seen or heard in public by the reception of the broadcast.
- (3) Where a television broadcast or sound broadcast is made by the Corporation or the Authority, and the broadcast is an authorised broadcast, any person who, by the reception of the broadcast, causes a programme to be transmitted to subscribers to a diffusion service, being a programme comprising a literary, dramatic or musical work, or an adaptation of such a work, or an artistic work, or a cinematograph film, shall be in the like position, in any proceedings for infringement of the copyright (if any) in the work or film, as if he had been the holder of a licence granted by the owner of that copyright to include the work, adaptation or film in any programme caused to be transmitted by him to subscribers to that service by the reception of the broadcast.
- (4) If, in the circumstances mentioned in either of the two last preceding subsections, the person causing the cinematograph film to be seen or heard, or the programme to be transmitted, as the case may be, infringed the copyright in question, by reason that the broadcast was not an authorised broadcast,—
- (a) no proceedings shall be brought against that person under this Act in respect of his infringement of that copyright, but
 - (b) it shall be taken into account in assessing damages in any proceedings against the Corporation or the Authority, as the case may be, in respect of that copyright, in so far as that copyright was infringed by them in making the broadcast.
- (5) For the purposes of this section, a broadcast shall be taken, in relation to a work or cinematograph film, to be an authorised broadcast if, but only if, it is made by, or with the licence of, the owner of the copyright in the work or film.

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41 Use of copyright material for education

- (1) Where copyright subsists in a literary, dramatic, musical or artistic work, the copyright shall not be taken to be infringed by reason only that the work is reproduced, or an adaptation of the work is made or reproduced,—
 - (a) in the course of instruction, whether at a school or elsewhere, where the reproduction or adaptation is made by a teacher or pupil otherwise than by the use of a duplicating process, or
 - (b) as part of the questions to be answered in an examination, or in an answer to such a question.
- (2) Nothing in the preceding subsection shall apply to the publication of a work or of an adaptation of a work; and, for the purposes of section five of this Act, the fact that to a person's knowledge the making of an article would have constituted an infringement of copyright but for the preceding subsection shall have the like effect as if, to his knowledge, the making of it had constituted such an infringement.
- (3) For the avoidance of doubt it is hereby declared that, where a literary, dramatic or musical work—
 - (a) is performed in class, or otherwise in the presence of an audience, and
 - (b) is so performed in the course of the activities of a school, by a person who is a teacher in, or a pupil in attendance at, the school,the performance shall not be taken for the purposes of this Act to be a performance in public if the audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise directly connected with the activities of the school.
- (4) For the purposes of the last preceding subsection a person shall not be taken to be directly connected with the activities of a school by reason only that he is a parent or guardian of a pupil in attendance at the school.
- (5) The two last preceding subsections shall apply in relation to sound recordings, cinematograph films and television broadcasts as they apply in relation to literary, dramatic and musical works, as if any reference to performance were a reference to the act of causing the sounds or visual images in question to be heard or seen.
- (6) Nothing in this section shall be construed—
 - (a) as extending the operation of any provision of this Act as to the acts restricted by copyright of any description, or
 - (b) as derogating from the operation of any exemption conferred by any provision of this Act other than this section.
- (7) In this section “school ”—
 - (a) in relation to England and Wales, has the same meaning as in the Education Act, 1944 ;
 - (b) in relation to Scotland, has the same meaning as in the Education (Scotland) Act, 1946, except that it includes an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937; and
 - (c) in relation to Northern Ireland, has the same meaning as in the Education Act (Northern Ireland), 1947;and “duplicating process ” means any process involving the use of an appliance for producing multiple copies.

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42 Special provisions as to public records

- (1) Where any work in which copyright subsists, or a reproduction of any such work, is comprised in—
 - (a) any records belonging to Her Majesty which are under the charge and superintendence of the Master of the Rolls by virtue of an Order in Council under section two of the Public Record Office Act, 1838, and are open to public inspection in accordance with rules made under that Act, or
 - (b) any public records to which the Public Records Act (Northern Ireland), 1923, applies, being records which are open to public inspection in accordance with rules made under that Act,

the copyright in the work is not infringed by the making, or the supplying to any person, of any reproduction of the work by or under the direction of any officer appointed under the said Act of 1838 or the said Act of 1923, as the case may be.
- (2) In the preceding subsection “records”—
 - (a) in paragraph (a) of that subsection has the same meaning as in the Public Record Office Act, 1838 ;
 - (b) in paragraph (b) of that subsection has the same meaning as in the Public Records Act (Northern Ireland), 1923.
- (3) Any reference in this section to the Public Records Act (Northern Ireland), 1923, shall be construed as including a reference to that Act as for the time being amended or re-enacted (with or without modifications) by any enactment of the Parliament of Northern Ireland.

43 False attribution of authorship

- (1) The restrictions imposed by this section shall have effect in relation to literary, dramatic, musical or artistic works; and any reference in this section to a work shall be construed as a reference to such a work.
- (2) A person (in this subsection referred to as “the offender ”) contravenes those restrictions as respects another person if, without the licence of that other person, he does any of the following acts in the United Kingdom, that is to say, he—
 - (a) inserts or affixes that other person's name in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that the other person is the author of the work, or
 - (b) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a work in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or
 - (c) does any of the acts mentioned in the last preceding paragraph in relation to, or distributes, reproductions of a work, being reproductions in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or
 - (d) performs in public, or broadcasts, a work of which the other person is not the author, as being a work of which he is the author, if to the offender's knowledge that person is not the author of the work.
- (3) The last preceding subsection shall apply where, contrary to the fact, a work is represented as being an adaptation of the work of another person as it applies where a work is so represented as being the work of another person.

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- (4) In the case of an artistic work which has been altered after the author parted with the possession of it, the said restrictions are contravened, in relation to the author, by a person who in the United Kingdom, without the licence of the author,—
- (a) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire the work as so altered, as being the unaltered work of the author, or
 - (b) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire a reproduction of the work as so altered, as being a reproduction of the unaltered work of the author,

if to his knowledge it is not the unaltered work, or, as the case may be, a reproduction of the unaltered work, of the author.

- (5) The three last preceding subsections shall apply with respect to anything done in relation to another person after that person's death, as if any reference to that person's licence were a reference to a licence given by him or by his personal representatives:

Provided that nothing in those subsections shall apply to anything done in relation to a person more than twenty years after that person's death.

- (6) In the case of an artistic work in which copyright subsists, the said restrictions are also contravened, in relation to the author of the work, by a person who in the United Kingdom—

- (a) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a reproduction of the work, as being a reproduction made by the author of the work, or
- (b) distributes reproductions of the work as being reproductions made by the author of the work,

if (in any such case) the reproduction or reproductions was or were to his knowledge not made by the author.

- (7) The preceding provisions of this section shall apply (with the necessary modifications) with respect to acts done in relation to two or more persons in connection with the same work.

- (8) The restrictions imposed by this section shall not be enforceable by any criminal proceedings; but any contravention of those restrictions, in relation to a person, shall be actionable at his suit, or, if he is dead, at the suit of his personal representatives, as a breach of statutory duty.

- (9) Any damages recovered under this section by personal representatives, in respect of a contravention committed in relation to a person after his death, shall devolve as part of his estate, as if the right of action had subsisted and had been vested in him immediately before his death.

- (10) Nothing in this section shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than by virtue of this section:

Provided that this subsection shall not be construed as requiring any damages recovered by virtue of this section to be disregarded in assessing damages in any proceedings instituted otherwise than by virtue of this section and arising out of the same transaction.

- (11) In this section “name ” includes initials or a monogram.

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44 Amendments of Registered Designs Act, 1949

(1) In section six of the Registered Designs Act, 1949, (under which the disclosure of a design in certain circumstances is not to be a reason, for refusing registration), the following subsections shall be inserted after subsection (3):—

“(4) Where copyright under the Copyright Act, 1956, subsists in an artistic work, and an application is made by, or with the consent of, the owner of that copyright for the registration of a corresponding design, that design shall not be treated for the purposes of this Act as being other than new or original by reason only of any use previously made of the artistic work, unless—

- (a) the previous use consisted of or included the sale, letting for hire, or offer for sale or hire of articles to which the design in question (or a design differing from it only as mentioned in subsection (2) of section one of this Act) had been applied industrially, other than articles of a description specified in rules made under subsection (4) of section one of this Act, and
- (b) that previous use was made by, or with the consent of, the owner of the copyright in the artistic work.

(5) Any rules made by virtue of subsection (5) of section ten of the Copyright Act, 1956 (which relates to rules for determining the circumstances in which a design is to be taken to be applied industrially) shall apply for the purposes of the last foregoing subsection.”

(2) The following subsection shall be added at the end of section eight of the said Act of 1949 (which relates to the period of copyright in registered designs):—

“(3) Where in the case of a registered design it is shown—

- (a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956 ;
- (b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act; and
- (c) that the copyright in that work under the Copyright Act, 1956, expired before the date of expiry of the copyright in the design,

the copyright in the design shall, notwithstanding anything in this section, be deemed to have expired at the same time as the copyright in the artistic work, and shall not be renewable after that time.”

(3) In section eleven of the said Act of 1949 (which relates to cancellation of the registration of designs), the following subsection shall be inserted after subsection (2):—

“(2A) At any time after a design has been registered, any person interested may apply to the registrar for the cancellation of the registration of the design on the grounds—

- (a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956;
- (b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act; and

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- (c) that the copyright in that work under the Copyright Act, 1956, has expired ;
and the registrar may make such order on the application as he thinks fit.”
- (4) In subsection (3) of the said section eleven, for the words “the last foregoing subsection ” there shall be substituted the words “either of the two last foregoing subsections ”.
- (5) In subsection (1) of section forty-four of the said Act of 1949 (which relates to the interpretation of that Act)—
- (a) after the definition of “article ” there shall be inserted the words " ' artistic work ' has the same meaning as in the Copyright Act, 1956 "; and
 - (b) after the definition of “copyright” there shall be inserted the words " ' corresponding design ' has the same meaning as in section ten of the Copyright Act, 1956 ”.

45 Amendment of Dramatic and Musical Performers' Protection Act, 1925

In the Dramatic and Musical Performers' Protection Act, 1925,—

- (a) after section one there shall be inserted the two sections set out in Part I of the Sixth Schedule to this Act; and
- (b) after section three there shall be inserted the two sections set out in Part II of that Schedule;

and the provisions of that Act specified in Part III of that Schedule shall have effect subject to the amendments set out in relation thereto in the second column of the said Part III (being minor amendments of that Act and amendments consequential upon the insertion therein of the sections referred to in paragraphs (a) and (b) of this section).

46 Savings

- (1) Any rights conferred on universities and colleges by the Copyright Act, 1775, which continued to subsist in accordance with section thirty-three of the Copyright Act, 1911, notwithstanding the repeal of the said Act of 1775, shall continue to subsist in accordance with the said Act of 1775 notwithstanding any repeal effected by this Act:
- Provided that no proceedings shall be brought under the Copyright Act, 1775, but the provisions of Part III of this Act shall apply for the enforcement of those rights as if they were copyright subsisting by virtue of this Act.
- (2) Nothing in this Act shall affect any right or privilege of the Crown subsisting otherwise than by virtue of an enactment; and nothing in this Act shall affect any right or privilege of the Crown or of any other person under any enactment (including any enactment of the Parliament of Northern Ireland), except in so far as that enactment is expressly repealed, amended or modified by this Act.
- (3) Nothing in this Act shall affect the right of the Crown or of any person deriving title from the Crown to sell, use or otherwise deal with articles forfeited under the laws relating to customs or excise, including any article so forfeited by virtue of this Act or of any enactment repealed by this Act.
- (4) Nothing in this Act shall affect the operation of any rule of equity relating to breaches of trust or confidence.

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- (5) Subject to the preceding provisions of this section, no copyright, or right in the nature of copyright, shall subsist otherwise than by virtue of this Act or of some other enactment in that behalf.

47 General provisions as to Orders in Council, regulations, rules and orders, and as to Board of Trade

- (1) Any power to make regulations, rules or orders under this Act shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing—
- (a) any Order in Council or regulations made under this Act, or
 - (b) any rules made by the Lord Chancellor under the Fourth Schedule to this Act,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any Order in Council, or other order, made under any of the preceding provisions of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.
- (4) Where a power to make regulations or rules is conferred by any provision of this Act, regulations or rules under that power may be made either as respects all, or as respects any one or more, of the matters to which the provision relates; and different provision may be made by any such regulations or rules as respects different classes of cases to which the regulations or rules apply.
- (5) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.
- (6) In this section “order ” does not include an order of a court or of the tribunal.

48 Interpretation

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “adaptation ”, in relation to a literary, dramatic or musical work, has the meaning assigned to it by section two of this Act;
 - “artistic work ” has the meaning assigned to it by section three of this Act;
 - “assignment ”, in relation to Scotland, means an assignation ;
 - “building ” includes any structure ;
 - “cinematograph film ” has the meaning assigned to it by section thirteen of this Act;
 - “construction ” includes erection, and references to reconstruction shall be construed accordingly;
 - “the Corporation ” and “the Authority ” have the meanings assigned to them by section fourteen of this Act;
 - “country ” includes any territory;

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“dramatic work ” includes a choreographic work or entertainment in dumb show if reduced to writing in the form in which the work or entertainment is to be presented, but does not include a cinematograph film, as distinct from a scenario or script for a cinematograph film;

“drawing ” includes any diagram, map, chart or plan;

“engraving ” includes any etching, lithograph, woodcut, print or similar work, not being a photograph;

“future copyright ” and “prospective owner ” have the meanings assigned to them by section thirty-seven of this Act;

“judicial proceeding ” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath ;

“literary work ” includes any written table or compilation;

“manuscript ”, in relation to a work, means the original document embodying the work, whether written by hand or not;

“performance ” includes delivery, in relation to lectures, addresses, speeches and sermons, and in general, subject to the provisions of subsection (5) of this section, includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a cinematograph film, or by the use of a record, or by any other means, and references to performing a work or an adaptation of a work shall be construed accordingly;

“photograph ” means any product of photography or of any process akin to photography, other than a part of a cinematograph film, and “author ”, in relation to a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken ;

“qualified person ” has the meaning assigned to it by section one of this Act;

“record ” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom, and references to a record of a work or other subject-matter are references to a record (as herein defined) by means of which it can be performed;

“reproduction ”, in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematograph film, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or, if it is in three dimensions, by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly;

“sculpture ” includes any cast or model made for purposes of sculpture;

“sound recording ” has the meaning assigned to it by section twelve of this Act;

“sufficient acknowledgment ” has the meaning assigned to it by section six of this Act;

“television broadcast ” and “sound broadcast ” have the meanings assigned to them by section fourteen of this Act;

“wireless telegraphy apparatus ” has the same meaning as in the Wireless Telegraphy Act, 1949 ;

“work of joint authorship ” has the meaning assigned to it by section eleven of this Act;

“writing ” includes any form of notation, whether by hand or by printing, typewriting or any similar process.

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- (2) References in this Act to broadcasting are references to broadcasting by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 1949), whether by way of sound broadcasting or of television.
- (3) References in this Act to the transmission of a work or other subject-matter to subscribers to a diffusion service are references to the transmission thereof in the course of a service of distributing broadcast programmes, or other programmes (whether provided by the person operating the service or other persons), over wires, or other paths provided by a material substance, to the premises of subscribers to the service; and for the purposes of this Act, where a work or other subject-matter is so transmitted,—
- (a) the person operating the service (that is to say, the person who, in the agreements with subscribers to the service, undertakes to provide them with the service, whether he is the person who transmits the programmes or not) shall be taken to be the person causing the work or other subject-matter to be so transmitted, and
 - (b) no person, other than the person operating the service, shall be taken to be causing it to be so transmitted, notwithstanding that he provides any facilities for the transmission of the programmes:

Provided that, for the purposes of this subsection, and of references to which this subsection applies, no account shall be taken of a service of distributing broadcast or other programmes, where the service is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein.

- (4) References in this Act to the doing of any act by the reception of a television broadcast or sound broadcast made by the Corporation or the Authority are references to the doing of that act by means of receiving the broadcast either—
- (a) from the transmission whereby the broadcast is made by the Corporation or the Authority, as the case may be, or
 - (b) from a transmission made by the Corporation or the Authority, as the case may be, otherwise than by way of broadcasting, but simultaneously with the transmission mentioned in the preceding paragraph,

whether (in either case) the reception of the broadcast is directly from the transmission in question or from a re-transmission thereof made by any person from any place, whether in the United Kingdom or elsewhere; and in this subsection “re-transmission” means any re-transmission, whether over paths provided by a material substance or not, including any re-transmission made by making use of any record, print, negative, tape or other article on which the broadcast in question has been recorded.

- (5) For the purposes of this Act, broadcasting, or the causing of a work or other subject-matter to be transmitted to subscribers to a diffusion service, shall not be taken to constitute performance, or to constitute causing visual images or sounds to be seen or heard; and where visual images or sounds are displayed or emitted by any receiving apparatus, to which they are conveyed by the transmission of electromagnetic signals (whether over paths provided by a material substance or not),—
- (a) the operation of any apparatus whereby the signals are transmitted, directly or indirectly, to the receiving apparatus shall not be taken to constitute performance or to constitute causing the visual images or sounds to be seen or heard ; but

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- (b) in so far as the display or emission of the images or sounds constitutes a performance, or causes them to be seen or heard, the performance, or the causing of the images or sounds to be seen or heard, as the case may be, shall be taken to be effected by the operation of the receiving apparatus.
- (6) Without prejudice to the last preceding subsection, where a work or an adaptation of a work is performed, or visual images or sounds are caused to be seen or heard, by the operation of any apparatus to which this subsection applies, being apparatus provided by or with the consent of the occupier of the premises where the apparatus is situated, the occupier of those premises shall, for the purposes of this Act, be taken to be the person giving the performance, or causing the images or sounds to be seen or heard, whether he is the person operating the apparatus or not.

This subsection applies to any such receiving apparatus as is mentioned in the last preceding subsection, and to any apparatus for reproducing sounds by the use of a record.

- (7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

49 Supplementary provisions as to interpretation

- (1) Except in so far as the context otherwise requires, any reference in this Act to the doing of an act in relation to a work or other subject-matter shall be taken to include a reference to the doing of that act in relation to a substantial part thereof, and any reference to a reproduction, adaptation or copy of a work, or a record embodying a sound recording, shall be taken to include a reference to a reproduction, adaptation or copy of a substantial part of the work, or a record embodying a substantial part of the sound recording, as the case may be:

Provided that, for the purposes of the following provisions of this Act, namely subsections (1) and (2) of section two, subsections (2) and (3) of section three, subsections (2) and (3) of section thirty-three, section thirty-eight, and subsections (2) to (4) of section thirty-nine, this subsection shall not affect the construction of any reference to the publication, or absence of publication, of a work.

- (2) With regard to publication, the provisions of this subsection shall have effect for the purposes of this Act, that is to say—
- (a) the performance, or the issue of records, of a literary, dramatic or musical work, the exhibition of an artistic work, the construction of a work of architecture, and the issue of photographs or engravings of a work of architecture or of a sculpture, do not constitute publication of the work;
 - (b) except in so far as it may constitute an infringement of copyright, or a contravention of any restriction imposed by section forty-three of this Act, a publication which is merely colourable, and not intended to satisfy the reasonable requirements of the public, shall be disregarded;
 - (c) subject to the preceding paragraphs, a literary, dramatic or musical work, or an edition of such a work, or an artistic work, shall be taken to have been published if, but only if, reproductions of the work or edition have been issued to the public;
 - (d) a publication in the United Kingdom, or in any other country, shall not be treated as being other than the first publication by reason only of an earlier

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publication elsewhere, if the two publications took place within a period of not more than thirty days ;

and in determining, for the purposes of paragraph (c) of this subsection, whether reproductions of a work or edition have been issued to the public, the preceding subsection shall not apply.

- (3) In determining for the purposes of any provision of this Act—
- (a) whether a work or other subject-matter has been published, or
 - (b) whether a publication of a work or other subject-matter was the first publication thereof, or
 - (c) whether a work or other subject-matter was published or otherwise dealt with in the lifetime of a person,

no account shall be taken of any unauthorised publication or of the doing of any other unauthorised act; and (subject to subsection (7) of section seven of this Act) a publication or other act shall for the purposes of this subsection be taken to have been unauthorised—

- (i) if copyright subsisted in the work or other subject-matter and the act in question was done otherwise than by, or with the licence of, the owner of the copyright, or
- (ii) if copyright did not subsist in the work or other subject matter, and the act in question was done otherwise than by, or with the licence of, the author (or, in the case of a sound recording or a cinematograph film, or an edition of a literary, dramatic or musical work, the maker or publisher, as the case may be) or persons lawfully claiming under him:

Provided that nothing in this subsection shall affect any provisions of this Act as to the acts restricted by any copyright or as to acts constituting infringements of copyrights, or any provisions of section forty-three of this Act.

- (4) References in this Act to the time at which, or the period during which, a literary, dramatic or musical work was made are references to the time or period at or during which it was first reduced to writing or some other material form.
- (5) In the case of any copyright to which (whether in consequence of a partial assignment or otherwise) different persons are entitled in respect of the application of the copyright—
- (a) to the doing of different acts or classes of acts, or
 - (b) to the doing of one or more acts or classes of acts in different countries or at different times,

the owner of the copyright, for any purpose of this Act, shall be taken to be the person who is entitled to the copyright in respect of its application to the doing of the particular act or class of acts, or, as the case may be, to the doing thereof in the particular country or at the particular time, which is relevant to the purpose in question; and, in relation to any future copyright to which different persons are prospectively entitled, references in this Act to the prospective owner of the copyright shall be construed accordingly.

- (6) Without prejudice to the generality of the last preceding subsection, where under any provision of this Act a question arises whether an article of any description has been imported or sold, or otherwise dealt with, without the licence of the owner of any copyright, the owner of the copyright, for the purpose of determining that question, shall be taken to be the person entitled to the copyright in respect of its application to the making of articles of that description in the country into which the article was imported, or, as the case may be, in which it was sold or otherwise dealt with.

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- (7) Where the doing of anything is authorised by the grantee of a licence, or a person deriving title from the grantee, and it is within the terms (including any implied terms) of the licence for him to authorise it, it shall for the purposes of this Act be taken to be done with the licence of the grantor and of every other person (if any) upon whom the licence is binding.
- (8) References in this Act to deriving title are references to deriving title either directly or indirectly.
- (9) Where, in the case of copyright of any description,—
 - (a) provisions contained in this Act specify certain acts as being restricted by the copyright, or as constituting infringements thereof, and
 - (b) other provisions of this Act specify certain acts as not constituting infringements of the copyright,the omission or exclusion of any matter from the latter provisions shall not be taken to extend the operation of the former provisions.
- (10) Any reference in this Act to countries to which a provision of this Act extends includes a country to which that provision extends subject to exceptions, modifications or additions.

50 Transitional provisions, and repeals

- (1) The transitional provisions contained in the Seventh Schedule to this Act shall have effect for the purposes of this Act; and the provisions of the Eighth Schedule to this Act shall have effect in accordance with those transitional provisions.
- (2) Subject to the said transitional provisions, the enactments specified in the Ninth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

51 Short title, commencement and extent

- (1) This Act may be cited as the Copyright Act, 1956.
- (2) This Act shall come into operation on such day as the Board of Trade may by order appoint; and different days may be appointed for the purposes of different provisions of this Act, and, for the purposes of any provision of this Act whereby enactments are repealed, different days may be appointed for the operation of the repeal in relation to different enactments, including different enactments contained in the same Act.
- (3) It is hereby declared that this Act extends to Northern Ireland.