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SCHEDULES

SEVENTH SCHEDULE

TRANSITIONAL PROVISIONS

PART VI

PROVISIONS RELATING TO PART VI OF ACT

Assignments, licences and bequests

- 28 (1) Where by virtue of any provision of this Act copyright subsists in a work, any document or event which—
- (a) was made or occurred before the commencement of that provision, and
 - (b) had any operation affecting the title to copyright in the work under the Act of 1911, or would have had such an operation if the Act of 1911 had continued in force,
- shall have the corresponding operation in relation to the copyright in the work under this Act:
- Provided that, if the operation of any such document was or would have been limited to a period specified in the document, it shall not have any operation in relation to the copyright under this Act, except in so far as that period extends beyond the commencement of the provision of this Act by virtue of which copyright subsists in the work.
- (2) For the purposes of the operation of a document in accordance with the preceding sub-paragraph,—
- (a) expressions used in the document shall be construed in accordance with their effect immediately before the commencement of the provision in question, notwithstanding that a different meaning is assigned to them for the purposes of this Act; and
 - (b) subsection (1) of section thirty-seven shall not apply.
- (3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the proviso set out in paragraph 6 of the Eighth Schedule to this Act (being the proviso to subsection (2) of section five of the Act of 1911) shall apply to assignments and licences having effect in relation to copyright under this Act in accordance with that sub-paragraph, as if that proviso had been re-enacted in this Act.
- (4) In relation to copyright under this Act in a sound recording or in a cinematograph film, the preceding provisions of this paragraph shall apply subject to the following modifications, that is to say—
- (a) in the case of a sound recording, references to the copyright under the Act of 1911 shall be construed as references to the copyright under that Act in records embodying the recording, and

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- (b) in the case of a cinematograph film, references to the copyright under the Act of 1911 shall be construed as references to any copyright under that Act in the film (in so far as it constituted a dramatic work for the purposes of the Act of 1911) or in photographs forming part of the film.
- (5) In this paragraph “operation affecting the (title”, in relation to copyright under the Act of 1911, means any operation affecting the ownership of that copyright, or creating, transferring or terminating an interest, right or licence in respect of that copyright.
- 29 (1) Section thirty-eight shall not apply to a bequest contained in the will, or a codicil to the will, of a testator who died before the commencement of that section.
- (2) In the case of an author who died before the commencement of section thirty-eight, the provision set out in paragraph 7 of the Eighth Schedule to this Act (being subsection (2) of section seventeen of the Act of 1911) shall have effect as if it had been re-enacted in this Act.

Crown and Government departments

- 30 Subsection (4) of section thirty-nine shall apply in relation to photographs taken before the commencement of that section as if the proviso to that subsection were omitted.
- 31 (1) In the application of subsection (5) of section thirty-nine to a sound recording made before the commencement of that section, paragraph (b) of that subsection shall apply as if for the period mentioned in that paragraph there were substituted the period of fifty years from the end of the calendar year in which the recording was made.
- (2) With respect to cinematograph films made before the commencement of section thirty-nine—
 - (a) subsection (5) of that section shall not apply, but
 - (b) in the case of a cinematograph film made as mentioned in that subsection, but before the commencement of section thirty-nine, if it was an original dramatic work as mentioned in paragraph 15 of this Schedule, the provisions of subsections (1) to (3) of section thirty-nine shall apply in accordance with that paragraph, and
 - (c) in relation to photographs forming part of such a cinematograph film the provisions of subsections (1), (2) and (4) of section thirty-nine (as modified by the last preceding paragraph) shall apply as they apply in relation to photographs not forming part of a cinematograph film.

False attribution of authorship

- 32 (1) Paragraphs (b) and (c) of subsection (2) of section forty-three shall apply to any such act as is therein mentioned, if done after the commencement of that section, notwithstanding that the name in question was inserted or affixed before the commencement of that section.
- (2) Subject to the preceding sub-paragraph, no act done before the commencement of section forty-three shall be actionable by virtue of that section.
- (3) In this paragraph “name ” has the same meaning as in section forty-three.

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Other provisions

- 33 (1) In the application of subsection (2) of section forty-nine to a publication effected before the commencement of that section, the reference in paragraph (d) to thirty days shall be treated as a reference to fourteen days.
- (2) For the purposes of the application of subsection (3) of section forty-nine to an act done before the commencement of a provision of this Act to which that subsection applies, references to copyright include references to copyright under the Act of 1911, and, in relation to copyright under that Act, references to the licence of the owner are references to the consent or acquiescence of the owner.