



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART III

REMEDIES FOR INFRINGEMENTS OF COPYRIGHT

18 Rights of owner of copyright in respect of infringing copies, etc.

- (1) Subject to the provisions of this Act, the owner of any copyright shall be entitled to all such rights and remedies, in respect of the conversion or detention by any person of any infringing copy, or of any plate used or intended to be used for making infringing copies, as he would be entitled to if he were the owner of every such copy or plate and had been the owner thereof since the time when it was made:

Provided that if, by virtue of subsection (2) of section three of the Limitation Act, 1939 (which relates to successive conversions or detentions), or of any corresponding provision which may be enacted by the Parliament of Northern Ireland, the title of the owner of the copyright to such a copy or plate would (if he had then been the owner of the copy or plate) have been extinguished at the end of the period mentioned in that subsection or corresponding provision, he shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the end of that period.

- (2) A plaintiff shall not be entitled by virtue of this section to any damages or to any other pecuniary remedy (except costs) if it is proved or admitted that, at the time of the conversion or detention in question,—
- (a) the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates, or
 - (b) where the articles converted or detained were infringing copies, the defendant believed, and had reasonable grounds for believing, that they were not infringing copies, or
 - (c) where the article converted or detained was a plate used or intended to be used for making any articles, the defendant believed, and had reasonable grounds

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for believing, that the articles so made or intended to be made were not, or (as the case may be) would not be, infringing copies.

(3) In this Part of this Act “infringing copy” —

- (a) in relation to a literary, dramatic, musical or artistic work, or to such a published edition as is mentioned in section fifteen of this Act, means a reproduction otherwise than in the form of a cinematograph film,
- (b) in relation to a sound recording, means a record embodying that recording,
- (c) in relation to a cinematograph film, means a copy of the film, and
- (d) in relation to a television broadcast or a sound broadcast, means a copy of a cinematograph film of it or a record embodying a sound recording of it,

being (in any such case) an article the making of which constituted an infringement of the copyright in the work, edition, recording, film or broadcast, 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; and “plate” includes any stereotype, stone, block, mould, matrix, transfer, negative or other appliance.

(4) In the application of this section to Scotland, for any reference to the conversion or detention by any person of an infringing copy there shall be substituted a reference to an intromission by any person with an infringing copy, and for any reference to articles converted or detained there shall be substituted a reference to articles intromitted with.