



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

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.
- (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 - (a) where the work is unpublished, shall continue to subsist so long as the work remains unpublished, and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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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.
- (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.