

TRINIDAD AND TOBAGO.

Amended Kdi 20 2/13
Copyright.

No. 8.—1913.

19th March.

AN ORDINANCE to amend the law relating to Copyright.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

8th April, 1913.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Copyright Ordinance, 1913. Short Title.

2. In this Ordinance the definitions given to terms in the Copyright Act, 1911 (1 & 2 George V, c. 46) of the Imperial Parliament shall be deemed to be the meanings of the corresponding terms used in this Ordinance, and this Ordinance shall be construed accordingly. Interpre-
tation.

PART I.

DELIVERY OF BOOKS PRINTED IN THE COLONY.

3. Three printed or lithographed copies of the whole of every book not being a publication consisting merely of a price list, sale catalogue, annual report, trade circular or trade advertisement which shall be printed or lithographed Three copies
of books to be
delivered to
Colonial
Secretary.

in this Colony together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, shall, within one month after the day on which any such book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the printer and the publisher thereof, be delivered free of any charge, claim or demand whatsoever by the printer, bound, sewed or stitched together, and upon the best paper on which the same shall be printed or lithographed, to the Colonial Secretary. The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

The Colonial Secretary shall thereupon give a receipt in writing for the copies so received.

Disposal of
copies.

4. One of such copies shall be transmitted to His Majesty's Secretary of State for the Colonies, another copy shall be disposed of as the Governor with the advice of the Executive Council shall from time to time, by general or special order, direct, and the remaining copy shall be deposited in such Public Library, or be otherwise disposed of as the Governor shall from time to time determine.

Non-delivery
of books by
printer.

5. Every printer who neglects to deliver three copies of any such book as is referred to in Section 3 of this Ordinance to the Colonial Secretary in the manner hereinbefore prescribed, shall be liable on summary conviction before a Magistrate to a penalty not exceeding Five pounds.

Non-supply of
books by
publisher.

6. Every publisher or other person employing any such printer, who neglects to supply him with maps, prints or engravings finished and coloured as aforesaid, which may be necessary to enable such printer to comply with the provisions of Section 3 of this Ordinance, shall be liable on summary conviction before a Magistrate to a penalty not exceeding Five pounds.

Exemption.

7. The Governor with the advice of the Executive Council may by notification in the *Royal Gazette*, exclude any class of books from the operation of the whole or any portion of Part I of this Ordinance.

PART II.

OFFENCES AND REMEDIES.

8. No person shall do or cause to be done any or either of the following acts, that is to say :—

Penalties on
fraudulent
productions
and sales.

- (1.) No person shall fraudulently sign or otherwise affix or fraudulently cause to be signed or otherwise affixed to or upon any painting, drawing or photograph, or the negative of a photograph, any name, initials or monogram ;
- (2.) No person shall fraudulently sell, publish, exhibit or dispose of, or offer for sale, exhibition or distribution, any painting, drawing or photograph, or negative of a photograph, having thereon the name, initials or monogram of a person who did not execute or make such work ;
- (3.) No person shall fraudulently utter, dispose of or put off or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken ;
- (4.) Where the author or maker of any painting, drawing or photograph, or negative of a photograph, made either before or after the commencement of this Ordinance, shall have sold or otherwise parted with the possession of such work, if any alteration be afterwards made therein by any other person, by addition or otherwise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish, or offer for sale, such work or any copies of such work so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker.

Every offender under this section shall upon conviction forfeit to the person aggrieved a sum not exceeding ten pounds, or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale; and all such copies, engravings, imitations or altered works shall be forfeited to the person, or the assigns or legal representatives of the person whose name, initials or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid: Provided always that the penalties imposed by this section shall not be incurred unless the person whose name, initials or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed.

Recovery of
penalties
under
Section 8.

9. All pecuniary penalties which shall be incurred and all such unlawful copies, imitations and all other effects and things as shall have been forfeited by offenders pursuant to the provisions of the preceding section, may be recovered by the person hereinbefore empowered to recover the same either by proceeding in the Supreme Court, or before a Magistrate as hereinafter provided.

Penalties for
dealing with
infringing
copies, etc.

10.—1. If any person knowingly

- (a.) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b.) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c.) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d.) by way of trade exhibits in public any infringing copy of any such work; or
- (e.) imports for sale or hire into the Colony any infringing copy of any such work:

he shall be liable on summary conviction before a Magistrate to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2.) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be liable on summary conviction before a Magistrate to a fine not exceeding fifty pounds, or in a case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3.) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

11. Subject to the express provisions of this Ordinance, all pecuniary penalties imposed under this Ordinance may be sued for and recovered before a Magistrate in the manner prescribed by the Summary Conviction Offences (Procedure) Ordinance, No. 1. Recovery of penalties.

12. The Copyright Ordinance, (No. 75), the Foreign Reprints Ordinance, (No. 180), and the Copyright Ordinance, 1907, are hereby repealed. Repeal.

Passed in Council this Nineteenth day of March, in the year of Our Lord one thousand nine hundred and thirteen.

ALFRED TAITT,
Acting Clerk of the Council.