

LAWS OF TRINIDAD AND TOBAGO

COPYRIGHT ACT

CHAPTER 82:80

Act
8 of 1913
Amended by
4 of 1918
56 of 1952
16 of 1962
34 of 1966

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-7	1/1980

Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note
on
Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to L.N. 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 82:80

COPYRIGHT ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Six copies of books to be delivered to Minister.
4. Disposal of copies.
5. Non-delivery of books by printer.
6. Non-supply of books by publisher.
7. Exemption.
8. Penalties on fraudulent productions and sales.
9. Recovery of penalties under section 8.
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11. Operation of section 14 of the Copyright Act, 1911, in Trinidad and Tobago.

An Act relating to Copyright.

[8TH APRIL 1913]

1950 Ed.
Ch. 31 No. 16.
8 of 1913.

Commencement

1. This Act may be cited as the Copyright Act.

Short title.

2. In this Act—

Interpretation.
[16 of 1962.]

“engravings” includes etchings, lithographs, woodcuts, prints, and other similar works, not being photographs;

“infringing” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made or imported in contravention of the provisions of this Act;

“photograph” includes photo-lithograph and any work produced by any process analogous to photography;

“plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls, or other contrivances for the acoustic representation of the work are or are intended to be made.

PART I

DELIVERY OF BOOKS PRINTED IN
TRINIDAD AND TOBAGO

Six copies of
books to be
delivered to
Minister.
[16 of 1962.
34 of 1966.]

3. (1) Six 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 is printed or lithographed in Trinidad and Tobago, 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 is 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 Minister.

(2) The publisher or other person employing the printer shall, at a reasonable time before the expiration of the month, supply the Minister with all maps, prints, and engravings, finished and coloured as mentioned above, which may be necessary to enable him to comply with the requirements. The Minister shall thereupon give a receipt in writing for the copies so received.

Disposal of
copies.
[56 of 1952.
34 of 1966.]

4. One of such copies shall be transmitted to each of the following:

- (a) The Government Archivist;
- (b) the Librarian of the Central Library, Port-of-Spain;
- (c) the Senior Librarian, University of the West Indies, St. Augustine Branch;
- (d) the Registrar General.

Non-delivery of
books by
printer.
[16 of 1962.
34 of 1966.]

5. Every printer who neglects to deliver six copies of any such book as is referred to in section 3 to the Minister in the manner hereinbefore prescribed, is liable on summary conviction to a fine of two hundred dollars.

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 mentioned above, which may be necessary to enable the printer to comply with the provisions of section 3, is liable on summary conviction to a fine of two hundred dollars.

7. The Minister may, by Notification, exclude any class of books from the operation of the whole or any portion of Part I of this Act. Exemption.

PART II

OFFENCES AND REMEDIES

8. (1) No person shall—

- (a) 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;
- (b) 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 the work;
- (c) 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 the copy or imitation has been taken.

Penalties on
fraudulent
productions and
sales.
[51/1980.]

(2) 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 Act, has sold or otherwise parted with the possession of such work, if any alteration is 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 the work, without his consent, to make, or knowingly to sell or publish, or offer for sale, the work or any copies of the work so altered as mentioned above, or of any part thereof, as or for the unaltered work of the author or maker.

(3) Every offender under this section shall upon conviction forfeit to the person aggrieved a sum not exceeding four hundred dollars, or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works 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 the spurious or altered work shall be so fraudulently or falsely ascribed.

(4) 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 the spurious or altered work shall be so fraudulently or falsely ascribed, has 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 are incurred, and all such unlawful copies, imitations, and all other effects and things as have been forfeited, by offenders pursuant to the provisions of section 8, may be recovered by the person empowered to recover the same either by proceeding in the High Court, or on summary conviction before a Magistrate.

Penalties for dealing with infringing copies, etc.

10. (1) Any person who knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists;
- (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;
- (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;
- (d) by way of trade, exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into Trinidad and Tobago any infringing copy of any such work,

is liable on summary conviction to a fine not exceeding one hundred dollars for every copy dealt with in contravention of this section, but not exceeding two thousand dollars in respect of the same transaction; or on subsequent conviction, either to such fine or to imprisonment for two months.

(2) Any person who 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, is liable on summary conviction to a fine of two thousand dollars, or on subsequent conviction, either to such fine or to imprisonment for 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.

PART III

IMPORTATION OF COPIES

11. For the purpose of the application of section 14 of the Copyright Act, 1911, of the United Kingdom to the importation into Trinidad and Tobago of works made out of Trinidad and Tobago—

Operation of section 14 of the Copyright Act, 1911, in Trinidad and Tobago.
1 & 2 Geo. V.
c. 46.

- (a) the Comptroller of Customs and Excise shall perform the duties and may exercise the powers thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom;
- (b) Regulations made by the Comptroller of Customs and Excise under that section shall require the approval of the Minister, and shall be published in the *Gazette*.
- (c) Regulations made under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Comptroller of Customs and Excise, shall be deemed to have been given by the owner of the copyright to the Comptroller of Customs and Excise;
- (d) that section shall have effect as if it formed part of the Customs Ordinance.

Ch. 32 No. 2.
(1950 Ed.).