

CHAPTER 31. No. 16.

COPYRIGHT.

AN ORDINANCE RELATING TO COPYRIGHT.

Ordinance
Ch.31. No.16
-1940.

[8th April, 1913.]

Commence-
ment.

1. This Ordinance may be cited as the Copyright Ordinance. Short title.

2. In this Ordinance—

Interpre-
tation.

“ 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 Ordinance;

“ 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 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

Three copies
of books to
be delivered
to Colonial
Secretary.

*trade advertisement, which shall be printed or lithographed in the 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 the Secretary of State, another copy shall be disposed of as the Governor in 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 to the Colonial Secretary in the manner hereinbefore prescribed, shall be liable, on summary conviction, to a fine of twenty-four 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 aforesaid, which may be necessary to enable such printer to comply with the provisions of section 3, shall be liable, on summary conviction, to a fine of twenty-four dollars.

Exemption.

7. The Governor in 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. (1) No person shall—

Penalties on
fraudulent
productions
and sales.

(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 such 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 such copy or imitation shall have been taken.

(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 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.

(3) Every offender under this section shall upon conviction forfeit to the person aggrieved a sum not exceeding forty-eight dollars, 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 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 last preceding section, may be recovered by the person hereinbefore empowered to recover the same either by proceeding in the Supreme Court, or on summary conviction before a Magistrate.

Penalties
for dealing
with in-
fringing
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, to a fine not exceeding ten dollars for every copy dealt with in contravention of this section, but not exceeding two hundred and forty dollars in respect of the same transaction; or in the case of a subsequent offence, either to such fine or to imprisonment for 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, to a fine of two hundred and forty dollars, or in a case of a subsequent offence, 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, to the importation into the Colony of works made out of the Colony:—

Operation
of section 14
of the
Copyright
Act, 1911,
in the
Colony.
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 Governor in Council, and shall be published in the *Royal 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.