

TRINIDAD AND TOBAGO.

Copyright.

No. ⁷ .—1907.

27th February.

AN ORDINANCE to amend the law relating to Copyright.

H. G. Sachwa

G o v e r n o r .

12th March, 1907.

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 1907. It shall be read as one with the Copyright Ordinance, No. 75. Short Title.

The Copyright Ordinance (No. 75) and this Ordinance may together be cited as the Copyright Ordinances.

2. The author, being a British subject, or resident within the British Dominions, of every original painting, drawing and photograph which shall not have been sold or disposed of before the commencement of this Ordinance, and his assigns, shall have the sole and exclusive right of copying, engraving, reproducing and multiplying such painting or drawing and the design thereof, or such photograph and the negative thereof by any means and of any size, for the term of the natural life of such author, and seven years after his death; provided that when any painting or drawing, or the negative of any photograph, shall for

Copyright to vest in Author for life and 7 years after his death.

the first time after the commencement of this Ordinance be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration, the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by agreement in writing, signed, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made or executed, nor shall the vendee or assignee thereof be entitled to any such copyright, unless at or before the time of such sale or disposition an agreement in writing signed by the person so selling or disposing of the same, or by his agent duly authorized, shall have been made to that effect.

Copyright not to prevent representation of same subjects in other works.

3. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

Assignments, licenses, etc., to be in writing.

4. All copyright under this Ordinance shall be deemed personal estate and shall be assignable, and every assignment thereof, and every license to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

Method of registration.

5. Copyright in all such works may be registered with the Registrar-General in manner provided for the registration of copyright under the Copyright Ordinance, No. 75.

Penalties on infringement.

6. If the author of any painting, drawing or photograph in which there shall be subsisting copyright under this Ordinance, after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy,

colourably imitate, or otherwise multiply, for sale, hire, exhibition or distribution, or cause or procure to be repeated, copied, colourably imitated or otherwise multiplied for sale, hire, exhibition or distribution, any such work or the design thereof, or, knowing that any such repetition, copy or other imitation has been unlawfully made, shall import into this Colony or sell, publish, let to hire, exhibit or distribute, or offer for sale, hire, exhibition or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, exhibition or distribution, any repetition, copy or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds; and all such repetitions, copies and imitations, made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

7. 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.

Penalties.

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 pecuniary penalties.

8. 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 this Ordinance, may be recovered by the person hereinbefore empowered to recover the same either by proceeding in the Supreme Court or in the manner prescribed by the Summary Conviction Offences (Procedure) Ordinance, No 1.

Court may make order for injunction, inspection or account.

9. In any proceeding in the Supreme Court for the infringement of any such copyright as aforesaid it shall be lawful for the said Court on the application of the Plaintiff or Defendant respectively to make such order for an injunc-

tion, inspection or account and to give such directions respecting such proceeding, injunction, inspection or account and the proceedings therein respectively as to the Court shall seem fit.

10. All repetitions, copies or imitations of paintings, drawings or photographs, wherein or in the design whereof there shall be subsisting copyright under this Ordinance, and all repetitions, copies and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which shall have been made contrary to the provisions of this Ordinance, are hereby absolutely prohibited to be imported into this Colony, except by or with the consent of the proprietor of the copyright thereof, or his agent authorised in writing; and if the proprietor of any such copyright, or his agent, shall declare that any goods so imported are repetitions, copies or imitations of any such painting, drawing or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by any officer of the Customs Department.

Importation of copies prohibited except by consent of proprietor.

11. If the author of any painting, drawing or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated or otherwise multiplied, for sale, hire, exhibition or distribution, any such work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into this Colony, or sell, publish, let to hire, exhibit or distribute, or offer for sale, hire, exhibition or distribution, or cause or procure to be sold, published, let to hire, exhibited or distributed, or offered for sale, hire, exhibition or distribution, any repetition, copy or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by an action to be brought against the person so offending in the Supreme Court, and may in such action recover

Saving of right to bring action for damages.

and enforce the delivery to him of all unlawful repetitions, copies and imitations, and negatives of photographs, or may recover damages for the retention or conversion thereof: Provided that nothing herein contained, nor any proceeding, conviction or judgment for such act hereby forbidden shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

Passed in Council this Twenty-seventh day of February, in the year of Our Lord one thousand nine hundred and seven.



Acting Clerk of Council.
