



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART II

COPYRIGHT IN SOUND RECORDINGS, CINEMATOGRAPH FILMS, BROADCASTS, ETC.

12 Copyright in sound recordings

- (1) Copyright shall subsist, subject to the provisions of this Act, in every sound recording of which the maker was a qualified person at the time when the recording was made.
- (2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every sound recording which has been published, if the first publication of the recording took place in the United Kingdom or in another country to which this section extends.
- (3) Copyright subsisting in a sound recording by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the recording is first published, and shall then expire.
- (4) Subject to the provisions of this Act, the maker of a sound recording shall be entitled to any copyright subsisting in the recording by virtue of this section:

Provided that where a person commissions the making of a sound recording, and pays or agrees to pay for it in money or money's worth, and the recording is made in pursuance of that commission, that person, in the absence of any agreement to the contrary, shall, subject to the provisions of Part VI of this Act, be entitled to any copyright subsisting in the recording by virtue of this section.

- (5) The acts restricted by the copyright in a sound recording are the following, whether a record embodying the recording is utilised directly or indirectly in doing them, that is to say,—
 - (a) making a record embodying the recording ;
 - (b) causing the recording to be heard in public ;
 - (c) broadcasting the recording.

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- (6) The copyright in a sound recording is not infringed by a person who does any of those acts in the United Kingdom in relation to a sound recording, or part of a sound recording, if—
- (a) records embodying that recording, or that part of the recording, as the case may be, have previously been issued to the public in the United Kingdom, and
 - (b) at the time when those records were so issued, neither the records nor the containers in which they were so issued bore a label or other mark indicating the year in which the recording was first published:

Provided that this subsection shall not apply if it is shown that the records in question were not issued by or with the licence of the owner of the copyright, or that the owner of the copyright had taken all reasonable steps for securing that records embodying the recording or part thereof would not be issued to the public in the United Kingdom without such a label or mark either on the records themselves or on their containers.

- (7) Where a sound recording is caused to be heard in public—
- (a) at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein, or
 - (b) as part of the activities of, or for the benefit of, a club, society or other organisation which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare,

the act of causing it to be so heard shall not constitute an infringement of the copyright in the recording:

Provided that this subsection shall not apply—

- (i) in the case of such premises as are mentioned in paragraph (a) of this subsection, if a special charge is made for admission to the part of the premises where the recording is to be heard ; or
 - (ii) in the case of such an organisation as is mentioned in paragraph (b) of this subsection, if a charge is made for admission to the place where the recording is to be heard, and any of the proceeds of the charge are applied otherwise than for the purposes of the organisation.
- (8) For the purposes of this Act a sound recording shall be taken to be made at the time when the first record embodying the recording is produced, and the maker of a sound recording is the person who owns that record at the time when the recording is made.
- (9) In this Act “sound recording ” means the aggregate of the sounds embodied in, and capable of being reproduced by means of, a record of any description, other than a sound-track associated with a cinematograph film; and " publication in relation to a sound recording, means the issue to the public of records embodying the recording or any part thereof.

13 Copyright in cinematograph films

- (1) Copyright shall subsist, subject to the provisions of this Act, in every cinematograph film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.
- (2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every cinematograph film which has been published, if the

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first publication of the film took place in the United Kingdom or in another country to which this section extends.

- (3) Copyright subsisting in a cinematograph film by virtue of this section—
- (a) in the case of a film which is registrable under Part III of the Cinematograph Films Act, 1938, shall continue to subsist until the film is registered thereunder, and thereafter until the end of the period of fifty years from the end of the calendar year in which it is so registered;
 - (b) in the case of a film which is not so registrable, shall continue until the film is published, and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication, or, if copyright in the film subsists by virtue only of the last preceding subsection, shall continue as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date,

and shall then expire:

Provided that if the Parliament of Northern Ireland passes legislation for purposes similar to those of Part III of the said Act of 1938, then, in the case of a cinematograph film which is registered under that legislation, at a time when it has not been registered under the said Part III, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year which includes the date on which the film is registered under that legislation, and shall then expire.

- (4) Subject to the provisions of Part VI of this Act, the maker of a cinematograph film shall be entitled to any copyright subsisting in the film by virtue of this section.
- (5) The acts restricted by the copyright in a cinematograph film are—
- (a) making a copy of the film ;
 - (b) causing the film, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;
 - (c) broadcasting the film ;
 - (d) causing the film to be transmitted to subscribers to a diffusion service.
- (6) The copyright in a cinematograph film is not infringed by making a copy of it for the purposes of a judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.
- (7) Where by virtue of this section copyright has subsisted in a cinematograph film, a person who, after that copyright has expired, causes the film to be seen, or to be seen and heard, in public does not thereby infringe any copyright subsisting by virtue of Part I of this Act in any literary, dramatic, musical or artistic work.
- (8) In the case of any such film as is mentioned in paragraph (a) of section thirty-five of the Cinematograph Films Act, 1938 (which relates to newsreels), the copyright in the film is not infringed by causing it to be seen or heard in public after the end of the period of fifty years from the end of the calendar year in which the principal events depicted in the film occurred.
- (9) For the purposes of this Act a cinematograph film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a cinematograph film shall be construed accordingly:

Provided that where those sounds are also embodied in a record, other than such a sound-track or a record derived (directly or indirectly) from such a sound-track, the copyright in the film is not infringed by any use made of that record.

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(10) In this Act—

“cinematograph film ” means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material,—

- (a) of being shown as a moving picture, or
- (b) of being recorded on other material (whether translucent or not), by the use of which it can be so shown;

“the maker ”, in relation to a cinematograph film, means the person by whom the arrangements necessary for the making of the film are undertaken ;

“publication ”, in relation to a cinematograph film, means the sale, letting on hire, or offer for sale or hire, of copies of the film to the public ;

“copy ”, in relation to a cinematograph film, means any print, negative, tape or other article on which the film or part of it is recorded,

and references in this Act to a sound-track associated with a cinematograph film are references to any record of sounds which is incorporated in any print, negative, tape or other article on which the film or part of it, in so far as it consists of visual images, is recorded, or which is issued by the maker of the film for use in conjunction with such an article.

- (11) References in this section to Part III of the Cinematograph Films Act, 1938, shall be construed as including references to any enactments for the time being in force amending or substituted for the provisions of the said Part III.

14 Copyright in television broadcasts and sound broadcasts

- (1) Copyright shall subsist, subject to the provisions of this Act,—

- (a) in every television broadcast made by the British Broadcasting Corporation (in this Act referred to as “the Corporation”) or by the Independent Television Authority (in this Act referred to as “the Authority ”) from a place in the United Kingdom or in any other country to which this section extends, and
- (b) in every sound broadcast made by the Corporation or the Authority from such a place.

- (2) Subject to the provisions of this Act, the Corporation or the Authority, as the case may be, shall be entitled to any copyright subsisting in a television broadcast or sound broadcast made by them; and any such copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the broadcast is made, and shall then expire.

- (3) In so far as a television broadcast or sound broadcast is a repetition (whether the first or any subsequent repetition) of a television broadcast or sound broadcast previously made as mentioned in subsection (1) of this section (whether by the Corporation or by the Authority), and is made by broadcasting material recorded on film, records or otherwise,—

- (a) copyright shall not subsist therein by virtue of this section if it is made after the end of the period of fifty years from the end of the calendar year in which the previous broadcast was made; and
- (b) if it is made before the end of that period, any copyright subsisting therein by virtue of this section shall expire at the end of that period.

- (4) The acts restricted by the copyright in a television broadcast or sound broadcast are—

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- (a) in the case of a television broadcast in so far as it consists of visual images, making, otherwise than for private purposes, a cinematograph film of it or a copy of such a film ;
 - (b) in the case of a sound broadcast, or of a television broadcast in so far as it consists of sounds, making, otherwise than for private purposes, a sound recording of it or a record embodying such a recording;
 - (c) in the case of a television broadcast, causing it, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public, if it is seen or heard by a paying audience;
 - (d) in the case either of a television broadcast or of a sound broadcast, re-broadcasting it.
- (5) The restrictions imposed by virtue of the last preceding subsection in relation to a television broadcast or sound broadcast made by the Corporation or by the Authority shall apply whether the act in question is done by the reception of the broadcast or by making use of any record, print, negative, tape or other article on which the broadcast has been recorded.
- (6) In relation to copyright in television broadcasts, in so far as they consist of visual images, the restrictions imposed by virtue of subsection (4) of this section shall apply to any sequence of images sufficient to be seen as a moving picture; and accordingly, for the purpose of establishing an infringement of such copyright, it shall not be necessary to prove that the act in question extended to more than such a sequence of images.
- (7) For the purposes of subsection (4) of this section a cinematograph film or a copy thereof, or a sound recording or a record embodying a recording, shall be taken to be made otherwise than for private purposes if it is made for the purposes of the doing by any person of any of the following acts, that is to say,—
- (a) the sale or letting for hire of any copy of the film, or, as the case may be, of any record embodying the recording;
 - (b) broadcasting the film or recording;
 - (c) causing the film or recording to be seen or heard in public.
- (8) For the purposes of paragraph (c) of subsection (4) of this section, a television broadcast shall be taken to be seen or heard by a paying audience if it is seen or heard by persons who either—
- (a) have been admitted for payment to the place where the broadcast is to be seen or heard, or have been admitted for payment to a place of which that place forms part, or
 - (b) have been admitted to the place where the broadcast is to be seen or heard in circumstances where goods or services are supplied there at prices which exceed the prices usually charged at that place and are partly attributable to the facilities afforded for seeing or hearing the broadcast:

Provided that for the purposes of paragraph (a) of this subsection no account shall be taken—

- (i) of persons admitted to the place in question as residents or inmates therein, or
- (ii) of persons admitted to that place as members of a club or society, where the payment is only for membership of the club or society and the provision of facilities for seeing or hearing television broadcasts is only incidental to the main purposes of the club or society.

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- (9) The copyright in a television broadcast or sound broadcast is not infringed by anything done in relation to the broadcast for the purposes of a judicial proceeding.
- (10) In this Act “television broadcast” means visual images broadcast by way of television, together with any sounds broadcast for reception along with those images, and “sound broadcast” means sounds broadcast otherwise than as part of a television broadcast; and for the purposes of this Act a television broadcast or sound broadcast shall be taken to be made by the body by whom, at the time when, and from the place from which, the visual images or sounds in question, or both, as the case may be, are broadcast.

15 Copyright in published editions of works

- (1) Copyright shall subsist, subject to the provisions of this Act, in every published edition of any one or more literary, dramatic or musical works in the case of which either—
 - (a) the first publication of the edition took place in the United Kingdom, or in another country to which this section extends, or
 - (b) the publisher of the edition was a qualified person at the date of the first publication thereof:

Provided that this subsection does not apply to an edition which reproduces the typographical arrangement of a previous edition of the same work or works.

- (2) Subject to the provisions of this Act, the publisher of an edition shall be entitled to any copyright subsisting in the edition by virtue of this section; and any such copyright shall continue to subsist until the end of the period of twenty-five years from the end of the calendar year in which the edition was first published, and shall then expire.
- (3) The act restricted by the copyright subsisting by virtue of this section in a published edition is the making, by any photographic or similar process, of a reproduction of the typographical arrangement of the edition.
- (4) The copyright under this section in a published edition is not infringed by the making by or on behalf of a librarian of a reproduction of the typographical arrangement of the edition, if he is the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with.

16 Supplementary provisions for purposes of Part II

- (1) The provisions of this section shall have effect with respect to copyright subsisting by virtue of this Part of this Act in sound recordings, cinematograph films, television broadcasts and sound broadcasts, and in published editions of literary, dramatic and musical works; and in those provisions references to the relevant provision of this Part of this Act, in relation to copyright in a subject-matter of any of those descriptions, are references to the provision of this Part of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in that description of subject-matter.
- (2) Any copyright subsisting by virtue of this Part of this Act is infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private and domestic use) into the United Kingdom, or into any other country to which the relevant provision of this Part of this Act extends, if to his knowledge the making of that article constituted an infringement of that copyright, or

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would have constituted such an infringement if the article had been made in the place into which it is so imported.

- (3) Any such copyright is also infringed by any person who, in the United Kingdom, or in any other country to which the relevant provision of this Part of this Act extends, and without the licence of the owner of the copyright,—

(a) sells, lets for hire, or by way of trade offers or exposes for sale or hire any article, or

(b) by way of trade exhibits any article in public,

if to his knowledge the making of the article constituted an infringement of that copyright, or (in the case of an imported article) would have constituted an infringement of that copyright if the article had been made in the place into which it was imported.

- (4) The last preceding subsection shall apply in relation to the distribution of any articles either—

(a) for purposes of trade, or

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question,

as it applies in relation to the sale of an article.

- (5) The three last preceding subsections shall have effect without prejudice to the general provisions of section one of this Act as to infringements of copyright.

- (6) Where by virtue of this Part of this Act copyright subsists in a sound recording, cinematograph film, broadcast or other subject-matter, nothing in this Part of this Act shall be construed as affecting the operation of Part I of this Act in relation to any literary, dramatic, musical or artistic work from which that subject-matter is wholly or partly derived; and copyright subsisting by virtue of this Part of this Act shall be additional to, and independent of, any copyright subsisting by virtue of Part I of this Act:

Provided that this subsection shall have effect subject to the provisions of subsection (7) of section thirteen of this Act.

- (7) The subsistence of copyright under any of the preceding sections of this Part of this Act shall not affect the operation of any other of those sections under which copyright can subsist.