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SCHEDULES

SEVENTH SCHEDULE

Section 50.

TRANSITIONAL PROVISIONS

PART I

PROVISIONS RELATING TO PART I OF ACT

Conditions for subsistence of copyright

- 1 In the application of sections two and three to works first published before the commencement of those sections, subsection (2) of section two, and subsection (3) of section three, shall apply as if paragraphs (b) and (c) of those subsections were omitted.

Duration of copyright

- 2 In relation to any photograph taken before the commencement of section three, subsection (4) of that section shall not apply, but, subject to subsection (3) of that section, copyright subsisting in the photograph by virtue of that section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the photograph was taken, and shall then expire.

Ownership of copyright

- 3 (1) Subsections (2) to (4) of section four shall not apply—
- (a) to any work made as mentioned in subsection (2) or subsection (4) of that section, if the work was so made before the commencement of that section, or
 - (b) to any work made as mentioned in subsection (3) of that section, if the work was or is so made in pursuance of a contract made before the commencement of that section.
- (2) In relation to any work to which the preceding sub-paragraph applies, subsection (1) of section four shall have effect subject to the proviso set out in paragraph 1 of the Eighth Schedule to this Act (being the proviso to subsection (1) of section five of the Act of 1911).

Infringements of copyright

- 4 For the purposes of section five, the fact that, to a person's knowledge, the making of an article constituted an infringement of copyright under the Act of 1911, or would have constituted such an infringement if the article had been made in the place into which it is imported, shall have the like effect as if, to that person's knowledge, the making of the article had constituted an infringement of copyright under this Act.

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- 5 Subsection (7) of section six does not apply to assignments made or licences granted before the commencement of that section.
- 6 (1) References in section eight to records previously made by, or with the licence of, the owner of the copyright in a work include references to records previously made by, or with the consent of, the owner of the copyright in that work under the Act of 1911.
- (2) The repeal by this Act of any provisions of section nineteen, of the Act of 1911, or of the provisions of the Copyright Order Confirmation (Mechanical Instruments: Royalties) Act, 1928, shall not affect the operation of those provisions, or of any regulations or order made thereunder, in relation to a record made before the repeal.
- 7 (1) In relation to a painting, drawing, engraving, photograph or cinematograph film made before the commencement of section nine, subsection (6) of that section shall apply if, by virtue of subsection (3) or subsection (4) of that section, the making of the painting, drawing, engraving, photograph or film would not have constituted an infringement of copyright under this Act if this Act had been in operation at the time when it was made.
- (2) In subsection (10) of section nine, the reference to construction by, or with the licence of, the owner of the copyright in any architectural drawings or plans includes a reference to construction by, or with the licence of, the person who, at the time of the construction, was the owner of the copyright in the drawings or plans under the Act of 1911, or under any enactment repealed by that Act.
- 8 (1) Section ten and the First Schedule to this Act do not apply to artistic works made before the commencement of that section.
- (2) Copyright shall not subsist by virtue of this Act in any artistic work made before the commencement of section ten which, at the time when the work was made, constituted a design capable of registration under the Registered Designs Act, 1949, or under the enactments repealed by that Act, and was used, or intended to be used, as a model or pattern to be multiplied by any industrial process.
- (3) The provisions set out in paragraph 2 of the Eighth Schedule to this Act (being the relevant provisions of the Copyright (Industrial Designs) Rules, 1949) shall apply for the purposes of the last preceding sub-paragraph.
- 9 (1) Where, before the repeal by this Act of section three of the Act of 1911, a person has, in the case of a work, given the notice requisite under the proviso set out in paragraph 3 of the Eighth Schedule to this Act (being the proviso to the said section three), then, as respects reproductions by that person of that work after the repeal of that section by this Act, that proviso shall have effect as if it had been re-enacted in this Act as a proviso to subsection (2) of section one :
- Provided that the said proviso shall so have effect subject to the provisions set out in paragraphs 4 and 5 of the Eighth Schedule to this Act (being so much of subsection (1) of sections sixteen and seventeen respectively of the Act of 1911 as is applicable to the said proviso), as if those provisions had also been re-enacted in this Act.
- (2) For the purposes of the operation of the said proviso in accordance with the preceding sub-paragraph, any regulations made by the Board of Trade thereunder before the repeal of section three of the Act of 1911 shall have effect as if they had been made under this Act, and the power of the Board of Trade to make further regulations thereunder shall apply as if the proviso had been re-enacted as mentioned in the preceding sub-paragraph.

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Works of joint authorship

- 10 (1) Notwithstanding anything in section eleven, or in the Third Schedule to this Act, copyright shall not subsist by virtue of Part I of this Act in any work of joint authorship first published before the commencement of section eleven, if the period of copyright had expired before the commencement of that section.
- (2) In this paragraph “the period of copyright” means whichever is the longer of the following periods, that is to say,—
- (a) the life of the author who died first and a term of fifty years after his death, and
 - (b) the life of the author who died last.

PART II

PROVISIONS RELATING TO PART II OF ACT

Sound recordings

- 11 In the case of a sound recording made before (the commencement of section twelve, subsection (3) of that section shall apply with the substitution, for the period mentioned in that subsection, of the period of fifty years from the end of the calendar year in which the recording was made.
- 12 Subsection (6) of section twelve shall not apply to a sound recording made before the commencement of that section.
- 13 Notwithstanding anything in section twelve, copyright shall not subsist by virtue of that section in a sound recording made before the first day of July, nineteen hundred and twelve, unless, immediately before the commencement of that section, a corresponding copyright subsisted, in relation to that recording, by virtue of subsection (8) of section nineteen of the Act of 1911 (which relates to records made before the commencement of that Act).

Cinematograph films

- 14 Section thirteen shall not apply to cinematograph films made before the commencement of that section.
- 15 Where a cinematograph film made before the commencement of section thirteen was an original dramatic work within the definition of “dramatic work ” set out in paragraph 9 of the Eighth Schedule to this Act (being the definition thereof in the Act of 1911), the provisions of this Act, including the provisions of this Schedule other than this paragraph, shall have effect in relation to the film as if it had been an original dramatic work within the meaning of this Act; and the person who was the author of the work for the purposes of the Act of 1911 shall be taken to be the author thereof for the purposes of the said provisions as applied by this paragraph.
- 16 The provisions of this Act shall have effect in relation to photographs forming part of a cinematograph film made before the commencement of section thirteen as those provisions have effect in relation to photographs not forming part of a cinematograph film.

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Television broadcasts and sound broadcasts

- 17 Copyright shall not subsist by virtue of section fourteen in any television broadcast or sound broadcast made before the commencement of that section.
- 18 For the purposes of subsection (3) of section fourteen, a previous television broadcast or sound broadcast shall be disregarded if it was made before the commencement of that section.

Supplementary

- 19 For the purposes of subsections (2) to (4) of section sixteen, the fact that, to a person's knowledge, the making of an article constituted an infringement of copyright under the Act of 1911, or would have constituted such an infringement if the article had been made in the place into which it is imported, shall have the like effect as if, to that person's knowledge, the making of the article had constituted an infringement of copyright under this Act.

PART III

PROVISIONS RELATING TO PART III OF ACT

- 20 Nothing in section seventeen shall apply to any infringement of copyright under the Act of 1911, or shall affect any proceedings under that Act, whether begun before or after the commencement of that section.
- 21 Section eighteen shall not apply with respect to any article made, or, as the case may be, imported, before the commencement of that section ; but, notwithstanding the repeal by this Act of section seven of the Act of 1911 (which contains provisions corresponding to subsection (1) of section eighteen), proceedings may (subject to the provisions of that Act) be brought or continued by virtue of the said section seven in respect of any article made or imported before the repeal, although the proceedings relate to the conversion or detention thereof after the repeal took effect.
- 22 Section nineteen shall not apply to any licence granted before the commencement of that section, and shall not affect any proceedings under the Act of 1911, whether begun before or after the commencement of that section.
- 23 For the purposes of section twenty-one the definition of “infringing copy ” in section eighteen shall apply as if any reference: to copyright in that definition included a reference to copyright under the Act of 1911.
- 24 Where before the commencement of section twenty-two a notice had been given in respect of a work under section fourteen of the Act of 1911 (which contains provisions corresponding to section twenty-two), and that notice had not been withdrawn and had not otherwise ceased to have effect before the commencement of section twenty-two, the notice shall have effect after the commencement of that section as if it had been duly given thereunder:
- Provided that a notice shall not continue to have effect by virtue of this paragraph after the end of the period of six months beginning with the commencement of section twenty-two.

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PART IV

PROVISIONS RELATING TO PART IV OF ACT

- 25 The provisions of Part IV of this Act shall apply in relation to licence schemes made before the commencement of that Part as they apply in relation to licence schemes made thereafter, as if references in Part IV of this Act to copyright included references to copyright under the Act of 1911.
- 26 In section twenty-seven, references to a refusal or failure to grant or procure the grant of a licence, or to a proposal that a licence should be granted, do not include a refusal or failure which occurred, or a proposal made, before the commencement of that section.

PART V

PROVISIONS RELATING TO PART V OF ACT

- 27 In section thirty-three, subsection (2) shall not apply to works made before the commencement of that section, and subsection (3) shall not apply to works first published before the commencement of that section.

PART VI

PROVISIONS RELATING TO PART VI OF ACT

Assignments, licences and bequests

- 28 (1) Where by virtue of any provision of this Act copyright subsists in a work, any document or event which—
- (a) was made or occurred before the commencement of that provision, and
 - (b) had any operation affecting the title to copyright in the work under the Act of 1911, or would have had such an operation if the Act of 1911 had continued in force,
- shall have the corresponding operation in relation to the copyright in the work under this Act:
- Provided that, if the operation of any such document was or would have been limited to a period specified in the document, it shall not have any operation in relation to the copyright under this Act, except in so far as that period extends beyond the commencement of the provision of this Act by virtue of which copyright subsists in the work.
- (2) For the purposes of the operation of a document in accordance with the preceding sub-paragraph,—
- (a) expressions used in the document shall be construed in accordance with their effect immediately before the commencement of the provision in question, notwithstanding that a different meaning is assigned to them for the purposes of this Act; and
 - (b) subsection (1) of section thirty-seven shall not apply.

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- (3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the proviso set out in paragraph 6 of the Eighth Schedule to this Act (being the proviso to subsection (2) of section five of the Act of 1911) shall apply to assignments and licences having effect in relation to copyright under this Act in accordance with that sub-paragraph, as if that proviso had been re-enacted in this Act.
- (4) In relation to copyright under this Act in a sound recording or in a cinematograph film, the preceding provisions of this paragraph shall apply subject to the following modifications, that is to say—
- (a) in the case of a sound recording, references to the copyright under the Act of 1911 shall be construed as references to the copyright under that Act in records embodying the recording, and
 - (b) in the case of a cinematograph film, references to the copyright under the Act of 1911 shall be construed as references to any copyright under that Act in the film (in so far as it constituted a dramatic work for the purposes of the Act of 1911) or in photographs forming part of the film.
- (5) In this paragraph “operation affecting the (title”, in relation to copyright under the Act of 1911, means any operation affecting the ownership of that copyright, or creating, transferring or terminating an interest, right or licence in respect of that copyright.
- 29 (1) Section thirty-eight shall not apply to a bequest contained in the will, or a codicil to the will, of a testator who died before the commencement of that section.
- (2) In the case of an author who died before the commencement of section thirty-eight, the provision set out in paragraph 7 of the Eighth Schedule to this Act (being subsection (2) of section seventeen of the Act of 1911) shall have effect as if it had been re-enacted in this Act.

Crown and Government departments

- 30 Subsection (4) of section thirty-nine shall apply in relation to photographs taken before the commencement of that section as if the proviso to that subsection were omitted.
- 31 (1) In the application of subsection (5) of section thirty-nine to a sound recording made before the commencement of that section, paragraph (b) of that subsection shall apply as if for the period mentioned in that paragraph there were substituted the period of fifty years from the end of the calendar year in which the recording was made.
- (2) With respect to cinematograph films made before the commencement of section thirty-nine—
- (a) subsection (5) of that section shall not apply, but
 - (b) in the case of a cinematograph film made as mentioned in that subsection, but before the commencement of section thirty-nine, if it was an original dramatic work as mentioned in paragraph 15 of this Schedule, the provisions of subsections (1) to (3) of section thirty-nine shall apply in accordance with that paragraph, and
 - (c) in relation to photographs forming part of such a cinematograph film the provisions of subsections (1), (2) and (4) of section thirty-nine (as modified by the last preceding paragraph) shall apply as they apply in relation to photographs not forming part of a cinematograph film.

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False attribution of authorship

- 32 (1) Paragraphs (b) and (c) of subsection (2) of section forty-three shall apply to any such act as is therein mentioned, if done after the commencement of that section, notwithstanding that the name in question was inserted or affixed before the commencement of that section.
- (2) Subject to the preceding sub-paragraph, no act done before the commencement of section forty-three shall be actionable by virtue of that section.
- (3) In this paragraph “name ” has the same meaning as in section forty-three.

Other provisions

- 33 (1) In the application of subsection (2) of section forty-nine to a publication effected before the commencement of that section, the reference in paragraph (d) to thirty days shall be treated as a reference to fourteen days.
- (2) For the purposes of the application of subsection (3) of section forty-nine to an act done before the commencement of a provision of this Act to which that subsection applies, references to copyright include references to copyright under the Act of 1911, and, in relation to copyright under that Act, references to the licence of the owner are references to the consent or acquiescence of the owner.

PART VII

WORKS MADE BEFORE 1ST JULY, 1912

- 34 (1) This Part of this Schedule applies to works made before the first day of July, nineteen hundred and twelve.
- (2) In this Part of this Schedule " right conferred by the Act of 1911 in relation to a work, means such a substituted right as, by virtue of section twenty-four of the Act of 1911, was conferred in place of a right subsisting immediately before the commencement of that Act.
- 35 Notwithstanding anything in Part I of this Schedule, neither subsection (1) or subsection (2) of section two, nor subsection (2) or subsection (3) of section three, shall apply to a work to which this Part of this Schedule applies, unless a right conferred by the Act of 1911 subsisted in the work immediately before the commencement of section two or section three, as the case may be.
- 36 (1) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 did not include the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as not including those specified in sub-paragraph (3) of this paragraph.
- (2) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 consisted only of the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as consisting only of those specified in sub-paragraph (3) of this paragraph.
- (3) The said acts are—
- (a) performing the work or an adaptation thereof in public;

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- (b) broadcasting the work or an adaptation thereof;
 - (c) causing the work or an adaptation thereof to be transmitted to subscribers to a diffusion service.
- 37 Where a work to which this Part of this Schedule applies consists of an essay, article or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, and immediately before the commencement of section two a right of publishing the work in a separate form subsisted by virtue of the provision set out in paragraph 8 of the Eighth Schedule to this Act (being the note appended to the First Schedule to the Act of 1911), that provision shall have effect, in relation to that work, as if it had been re-enacted in this Act with the substitution, for the word “right ” where it first occurs, of the word “copyright ”
- 38 (1) Without prejudice to the generality of sub-paragraph (1) of paragraph 28 of this Schedule, the provisions of this paragraph shall have effect where—
- (a) the author of a work to which this Part of this Schedule applies had, before the commencement of the Act of 1911, made such an assignment or grant as is mentioned in paragraph (a) of the proviso to subsection (1) of section twenty-four of that Act (which relates to transactions whereby the author had assigned, or granted an interest in, the copyright or performing right in a work for the full term of that right under the law in force before the Act of 1911), and
 - (b) copyright subsists in the work by virtue of any provision of this Act.
- (2) If, before the commencement of that provision of this Act, any event occurred, or notice was given, which in accordance with paragraph (a) of the said proviso had any operation affecting the ownership of the right conferred by the Act of 1911 in relation to the work, or creating, transferring or terminating an interests right or licence in respect of that right, that event or notice shall have the corresponding operation in relation to the copyright in the work under this Act.
- (3) Any right which, at a time after the commencement of that provision of this Act, would, by virtue of paragraph (a) of the said proviso, have been exercisable in relation to the work, or to the right conferred by the Act of 1911, if this Act had not been passed, shall be exercisable in relation to the work or to the copyright therein under this Act, as the case may be.
- (4) If, in accordance with paragraph (a) of the said proviso, the-right conferred by the Act of 1911 would have reverted to the author or his personal representatives on the date referred to in that paragraph, and the said date falls after the commencement of the provision of this Act whereby copyright subsists in the work, then on that date—
- (a) the copyright in the work under this Act shall revert to the author or his personal representatives, as the case may be, and
 - (b) any interest of any other person in that copyright which subsists on that date by virtue of any document made before the commencement of the Act of 1911 shall thereupon determine.

PART VIII

GENERAL AND SUPPLEMENTARY PROVISIONS

- 39 (1) The provisions of this paragraph shall have effect for the construction of any reference in any provision of this Act—

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- (a) to countries to which that provision extends, or
 - (b) to qualified persons.
- (2) Where, at any time after the commencement of any provisions of this Act, a provision which contains such a reference—
- (a) has not yet been extended by virtue of section thirty-one to a country to which the Act of 1911 extended (or which, by virtue of that Act, was to be treated as a country to which it extended), and
 - (b) has not been applied in the case of that country by virtue of section thirty-two,
- then, with respect to any time before the provision is so extended or applied, the reference shall be construed as if the provision did extend to that country.
- (3) For the purpose of determining whether copyright subsists in any work or other subject-matter at a time when a provision containing such a reference has been extended to a country other than the United Kingdom, the reference shall be construed, in relation to past events, as if that provision had always been in operation and had always extended to that country.
- (4) In relation to photographs taken before the commencement of section three, and to sound recordings made before the commencement of section twelve, the definition of “qualified person ” in subsection (5) of section one shall apply as if, in paragraph (b) of that subsection, for the words “body incorporated under the laws of” there were substituted the words “body corporate which has established a place of business in ”.
- 40 (1) The provisions of the two next following sub-paragraphs shall apply where—
- (a) immediately before the date on which any provisions of the Act of 1911 (in this paragraph referred to as “the repealed provisions ”) are repealed in the law of the United Kingdom by this Act, the repealed provisions have effect as applied by an Order in Council made in respect of a foreign country under section twenty-nine of the Act of 1911; and
 - (b) no Order in Council under section thirty-two of this Act, applying any provisions of this Act in the case of that country, is made so as to come into force on or before that date.
- (2) The repealed provisions, as applied by the Order in Council under section twenty-nine of the Act of 1911 (or by that Order as varied by any subsequent Order thereunder), shall continue to have effect, notwithstanding the repeal, until the occurrence of whichever of the following events first occurs, that is to say—
- (a) the revocation of the Order in Council under section twenty nine of the Act of 1911;
 - (b) the coming into operation of an Order in Council under section thirty-two of this Act applying any of the provisions of this Act in the case of the foreign country in question ;
 - (c) the expiration of the period of two years beginning with the date mentioned in the preceding sub-paragraph.
- (3) For the purposes of continuing, varying or terminating the operation of the repealed provisions in accordance with the last preceding sub-paragraph, and for the purposes of any proceedings arising out of the operation of those provisions in accordance with that sub-paragraph, all the provisions of the Act of 1911 (including the power to revoke or vary Orders in Council under section twenty-nine of that Act) shall be

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treated as continuing in force as if none of those provisions had been repealed by this Act.

- (4) In relation to a country in respect of which an Order in Council has been made under subsection (3) of section twenty-six of the Act of 1911 (which relates to countries therein referred to as self-governing dominions to which that Act does not extend), the preceding provisions of this paragraph shall apply as they apply in relation to a foreign country, with the substitution, for references to section twenty-nine of the Act of 1911, of references to the said subsection (3).
- 41 In so far as the Act of 1911 or any Order in Council made thereunder forms part of the law of any country other than the United Kingdom, at a time after that Act has been wholly or partly repealed in the law of the United Kingdom, it shall, so long as it forms part of the law of that country, be construed and have effect as if that Act had not been so repealed.
- 42 The mention of any particular matter in the preceding provisions of this Schedule with regard to the repeal of any of the provisions of the Act of 1911 shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), either in relation to the Act of 1911 or to any other enactment repealed by this Act
- 43 For the purposes of the application, by virtue of any of the preceding paragraphs of this Schedule, of any of the provisions set out in the Eighth Schedule to this Act,—
- (a) the expressions of which definitions are set out in paragraph 9 of that Schedule (being the definitions of those expressions in the Act of 1911) shall, notwithstanding anything in this Act, be construed in accordance with those definitions ; and
 - (b) where, for those purposes, any of those provisions is to be treated as if re-enacted in this Act, it shall be treated as if it had been so re-enacted with the substitution, for the words “this Act ” , wherever the reference is to the passing or the commencement of the Act of 1911, of the words “the Copyright Act, 1911 ”.
- 44 Without prejudice to the operation of any of the preceding provisions of this Schedule—
- (a) any enactment or other document referring to an enactment repealed by this Act shall be construed as referring (or as including a reference) to the corresponding enactment of this Act;
 - (b) any enactment or other document referring to copyright, or to works in which copyright subsists, if apart from this Act it would be construed as referring to copyright under the Act of 1911, or to works in which copyright subsists under that Act, shall be construed as referring (or as including a reference) to copyright under this Act, or, as the case may be, to works or any other subject-matter in which copyright subsists under this Act;
 - (c) any reference in an enactment or other document to the grant of an interest in copyright by licence shall be construed, in relation to copyright under this Act, as a reference to the grant of a licence in respect of that copyright.
- 45 (1) Except in so far as it is otherwise expressly provided in this Schedule, the provisions of this Act apply in relation to things existing at the commencement of those provisions as they apply in relation to things coming into existence thereafter.
- (2) For the purposes of any reference in this Schedule to works, sound recordings or cinematograph films made before the commencement of a provision of this Act,

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a work, recording or film, the making of which extended over a period, shall not be taken to have been so made unless the making of it was completed before the commencement of that provision.

- 46 (1) Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.
- (2) Any reference in this Schedule to the commencement of a provision of this Act is a reference to the date on which that provision comes into operation as part of the law of the United Kingdom.
- 47 (1) In this Schedule “photograph ” has the meaning assigned to it in the definition set out in paragraph 9 of the Eighth Schedule to this Act, and not the meaning assigned to it by section forty-eight.
- (2) In this Schedule “the Act of 1911” means the Copyright Act, 1911.