

Patents, Designs, Copyright and Trade Marks (Emergency) Act

1939 CHAPTER 107 2 and 3 Geo 6

5 Effect of war on international arrangements as to copyright.

- (1) When His Majesty is at war with a country in respect of which there was in force immediately before the commencement of the war an Order in Council made by His Majesty under [FI section 159 or 256 of the Copyright, Designs and Patents Act 1988 (countries enjoying reciprocal copyright or design right protection)] then, unless and until the Order in Council is revoked under that Act, it shall be deemed for the purposes of that Act to continue in force, notwithstanding the state of war, subject to any alteration or variation thereof under that Act.
- (2) Notwithstanding the provisions of section one of the Trading with the MIEnemy Act 1939 or any rule of law relating to intercourse or dealings with or for the benefit of enemies, any copyright [F2 or design right] that would have subsisted under [F3 Part I or III of the Copyright, Designs and Patents Act 1988] by virtue of such an Order in Council as aforesaid if the owner of the copyright [F2 or design right] had not been an enemy shall so subsist where an enemy is, whether alone or jointly with any other person, the owner thereof:

Provided that, where an enemy, whether alone or jointly with any other person, is the owner of copyright [F2 or design right] subsisting under [F3 Part I or III of the Copyright, Designs and Patents Act 1988], the provisions of the M2 Trading with the Enemy Act 1939, and of any other enactment relating to intercourse or dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, and any rule of law relating to any of those matters, shall, as respects that enemy, have effect in relation to the copyright [F2 or design right] so subsisting.

Textual Amendments

- F1 Words substituted by virtue of Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(1), Sch. 7 para. 3(4)(a)
- F2 Words inserted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(1), Sch. 7 para. 3(4)(b)

Changes to legislation: There are currently no known outstanding effects for the Patents, Designs, Copyright and Trade Marks (Emergency) Act, Section 5. (See end of Document for details)

F3 Words substituted by virtue of Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(1), Sch. 7 para. 3(4)(b)

Marginal Citations

M1 1939 c. 89.

M2 1939 c. 89.

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There are currently no known outstanding effects for the Patents, Designs, Copyright and Trade Marks (Emergency) Act, Section 5.