
**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

ISRAEL

The present document reproduces the text¹ of the Copyright Act, 1911, as notified by Israel under Article 63.2 of the Agreement (see document IP/N/1/ISR/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

ISRAËL

Le présent document contient le texte¹ de la Loi de 1911 sur le droit d'auteur, notifiée par Israël au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/ISR/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

ISRAEL

En el presente documento se reproduce el texto¹ de la Ley de Derecho de Autor, de 1911, notificado por Israel de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/ISR/1).

¹ English only./Anglais seulement./En inglés solamente.

COPYRIGHT ACT 1911

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I - IMPERIAL COPYRIGHT

Rights

Copyright

1. (1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term hereinafter mentioned in every original literary, dramatic, musical and artistic work, if -
 - (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and
 - (b) repealedbut in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder, relating to self governing dominions to which this Act does not extend and to foreign countries.
- (2) For the purposes of this Act, "copyright" means the right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right, -
 - (a) to produce, reproduce, perform or publish any translation of the work;
 - (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
 - (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
 - (d) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematographic film, or other contrivance by means of which the work may be mechanically performed or delivered, and to authorize any such acts as aforesaid.
- (3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

NOTE: This Law and the following Copyright Ordinance stem from Great Britain and became applicable here when the British Mandatory Administration held sway (1917 - 1948); they have remained on Israel's Law Books - albeit with considerable amendments - until now. The English text presented in these pages only partly rests on the original English version; most of it was translated by us from the official Hebrew translation, which is now used in Israel - Tr.

Infringement of copyright

2. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute the infringement of a copyright:-
- (i) any fair dealing with any work for the purpose of private study, research, criticism, review or newspaper summary:
 - (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of the work:
 - (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art:
 - (iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisement issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists:
Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:
 - (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries:
 - (vi) The reading or recitation in public by one person of any reasonable extract from a published work.
- (2) Copyright in a work shall be deemed to be infringed by any person who -
- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or
 - (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
 - (c) by way of trade exhibits in public; or
 - (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,
- any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.
- (3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theater or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, or had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of copyright

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death.
4. Repealed

Ownership of copyright, etc.

5. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:
Provided that -
 - (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or original was ordered shall be the first owner of the copyright, and
 - (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author the right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.
- (2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorized agent.
- (3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies

Civil remedies for infringement of copyright

6. (1) Where copyright in any work has been infringed, the owner of the copyright shall, as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.
- (2) The costs of all the parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the court.

- (3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then -
- (a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;
 - (b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work for purposes of proceedings in respect of the infringement of copyright therein.

Rights of owners against persons possessing or dealing with infringing copies, etc.

7. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Exemption of innocent infringer from liability to pay damages, etc.

8. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defense alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

Restriction on remedies in the case of architecture

9. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.
- (2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.
10. Repealed
11. Repealed
12. Repealed
13. Repealed

Importation of copies

Importation of copies

14. (1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agents to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.
- (2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that he copies are such as are prohibited by this section to be imported.
- (3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention or forfeiture, and may, by such regulations, determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.
- (4) The regulations may apply to copies of all works the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such works.
- (5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.
- (6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876: Provided that, notwithstanding anything in that Act, the Isle of Man shall be treated as part of the United Kingdom for the purposes of this section.
- (7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies made out of that possession.

Delivery of Books to Libraries

15. Repealed

Special Provisions as to certain Works

Works of joint authors

16. (1) Repealed
- (2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof.
- (3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.
- (4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

Posthumous works

17. (1) Repealed
- (2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be prima facie proof of the copyright being with the owner of the manuscript.

Provisions as to government publications

18. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

Provision as to mechanical instruments

19. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sound may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.
- (2) It shall not be deemed an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends, records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves -
 - (a) that such contrivances have previously been made by, or with the consent and acquiescence of, the owner of the copyright in the work; and
 - (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the

benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned: Provided that -

- (i) nothing in this provision shall authorize any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and
 - (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.
- (3) The rate at which such royalties as aforesaid are to be calculated shall -
 - (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one half per cent; and
 - (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a halfpenny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing: Provided that, if at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public enquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising a rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.
- (4) If any such contrivance is made reproducing two or more works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.
- (5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed enquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such enquiries within the prescribed time.
- (6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, frequency of the payment of

- royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.
- (7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions: -
- (a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply:
 - (b) The rate of two and a half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, 1913, if contrivances reproducing the same work have been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, 1910:
 - (c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorizing the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal representative and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal representatives:
 - (d) The saving contained in this Act of the rights and interests arising from, or in connection with, action taken before the commencement of this Act shall not be construed as authorizing any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section:
 - (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.
- (8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivances by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived: Provided that -
- (i) the person who, at the commencement of this Act, is the owner of such plate shall be the first owner of such copyright; and
 - (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provision as to political speeches

20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in

an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Provisions as to photographs

21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

Provisions as to registerable designs

22. (1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.
- (2) General rules made under section 86 of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

Works of foreign authors first published in parts of His Majesty's dominions to which this Act extends

23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

Existing works

24. (1) Where any person is immediately before the commencement of this Act entitled to any such right as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if the Act had been in force when the work was made and the work had been one entitled to copyright thereunder: Provided that -
- (a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of an express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the

date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either -

- (i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or
- (ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspaper:

- (b) where any person has, before the twenty sixth day of July 1910, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of any work in a manner which at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person, who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.
- (2) For the purposes of this section, the expression "author" includes the legal representatives of a deceased author.
- (3) Subject to the provisions of section 19, subsections (7) and (8) and of section 33 of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

Application to British Possessions

25. Repealed

26. Repealed

Power of legislatures of British possessions to pass supplemental legislation

- 27. The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they

shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession.

Application to protectorates

28. His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends.

PART II - INTERNATIONAL COPYRIGHT

29. Repealed
30. Repealed

PART III - SUPPLEMENTAL PROVISIONS

Abrogation of common law rights

31. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

Provision as to orders in council

32. (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.
- (2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

Saving of university copyright

33. Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act 1775 of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

Saving of compensation to certain libraries

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books: Provided that this compensation shall not be paid to a library in any year, unless the Treasury are

satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

Interpretation

35. (1) In this Act, unless context otherwise requires, -
- "Literary work" includes maps, charts, plans, tables, and compilations;
 - "Dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form which is fixed in writing or otherwise, and any cinematographic production where the arrangement or acting form or the combination of incidents represented give the work an original character;
 - "Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;
 - "Work of sculpture" includes casts and models;
 - "Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes and methods of construction;
 - "Engravings" include etchings, lithographs, woodcuts, prints and other similar works, not being photographs;
 - "Photograph" includes photo-lithograph and any work produced by any process analogous to photography;
 - "Cinematograph" includes any work produced by any process analogous to cinematography;
 - "Collective work" means -
 - (a) an encyclopedia, dictionary, year book, or similar work;
 - (b) a newspaper, review, magazine, or similar periodical; and
 - (c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;
 - "Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colorable imitation, made, or imported in contravention of the provisions of this Act;
 - "Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;
 - "Delivery", in relation to a lecture, includes delivery by means of any mechanical instrument;
 - "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;
 - "Lecture" includes address, speech, and sermon;
 - "Self governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.
- (2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published,

performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

- (3) Repealed
- (4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.
- (5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

Repeal

36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule: Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

Short title and commencement

37. (1) This Act may be cited as the Copyright Act, 1911.
- (2) This Act shall come into operation -
- (a) in the United Kingdom, on the first day of July 1912 or such earlier date as may be fixed by Order in Council;
 - (b) in a self governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion;
 - (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;
 - (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.

SCHEDULE ONE
(Section 24)
Existing Rights

The existing right	The Replacement Right
Copyright	(a) in respect of works that are not dramatic or musical, copyright as defined in this Law
Copyright and right of performance	(b) in respect of works that are dramatic or musical, copyright as defined in this Law
Copyright without right of performance	copyright as defined in this Law, except for the exclusive right to perform the work or a significant portion of it in public.
Right of performance, but not copyright	the sole right to perform the work in public, but none of the other rights included in copyright, as defined in this Law.

For purposes of this Schedule, the following terms, when used in the first column, shall have the following meanings:

"copyright", for purposes of a work under the Law that prevailed immediately before the date of this Law, which was not published before that date and the copyright of which under the prevailing Law depends on its publication, includes the right under accepted Law (if such there is) to prevent publication of the work or dealing with it in some other manner;

"right of performance", in respect of a work that was not performed in public before the date of this Law, includes the right under accepted Law (if such there is) to prevent performance of the work in public.
