STATUTORY INSTRUMENTS

1962 No. 1642

COPYRIGHT

The Copyright (Bermuda) Order 1962

Made - - - -	30*th July* 1962
Laid before Parliament	3*rd August* 1962
Coming into Operation	6*th August* 1962

At the Court at Buckingham Palace, the 30th day of July 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 31 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to direct, and it is hereby directed, as follows :—

1. The provisions of the Copyright Act 1956 specified in Part I of the First Schedule hereto shall extend to Bermuda subject to the modifications specified in Part II of that Schedule.

2. The Copyright (International Conventions) Order 1957(b) as amended(c), the Copyright (International Conventions) (Argentina) Order 1958(d), the Copyright (International Organisations) Order 1957(e) as amended(f) and the Copyright (Broadcasting Organisations) Order 1961(g) (being Orders in Council made under the provisions of Part V of the said Act) shall extend to Bermuda subject to the relevant modifications specified in the Second Schedule hereto.

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3. The Interpretation Act 1889(h) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Copyright (Bermuda) Order 1962 and shall come into operation on 6th August 1962.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 74.
(b) S.I. 1957/1523 (1957 I, p. 474).
(c) S.I. 1958/1254, 2184, 1960/200, 1961/1496, 2461, 1962/397, 628, 1641 (1958 I, pp. 358, 360; 1960 I, p. 772; 1961 II, p. 3040; III, p. 4507; 1962 I, pp. 348, 631; II, p. 1907).
(d) S.I. 1958/135 (1958 I, p. 361).
(e) S.I. 1957/1524 (1957 I, p. 483).
(f) S.I. 1958/1052 (1958 I, p. 363).
(g) S.I. 1961/2460 (1961 III, p. 4505).
(h) 52 & 53 Vict. c. 63.

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FIRST SCHEDULE

PART I

Provisions of the Copyright Act 1956 extended to Bermuda

All the provisions of the Copyright Act 1956 as amended by the Dramatic and Musical Performers' Protection Act 1958(a) and the Films Act 1960(b) except section 8, sections 23 to 30, sections 32, 34, 35, 42 and 44 and the Fourth and Fifth Schedules.

PART II

Modifications to the provisions extended

The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

Provision	Modification
Section 7 ...	For the references to the Board of Trade there shall be substituted references to the Governor in Council.
Section 10 ...	In subsection (1), after " the Act of 1949 ", where those words first occur, there shall be inserted " or the Patents, Designs and Trade Marks Act 1930 (of Bermuda) (in this section referred to as " the Act of 1930 ") " and in paragraph (*a*) for " under the Act of 1949 ", there shall be substituted " in Bermuda by virtue of the Act of 1930 "; in subsection (2), after " the Act of 1949 " there shall be added " or the Act of 1930 "; in subsection (3), in paragraphs (*a*) and (*b*), after " had been registered " there shall be inserted " under either of the Acts mentioned "; in subsection (5), for " Board of Trade " there shall be substituted " Registrar-General of Bermuda " and for " section thirty-six of the Act of 1949 " there shall be substituted " section seventy-six of the Act of 1930"; in subsection (6), for " section seven of the Act of 1949 " and " that section " there shall be substituted " the relevant provisions " and, at the end of the subsection, there shall be added the following paragraph:— " In this subsection " the relevant provisions " means— (i) in relation to the application of subsection (1) of this section in consequence of registration under the Act of 1949, the provisions of section thirty-two of the Act of 1930; (ii) in relation to the application of that subsection in consequence of a registration under the Act of 1930, the provisions of section twenty-six of that Act; and (iii) in relation to the application of subsection (3) of this section, the provisions of either of the sections of the Act of 1930 hereinbefore mentioned.".
Section 12 ...	In subsection (6), for " the United Kingdom " there shall be substituted " Bermuda ".

(a) 6 & 7 Eliz. 2. c. 44. (b) 8 & 9 Eliz. 2. c. 57.

Provision	Modification
Section 13 ...	For subsection (3) there shall be substituted the following:— " (3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist 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 and shall then expire, or if copyright subsists in the film by virtue only of the last preceding subsection, it shall continue to subsist 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."; in subsection (8), for " any such film as is mentioned in paragraph (*a*) of subsection (1) of section thirty-eight of the Films Act 1960 (which relates to newsreels) " there shall be substituted " any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news "; subsection (11) shall be omitted.
Section 15 ...	In subsection (4), for " Board of Trade " there shall be substituted " Governor in Council ".
Section 17 ...	There shall be inserted, after subsection (4), the following subsection:— " (4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of more than six years from the date at which the right of action accrued."; subsection (6) shall be omitted.
Section 18 ...	In subsection (1), for the proviso there shall be substituted the following:— " Provided that where a cause of action in respect of the conversion or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the copyright shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention."; subsection (4) shall be omitted.
Section 21 ...	In subsections (1) and (6), for " the United Kingdom " there shall be substituted " Bermuda "; subsection (10) shall be omitted.
Section 22 ...	In subsection (1), for " the Commissioners of Customs and Excise (in this section referred to as " the Commissioners ") " there shall be substituted " the Colonial Treasurer of Bermuda " and, subject to the modification to subsection (4) hereinafter specified, subsequent references in the section to the Commissioners shall be construed as references to the said Treasurer; in subsections (2) and (3), for " the United Kingdom " there shall be substituted " Bermuda ";

Provision	Modification
	after subsection (3) there shall be inserted the following new subsection:— "(3)A. Any copy of any work which is imported in contravention of the last preceding subsection shall be forfeited and may be destroyed or otherwise disposed of as the Colonial Treasurer may direct.". in subsection (4), for " the Commissioners " on the first occasion on which those words occur, there shall be substituted " the Governor in Council " and for " the Commissioners consider " there shall be substituted " the Governor in Council considers "; for subsection (6) there shall be substituted the following:— " (6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of general revenue."; subsection (7) shall be omitted.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " Bermuda " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than Bermuda ".
Section 33 ...	For subsection (1) there shall be substituted the following:— " (1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom, which has been extended, in relation to that organisation, to Bermuda.".
Section 37 ...	Subsection (4) shall be omitted.
Section 39 ...	Subsection (8) shall be omitted.
Section 40 ...	Subsection (3) shall be omitted; in subsection (4), for " either of the last two preceding subsections " there shall be substituted " the last preceding subsection " and " or the programme to be transmitted, as the case may be " shall be omitted; in subsection (5), the references to a work shall be omitted.
Section 41 ...	For subsection (7) there shall be substituted the following:— " (7) In this section— " school " has the same meaning as in the Education Act 1954 (of Bermuda), and " duplicating process " means any process involving the use of an appliance for producing multiple copies.".
Section 43 ...	In subsections (2), (4) and (6) for " the United Kingdom " there shall be substituted " Bermuda ".
Section 46 ...	Subsection (1) shall be omitted. in subsection (2), " (including any enactment of the Parliament of Northern Ireland) " shall be omitted.
Section 47 ...	The whole section except subsection (4) shall be omitted.

Provision	Modification
Section 48 ...	In subsection (4), for " the United Kingdom " there shall be substituted " Bermuda ".
Section 49 ...	In subsection (2), in head (*d*), for " the United Kingdom " there shall be substituted " Bermuda ".
Section 51 ...	For subsection (2) there shall be substituted the following:— " (2) (*a*) Any provision of this Act empowering the Governor in Council to make regulations or the Registrar General of Bermuda to make rules shall come into operation on the commencement of the Order in Council extending that provision to Bermuda. (*b*) All the other provisions of this Act shall come into operation on 6th December 1962.". subsection (3) shall be omitted.
First Schedule	In paragraph 1, after " the Act of 1949 ", where these words first occur, there shall be added " or the Act of 1930 ", and after those words, where they occur for the second time, there shall be added " or the Act of 1930, as the case may be "; in paragraph 2, for " section seven of the Act of 1949 " there shall be substituted " the Act of 1930 "; in paragraph 4, after the definition of " the Act of 1949 ", there shall be added " " the Act of 1930 " means the Patents, Designs and Trade Marks Act 1930 (of Bermuda), ".
Seventh Schedule	The following paragraphs shall be omitted, namely paragraphs 6, 25, 26, 40 and 41; in paragraph 8 (2), for " or under the enactments repealed by that Act " there shall be substituted " or the Patents, Designs and Trade Marks Act 1930 (of Bermuda) or under the enactments repealed by either of those Acts "; in paragraph 46 (2), for " the United Kingdom " there shall be substituted " Bermuda ".
Ninth Schedule	For the table therein set out there shall be substituted the following:—

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 5. c. 46.	The Copyright Act 1911.	The whole Act.
18 & 19 Geo. 5. c. lii.	The Copyright Order Confirmation (Mechanical Instruments; Royalties) Act 1928.	The whole Act.

SECOND SCHEDULE

Modifications to the Orders in Council extended by Article 2

1. Modification to all the Orders in Council:—

Any references in any of the Orders to its commencement shall be deemed to be a reference to 6th December 1962.

2. Modifications to the Copyright (International Conventions) Order 1957:—

(1) In Article 1, for "the United Kingdom" there shall be substituted "Bermuda".

(2) In Article 2, for the reference to the making of the Order there shall be substituted a reference to its extension to Bermuda.

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(3) In Article 3, for "the United Kingdom" there shall be substituted "Bermuda".

(4) In the Fourth Schedule—

(*a*) paragraphs 1 and 5 shall be omitted; and

(*b*) in paragraph 2, for "the aforementioned Table" there shall be substituted "the Table set out at the end of the Schedule".

3. Modification to the Copyright (International Conventions) (Argentina) Order 1958:—

In the Schedule, paragraphs 1 and 2 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends the provisions of the Copyright Act 1956, with certain exceptions and modifications, to form part of the law of Bermuda.

The Order also extends to form part of the law of that country four Orders in Council, as amended, made under the provisions of the Copyright Act. Works originating in the countries specified in the Copyright (International Conventions) Order 1957 as amended, and Argentina, works produced by the international organisations specified in the Copyright (International Organisations) Order 1957 as amended, and broadcasts to the public made in countries to which section 14 of the Copyright Act has been extended by Order in Council will now enjoy in Bermuda protection similar to that which they at present enjoy in the United Kingdom and broadcasts made in Bermuda will enjoy similar protection in each of those countries to which the Copyright (Broadcasting Organisations) Order 1961 has been extended.