EXPLANATORY NOTE

(This Note does not form part of the Regulations, but is intended to indicate their general purport.)

These Regulations, made by the Commissioners of Customs and Excise under section twenty-two of the Copyright Act, 1956, prescribe the form in which notices by or on behalf of the owner of copyright in any published literary, dramatic or musical work are to be given for the purpose of having copies made abroad treated as prohibited goods; the fee to be paid in respect of the notices; and the requirements as to furnishing information and indemnifying the Commissioners against the consequences of any detention of such copies.

The Regulations revoke the Regulations dated the 19th June, 1912, and the 13th May, 1923, made by the Commissioners under section 14 of the Copyright Act, 1911, which was repealed by the Copyright Act, 1956.

1957 No. 1523

The Copyright (International Conventions) Order, 1957

Made - - - -	*23rd August*, 1957
Laid before Parliament	*29th August*, 1957
Coming into Operation	*27th September*, 1957

At the Court at Balmoral, the 23rd day of August, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is provided by section 32 of the Copyright Act, 1956(a), that Her Majesty may by Order in Council apply any provisions of that Act in the case of any country to which those provisions do not extend:

And whereas it is further provided by the said section 32 that the power of applying any of those provisions shall not be exercised in the case of a country, other than a country which is a party to a Convention relating to copyright to which the United Kingdom is also a party, unless Her Majesty is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under that Act:

And whereas the countries mentioned in Part I of the First Schedule hereto are members of the Berne Copyright Union as parties to the Conventions relating to copyright therein respectively specified:

And whereas the countries mentioned in Part II of the said First Schedule are parties to a Convention relating to copyright concluded at Geneva on the sixth day of September, one thousand nine hundred and fifty-two (hereinafter referred to as "the Universal Copyright Convention"):

(a) 4 & 5 Eliz. 2. c. 74.

And whereas the United Kingdom is a party to each of the said Conventions except the Convention concluded at Brussels on the twenty-sixth day of June, one thousand nine hundred and forty-eight (hereinafter referred to as " the Brussels Convention "):

And whereas it is intended that the United Kingdom shall, as soon as may be, accede to the Brussels Convention:

And whereas all the countries which are parties to the Brussels Convention except Turkey are bound to the United Kingdom as parties either to the Rome Convention mentioned in the First Schedule hereto or to the Universal Copyright Convention:

And whereas Her Majesty is satisfied in the case of Turkey (which is a party to the Brussels Convention but not to any of the said Conventions to which the United Kingdom is at present a party) that, in respect of the class of works and other subject-matter to which the provisions applied by this Order relate, provision has been made under the laws of Turkey whereby adequate protection will be given to the owners of copyright under the Copyright Act, 1956, when the United Kingdom accedes to the Brussels Convention:

And whereas none of the provisions of the Copyright Act, 1956, extend to any of the countries mentioned in the First Schedule hereto:

And whereas, notwithstanding the repeal of the Copyright Act, 1911(a), its provisions continue by virtue of paragraph 40 of the Seventh Schedule to the Copyright Act, 1956, to have effect in respect of the countries to which those provisions have been applied by certain Orders in Council made under sections 26 and 29 of the said Copyright Act, 1911, which Orders in Council include those mentioned in the Fifth Schedule hereto:

And whereas by virtue of paragraph 40 of the said Seventh Schedule the power to revoke the said Orders in Council conferred by section 32 of the Copyright Act, 1911, is to be treated as continuing in force:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 32 of the Copyright Act, 1956, and by section 32 of the Copyright Act, 1911, and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. Subject to the following provisions of this Order, the provisions of the Copyright Act, 1956 (hereinafter referred to as " the Act "), specified in the Second Schedule hereto, being the provisions relating to literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions of literary, dramatic or musical works, shall apply in the case of each of the countries mentioned in the First Schedule hereto as follows:—

(*a*) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that country, as they apply in relation to such works, recordings, films or editions first published in the United Kingdom;

(*b*) in relation to persons who, at a material time (as hereinafter defined), are citizens or subjects of, or domiciled or resident in, that country, as they apply in relation to persons who, at such a time, are British subjects or domiciled or resident in the United Kingdom;

(*c*) in relation to bodies incorporated under the laws of that country, as they apply in relation to bodies incorporated under the laws of any part of the United Kingdom:

(a) 1 & 2 Geo. 5. c. 46.

Provided that

(i) copyright shall not subsist by virtue of this Order in any work or other subject-matter by reason only of its publication before the commencement of this Order in a country which is a party to the Universal Copyright Convention but which is not a country of the Berne Copyright Union;

(ii) the term of copyright in a work or other subject-matter which enjoys protection in the nature of copyright in its country of origin shall not exceed the term of protection enjoyed in the country of origin without registration, deposit or the performance of any other formalities (or, if the laws of that country require the performance of any formalities as a condition of protection, without compliance with any formalities other than those specified in paragraph 1 of Article III of the Universal Copyright Convention, which is set out in the Third Schedule hereto) in respect of a British work or subject-matter (as hereinafter defined) of the class in question;

(iii) in the case of any country other than Australia, Canada, Denmark, the Federal Republic of Germany, India, Israel, New Zealand, Norway, Pakistan, South Africa, Spain and Switzerland, the acts restricted by the copyright in a sound recording conferred by section 12 of the Act as applied by this Order shall not include—

(*a*) causing the recording to be heard in public;

(*b*) broadcasting the recording;

(iv) in relation to any work or other subject-matter made before the commencement of this Order, the provisions of the Act shall apply subject to the modifications specified in the Fourth Schedule hereto;

(v) nothing in the provisions of the Act as applied by this Order shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if such right has ceased before the commencement of this Order;

(vi) paragraphs (i) and (ii) of this proviso shall not apply to any work or subject-matter first published in the United States of America, if, immediately before the commencement of this Order, copyright under the Copyright Act, 1911, subsisted in such work or subject-matter by virtue of either an Order in Council dated the 9th day of February, 1920, regulating copyright relations with the United States of America(**a**), or the Copyright (United States of America) Order, 1942(**b**) as amended(**c**).

2. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work or other subject-matter in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any rights or interest arising from, or in connection with, such action which are subsisting and valuable immediately before such commencement unless the person who, by virtue of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(a) S.R. & O. 1920/257 (1920 I, p. 286).
(b) S.R. & O. 1942/1579 (Rev. IV, p. 963: 1942 I, p. 87).
(c) S.I. 1950/1641 (1950 I, p. 399).

3. The Orders mentioned in the Fifth Schedule hereto are hereby revoked so far as they form part of the law of the United Kingdom:

Provided that where, by virtue of any of the aforesaid Orders, copyright subsisted in a work immediately before the commencement of this Order and copyright does not subsist therein by Article 1 of this Order, it shall continue to subsist therein as if such Order had not been revoked.

4. In this Order

(1) "British work or subject-matter" means a work or other subject-matter which was made by a person who was at the material time a British subject resident in the United Kingdom or a company incorporated under the laws of any part of the United Kingdom, and which (if published) was first published in the United Kingdom;

(2) "country of origin" means—

(*a*) in the case of a published work or subject-matter, if the country of first publication is a country mentioned in the First Schedule hereto, that country;

(*b*) in the case of a work or subject-matter published simultaneously in a country of the Berne Copyright Union and a country which is not in the said Union, the former country;

(*c*) in the case of a work or subject-matter which is published simultaneously in a country which is a party to the Universal Copyright Convention and a country which is neither a country of the Berne Copyright Union nor a party to the Universal Copyright Convention, the former country;

(*d*) in the case of a work or subject-matter which is published simultaneously in several countries of the Berne Copyright Union, the country whose laws give the shortest term of protection in such a work or subject-matter;

(*e*) in the case of a work or subject-matter which is published simultaneously in several countries which are parties to the Universal Copyright Convention (and none of which are members of the Berne Copyright Union), the country whose laws give the shortest term of protection in such a work or subject-matter;

(*f*) in the case of a work or subject-matter which is unpublished, or which is first published only in a country other than a country mentioned in the First Schedule hereto, the country whose laws give the longest term of protection in such a work or subject-matter, being

(i) a country of which the author or maker thereof was a citizen or subject at a material time;

(ii) a country in which the author or maker thereof was domiciled at a material time;

(iii) a country in which the author or maker thereof was resident at a material time; or

(iv) a country under the laws of which the author or maker thereof, being a body corporate, was incorporated at a material time;

(3) "country of the Berne Copyright Union" means any country mentioned in Part I of the First Schedule hereto;

(4) "material time" means—

(i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made or, if the making thereof extended over a period, a substantial part of that period;

(ii) in relation to a published work or subject-matter, the time of first publication;

(5) "party to the Universal Copyright Convention" means any country mentioned in Part II of the First Schedule hereto;

(6) "published simultaneously" means—

(i) in the case of publications occurring before the commencement of this Order, published within a period of 14 days;

(ii) in any other case, published within a period of 30 days.

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

6. This Order may be cited as the Copyright (International Conventions) Order, 1957, and shall come into operation on the 27th day of September, 1957.

W. G. Agnew.

FIRST SCHEDULE

PART I

COUNTRIES OF THE BERNE COPYRIGHT UNION

Under a Convention concluded at Berlin on the 13th November, 1908 ("the Berlin Convention"), replacing between the parties thereto a Convention concluded at Berne on the 9th September, 1886 ("the Berne Convention"), as amended by an Additional Act ("the Additional Act") agreed to on the 4th May, 1896—

South Africa (in respect of South-West Africa only)
Thailand

Under a Convention concluded at Rome on the 2nd June, 1928 ("the Rome Convention"), replacing between the parties thereto the Berne Convention and the Additional Act and subsequent revisions thereof—

Australia (and Papua, New Guinea, Nauru and Norfolk Island)
Bulgaria
Canada
Czechoslovakia
Denmark
Finland
Federal Republic of Germany (and Land Berlin)
Hungary
Iceland
India
Indonesia
Republic of Ireland
Japan
Lebanon
Netherlands (and Surinam, Netherlands Antilles and New Guinea)
New Zealand (and Western Samoa)
Norway
Pakistan
Poland
Roumania
Spain (in respect of its Colonies only)
Sweden
Syria

(a) 52 & 53 Vict. c. 63.

Under a Convention concluded at Brussels on the 26th June, 1948 (" the Brussels Convention "), replacing between the parties thereto the Berne Convention and the Additional Act and subsequent revisions thereof—

Austria
Belgium (and Belgian Congo and Ruanda-Urundi)
Brazil
France (and French territories overseas)
Greece
Israel
Italy
Liechtenstein
Luxembourg
Monaco
Morocco
Philippines
Portugal (including Portuguese provinces overseas)
South Africa
Spain
Switzerland
Tunisia
Turkey
Vatican City
Yugoslavia

PART II

PARTIES TO THE UNIVERSAL COPYRIGHT CONVENTION

Andorra
Austria
Cambodia
Chile
Costa Rica
Cuba
Ecuador
France
Federal Republic of Germany (and Land Berlin)
Haiti
Iceland
Israel
Italy
Japan
Laos
Liberia
Luxembourg
Mexico
Monaco
Pakistan
Philippines
Portugal
Spain
Switzerland
United States of America (and Alaska, Guam, Hawaii, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America)
Vatican City

SECOND SCHEDULE

The provisions of Parts I and II of the Act, except section 14, and all the other provisions of the Act relevant thereto.

THIRD SCHEDULE

ARTICLE III (1) OF THE UNIVERSAL COPYRIGHT CONVENTION

"1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright."

FOURTH SCHEDULE

1. In the case of any work to which the provisions of the Copyright Act, 1911, applied immediately before the commencement of this Order, section 8 (9) of the Act shall have effect as if for the references therein to the first day of July, nineteen hundred and twelve, there were substituted references to the date specified in column 2 of the Table set out at the end of this Schedule in relation to the country of origin of that work (being the date on which section 1 (2) (*d*) of the Copyright Act, 1911, first applied in relation to that country), and, in the case of any other work, the said section 8 (9) shall have effect as if for the references to that date there were substituted references to the commencement of this Order.

2. Where any musical work in which, immediately before the commencement of this Order, copyright subsisted by virtue of any Order made under section 29 of the Copyright Act, 1911, was published before the date specified in column 2 of the aforementioned Table in relation to the country of origin of that work (being the date on which section 1 (2)(*d*) of that Act first applied in relation to that country) the acts restricted by the copyright in that work shall not include making, or authorising the making of, a sound recording thereof, if before that date any record of that work had been lawfully made or placed on sale within the United Kingdom.

3. Where any musical work in which copyright did not subsist as mentioned in the preceding paragraph has been published before the commencement of this Order, the preceding paragraph shall have effect as if for the reference to the date therein mentioned there were substituted a reference to the commencement of this Order.

4. In the case of the sound recording embodied in any record to which the provisions of the Copyright Act, 1911, applied immediately before the commencement of this Order, the provisions of paragraph 13 of the Seventh Schedule to the Act shall apply in relation to the copyright in that sound recording as if for the reference therein to the first day of July, nineteen hundred and twelve, there were substituted a reference to the date specified in column 2 of the aforementioned Table in relation to the country of origin of that work (being the date on which section 19 of the Copyright Act of 1911 first applied in relation to that country), and, in the case of any other sound recording, the said paragraph 13 shall have effect as if for the reference to that date there were substituted a reference to the commencement of this Order.

5. In relation to any work or other subject matter in which copyright subsists by virtue of this Order, the relevant provisions of the Seventh Schedule to the Act shall have effect as if for the references, wherever they occur therein, to the commencement of the Act or of any provision of the Act or to the repeal of any provision of the Copyright Act, 1911, or of any other enactment there were substituted references to the commencement of this Order.

TABLE

Country of Origin (Column 1)	Date of application of relevant provisions of Copyright Act, 1911 (Column 2)
Australia	1st July, 1912
Belgium	1st July, 1912
Canada	1st July, 1912
France	1st July, 1912
Federal Republic of Germany (and Land Berlin)	1st July, 1912
India	1st July, 1912
Republic of Ireland	1st July, 1912
Japan	1st July, 1912
Luxembourg	1st July, 1912
Monaco	1st July, 1912
New Zealand	1st July, 1912
Norway	1st July, 1912
Pakistan	1st July, 1912
Portugal	1st July, 1912
South Africa	1st July, 1912
Spain	1st July, 1912
Switzerland	1st July, 1912
Tunisia	1st July, 1912
Denmark	17th March, 1913
Netherlands	17th March, 1913
Indonesia	11th April, 1913
Netherlands New Guinea, Curaçao	11th April, 1913
Surinam	13th June, 1913
Italy	1st April, 1914
Morocco (former French Zone)	16th November, 1917
Sweden	1st January, 1920
Poland	26th April, 1920
Austria	21st December, 1920
Greece	21st December, 1920
Czechoslovakia	27th May, 1921
Bulgaria	6th February, 1922
Brazil	21st April, 1922
Hungary	21st April, 1922
Lebanon	9th October, 1924
Syria	9th October, 1924
Roumania	1st January, 1927
Finland	7th May, 1928
Portuguese Colonies	7th May, 1929
Spanish Colonies	7th May, 1929
French Colonies and Protectorates under the authority of the French Ministry of the Colonies	27th October, 1930
Yugoslavia	27th October, 1930
Liechtenstein	7th October, 1931
Thailand	7th October, 1931
Iceland	23rd June, 1948
Morocco (former Spanish Zone)	21st February, 1935
Vatican City	3rd October, 1935
Belgian Congo and Ruanda Urundi	8th March, 1949
Israel	4th April, 1950

FIFTH SCHEDULE

An Order in Council dated the 3rd February, 1915, regulating copyright relations with the United States of America(a),

An Order in Council dated the 9th day of February, 1920, further regulating copyright relations with the United States of America(b),

The Copyright (Irish Free State) Order, 1930(c),

The Copyright (Rome Convention) Order, 1933(d),

The Copyright (Rome Convention) (Morocco (Spanish Zone)) Order, 1935(e),

The Copyright (Rome Convention) (Vatican City) Order, 1935(f),

The Copyright (Rome Convention) (Latvia) Order, 1937(g),

The Copyright (United States of America) Order, 1942(h),

The Copyright (Rome Convention) (Iceland) Order, 1948(i),

The Copyright (Rome Convention) (Belgian Congo and Ruanda Urundi) Order, 1949(j),

The Copyright (Rome Convention) (Israel) Order, 1950(k),

The Copyright (United States of America) Order, 1942 (Amendment) Order, 1950(l).

EXPLANATORY NOTE

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

This Order applies the main provisions of the Copyright Act, 1956, for the benefit of the countries mentioned in the First Schedule. The countries mentioned in Part I of that Schedule are members of the Berne Copyright Union, and those mentioned in Part II are parties to the Universal Copyright Convention; the United Kingdom is a member of the Berne Copyright Union and is a party to the Universal Copyright Convention and the treatment accorded to the countries mentioned is designed to comply with the requirements of both the latest text of the Berne Convention (the "Brussels" Convention) and the Universal Copyright Convention.

The Order covers literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions of literary, dramatic and musical works, but not sound or television broadcasts. Subject to certain qualifications, such works, recordings, films or editions, if first published in one of the countries mentioned, or if made by a citizen or subject of, or a person domiciled or resident in, that country, will enjoy copyright under the law of the United Kingdom as if they had been first published in the United Kingdom or had been made by a British subject or a person domiciled or resident in the United Kingdom. The term of protection to be enjoyed depends on that given in the country in question to British works.

(a) S.R. & O. 1915/130 (Rev. IV, p. 961: 1915 I, p. 54).
(b) S.R. & O. 1920/257 (1920 I, p. 286).
(c) S.R. & O. 1930/899 (Rev. IV, p. 884: 1930, p. 313).
(d) S.R. & O. 1933/253 (Rev. IV, p. 947: 1933, p. 530).
(e) S.R. & O. 1935/155 (Rev. IV, p. 958: 1935, p. 236).
(f) S.R. & O. 1935/999 (Rev. IV, p. 959: 1935, p. 238).
(g) S.R. & O. 1937/97 (Rev. IV, p. 956: 1937, p. 489).
(h) S.R. & O. 1942/1579 (Rev. IV, p. 963: 1942 I, p. 87).
(i) S.I. 1948/1327 (Rev. IV, p. 955: 1948 I, p. 576).
(j) S.I. 1949/354 (1949 I, p. 953).
(k) S.I. 1950/508 (1950 I, p. 398).
(l) S.I. 1950/1641 (1950 I, p. 399).

The main qualifications are—

(*a*) no work or other subject-matter which has been published before the commencement of this Order is to enjoy copyright merely by virtue of first publication in a country which is a party to the Universal Copyright Convention but not a member of the Berne Copyright Union;

(*b*) the copyright in sound recordings given by this Order does not include performing or broadcasting rights except in the case of Australia, Canada, Denmark, the Federal Republic of Germany, India, Israel, New Zealand, Norway, Pakistan, South Africa, Spain and Switzerland.

A number of Orders in Council, applying the provisions of the Copyright Act, 1911, to foreign countries are revoked, but without prejudice to any rights acquired thereunder.

1957 No. 1524

The Copyright (International Organisations) Order, 1957

Made - - - -	23*rd August*, 1957
Laid before Parliament	29*th August*, 1957
Coming into Operation	27*th September*, 1957

At the Court at Balmoral, the 23rd day of August, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is provided by section 33 of the Copyright Act, 1956(a), that where it appears to Her Majesty that one or more sovereign Powers, or the government or governments thereof, are members of an organisation, and that it is expedient that the provisions of that section should apply to that organisation, Her Majesty may by Order in Council declare that the organisation is one to which that section applies:

And whereas it appears to Her Majesty that it is expedient that the provisions of the said section (under which, in the circumstances therein prescribed, copyright is to subsist in any original literary, dramatic, musical or artistic work made or published by or under the direction or control of any organisation to which the said section applies) should apply to the organisations mentioned in the Schedule hereto, being organisations of which sovereign Powers or the governments thereof are members:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 33 of the Copyright Act, 1956, and of all other powers enabling Her in that behalf, is pleased to declare, and it is hereby declared, as follows:—

1. Each of the organisations mentioned in the Schedule hereto is an organisation to which section 33 of the Copyright Act, 1956 applies.

2. This Order may be cited as the Copyright (International Organisations) Order, 1957, and shall come into operation on the 27th day of September, 1957.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 74.