

LAWS OF DOMINICA

COPYRIGHT ACT

CHAPTER 78:41

Act
5 of 1919
Amended by
19 of 1939

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 78:41

COPYRIGHT ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Penalties for dealing with infringing copies, etc.
3. Modification of section 14 of 1 & 2 Geo.V c.46 in the application of that section to the State.

SCHEDULE.

CHAPTER 78:41

COPYRIGHT ACT

1961 Ed.
Cap. 319.
5 of 1919.

AN ACT relating to copyright.

Commencement.

[30th April 1919]

Short title.

1. This Act may be cited as the –

COPYRIGHT ACT.*

Penalties for
dealing with
infringing copies,
etc.

2. (1) Any person who knowingly –

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the State any infringing copy of any such work,

is liable on summary conviction to a fine of one hundred dollars for every copy dealt with in contravention of this section, but not exceeding three thousand dollars in respect of the same transaction or, in the case of a second or subsequent offence, either to such fine or to imprisonment, for two months.

(2) Any person who knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists or knowingly and for his private profit causes any such work to be performed in public, without the consent of the

* The Copyright Act, 1911, of the United Kingdom (1 & 2 Geo. V, c. 46), except such of the provisions thereof as are expressly restricted to the United Kingdom, was brought into operation in the State on 1st July 1912 by Proclamation published in the *Gazette* dated 4th July 1912.

owner of the copyright, is liable on summary conviction to a fine of three thousand dollars or, in the case of a second or subsequent offence, either to such fine or to imprisonment for two months.

(3) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

3. For the purpose of the application of section 14 of the Copyright Act, 1911, of the United Kingdom to the importation into the State of works made out of the State so much of the said section as is comprised within the first six subsections shall be modified so as to read as set out in the Schedule hereto.

Modification of section 14 of 1 & 2 Geo V c. 46 in the application of that section to the State.

SCHEDULE

MODIFICATION OF SECTION 14 OF THE COPYRIGHT ACT, 1911, OF THE UNITED KINGDOM IN THE APPLICATION OF THAT SECTION TO THE STATE

(1) Copies made out of the State of any work in which copyright subsists which if made in the State would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Financial Secretary that he is desirous that such copies should not be imported into the State shall be deemed to be prohibited to be imported, and, if imported, shall subject to the provisions of this section be deemed to be goods liable to forfeiture under the Customs (Control and Management) Act and the provision of that Act relative to goods liable to forfeiture which are not repugnant to the provisions of this Act shall apply accordingly.

Importation of copies.

Ch. 69.01.

(2) Before any such copies are detained or any further proceedings with a view to the forfeiture thereof are taken under the Act mentioned in the preceding subsection, the Financial Secretary may require the regulations under this section whether as to information, conditions or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Minister 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 the detention and forfeiture, and may, by the 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 the evidence.

(4) The Regulations may apply to copies of all works the importation of copies 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 Financial Secretary all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(6) The Regulations may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom if communicated by them to the Financial Secretary shall be deemed to have been given by the owner of the copyright to the Financial Secretary.
