



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART II

COPYRIGHT IN SOUND RECORDINGS, CINEMATOGRAPH FILMS, BROADCASTS, ETC.

13 Copyright in cinematograph films

- (1) Copyright shall subsist, subject to the provisions of this Act, in every cinematograph film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.
- (2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every cinematograph film which has been published, if the first publication of the film took place in the United Kingdom or in another country to which this section extends.
- (3) Copyright subsisting in a cinematograph film by virtue of this section—
 - (a) in the case of a film which is registrable under Part III of the Cinematograph Films Act, 1938, shall continue to subsist until the film is registered thereunder, and thereafter until the end of the period of fifty years from the end of the calendar year in which it is so registered;
 - (b) in the case of a film which is not so registrable, shall continue 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, or, if copyright in the film subsists by virtue only of the last preceding subsection, shall continue 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:

Provided that if the Parliament of Northern Ireland passes legislation for purposes similar to those of Part III of the said Act of 1938, then, in the case of a cinematograph film which is registered under that legislation, at a time when it has not been registered under the said Part III, the copyright shall continue to subsist until the end of the period

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of fifty years from the end of the calendar year which includes the date on which the film is registered under that legislation, and shall then expire.

- (4) Subject to the provisions of Part VI of this Act, the maker of a cinematograph film shall be entitled to any copyright subsisting in the film by virtue of this section.
- (5) The acts restricted by the copyright in a cinematograph film are—
- (a) making a copy of the film ;
 - (b) causing the film, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;
 - (c) broadcasting the film ;
 - (d) causing the film to be transmitted to subscribers to a diffusion service.
- (6) The copyright in a cinematograph film is not infringed by making a copy of it for the purposes of a judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.
- (7) Where by virtue of this section copyright has subsisted in a cinematograph film, a person who, after that copyright has expired, causes the film to be seen, or to be seen and heard, in public does not thereby infringe any copyright subsisting by virtue of Part I of this Act in any literary, dramatic, musical or artistic work.
- (8) In the case of any such film as is mentioned in paragraph (a) of section thirty-five of the Cinematograph Films Act, 1938 (which relates to newsreels), the copyright in the film is not infringed by causing it to be seen or heard in public after the end of the period of fifty years from the end of the calendar year in which the principal events depicted in the film occurred.
- (9) For the purposes of this Act a cinematograph film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a cinematograph film shall be construed accordingly:

Provided that where those sounds are also embodied in a record, other than such a sound-track or a record derived (directly or indirectly) from such a sound-track, the copyright in the film is not infringed by any use made of that record.

- (10) In this Act—

“cinematograph film ” means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material,—

- (a) of being shown as a moving picture, or
- (b) of being recorded on other material (whether translucent or not), by the use of which it can be so shown;

“the maker ”, in relation to a cinematograph film, means the person by whom the arrangements necessary for the making of the film are undertaken ;

“publication ”, in relation to a cinematograph film, means the sale, letting on hire, or offer for sale or hire, of copies of the film to the public ;

“copy ”, in relation to a cinematograph film, means any print, negative, tape or other article on which the film or part of it is recorded,

and references in this Act to a sound-track associated with a cinematograph film are references to any record of sounds which is incorporated in any print, negative, tape or other article on which the film or part of it, in so far as it consists of visual images, is recorded, or which is issued by the maker of the film for use in conjunction with such an article.

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- (11) References in this section to Part III of the Cinematograph Films Act, 1938, shall be construed as including references to any enactments for the time being in force amending or substituted for the provisions of the said Part III.