

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**

Cyprus

The present document reproduces¹ the Copyright Law (No. 59/76), as amended, as notified by Cyprus under Article 63.2 of the Agreement (see document IP/N/1/CYP/1).

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

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

Chypre

Le présent document contient le texte de la Loi n° 59/76 sur le droit d'auteur, telle qu'elle a été modifiée¹, notifiée par Chypre au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/CYP/1).

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

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

Chipre

En el presente documento se reproduce¹ la Ley de Derecho de Autor (N° 59/76), con sus modificaciones, notificada por Chipre en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/CYP/1).

¹English only/anglais seulement/en inglés solamente.

unofficial translation

COPYRIGHT LAW

A LAW TO CONSOLIDATE AND AMEND THE LAW
ON COPYRIGHT AND MATTERS CONNECTED THEREWITH
(No. 59/76, 63/77, 18(1)/93)

The House of Representatives enacts as follows:

Short Title.

1. This Law may be cited as the Copyright Law.

Interpretation.

2.-(1) In this Law, unless the context otherwise requires -

"adaptation" includes any of the following -

(a) in relation to literary work -

(i) in the case of a non-dramatic work, a version of the work (whether in its original language or a different language in which it is converted into a dramatic work;

(ii) in the case of a dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a non-dramatic work;

(iii) translation of the work and in relation to programmes for electronic computers, the translation includes the form of the programme into which it is converted from or into the language of the electronic computer or code, other than that which is coincidental to the running of the programme;

(iv) a version of the work in which the story and action are conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, newspaper, magazine or similar periodical; and

(b) in relation to a musical work, an arrangement or transcription of the work;

"artistic work" means, irrespective of artistic quality, any of the following, or works similar thereto -

(a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints;

(b) maps, plans and diagrams;

(c) works of sculpture,

(d) photographs not comprised in a cinematograph film;

(e) works of architecture in the form of buildings or models;

(f) works of artistic craftsmanship not falling within any of the preceding paragraphs and subject to the provision of subsection (3) of section 3, includes pictorial woven tissues and articles of applied handicraft and industrial art;

2(e)18(1)/93

2(b)18(1)/93

"author" in the case of a cinematograph film or sound recording, means the person by whom the arrangements for the making of the film or sound recording were undertaken, or in the case of a broadcast transmitted from within a country, means the person by whom the arrangements for the making of the transmission from within that country were undertaken, or in the case of a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken, and in any other case it includes the author, composer, painter, sketcher, sculptor, turner, engraver and electronic computer programmer;"

2(c)18(1)/93

"broadcast" means a sound or visual broadcast by wireless telegraphy or wire or both and includes rebroadcast as well as any method of receiving or transmitting by satellite or through cable system, for any use;

Cap. 307

"broadcasting authority" means the Cyprus Broadcasting Corporation and any other person authorised under the Wireless Telegraphy Law to operate a broadcast transmitting station on the territory of the Republic;

"building" includes any structure;

2(d)18(1)/93

"cinematograph film" means the recording by any mean from which moving images may be reproduced by any mean;

"communication to the public" includes, in addition to any live performance or delivery, every mode of visual or acoustic presentation, including a presentation by means of apparatus for receiving broadcasts, but does not include a broadcast, and "communicate to the public" shall be construed accordingly;

2(a)18(1)/93

"copy" means that which may be reproduced directly or indirectly in written form, sound recording, cinematograph film, recording by electronic or other mean or in any other material form, so however that an object shall not be taken to be a copy of an architectural work unless the object is a building or model";

"copyright" means copyright provided for under this Law;

"electronic form" means a form which uses electronic means;

2(g)18(1)/93

"electronic mean" means a mean which is actuated by electric, magnetic, electromagnetic, electrochemical or electromechanical energy;

"licence" means a lawfully granted licence permitting the performance of an act controlled by copyright;

"literary work" means, irrespective of literary quality, any of the following, or works similar thereto:

- (a) novels, stories and poetical works;
- (b) plays, stage directions, film scenarios and broadcasting scripts;
- (c) textbooks, treatises, historical works, biographies, essays and articles;

- (d) encyclopaedias and dictionaries;
(e) letters, reports and memoranda;
(f) lectures, addresses and sermons not including speeches delivered from a pulpit and addresses delivered in the House of Representatives and Courts;
(g) table or compilation;
(h) electronic computer programme.
- 2(f)18(1)/93
- 69(1)/94 "Minister" means the Minister of Commerce, Industry and Tourism according to the Renaming of the Ministry of Commerce and Industry Law 1994.
- "musical work" means any musical work, irrespective of musical quality;
- "photograph" means the product of photography or of any other process akin to photography other than a part of a cinematographic film;
- 2(g)18(1)/93
- "plate" means any article of apparatus capable of making copies or adaptations of any work;
- "rebroadcast" means a simultaneous or subsequent broadcast by one broadcasting authority of the broadcast of another broadcasting authority, whether situated in the Republic or abroad, and includes diffusion of such broadcast over wires, and "rebroadcasting" shall be constructed accordingly;
- "reproduction" means the making of one or more copies of a scientific, literary, musical or artistic work, cinematograph film or sound recording;
- "Republic" means the Republic of Cyprus;
- "scientific work" includes any work of a scientific nature irrespective of the scientific quality thereof;
- "sound recording" means the first and constant fixation of a sequence of sound capable of being perceived aurally and of being reproduced, but does not include a soundtrack associated with a cinematograph film;
- Cap. 305 "telegraph" has the meaning assigned to it by section 2 of the Telegraphs Law;
- Cap. 307 "wireless telegraphy" has the meaning assigned to it by subsection (1) of section 2 of the Wireless Telegraphy Law;
- "work" includes translations, adaptations, new versions or arrangements of pre-existing works, and anthologies, collections or works which, by reason of the selection and arrangement of their content, present an original character;
- "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of each author is not separable from the contribution of the other author or authors;

"written" includes any form or code whether by hand or otherwise irrespective of the method or mean with which or on which, it has been recorded and/or entered.

(2) For the purposes of this Law the following provisions shall apply with respect to publication -

- (a) a work shall be deemed to have been published if a copy or copies thereof have been made available with the consent of the author thereof in a manner sufficient to satisfy the reasonable requirements of the public;
- (b) where in the first instance a part only of a work is published, that part shall be treated for the purposes of this Law as a separate work;
- (c) a publication in any country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere, if the two publications took place within a period of not more than thirty days.

Works in
which
copyright
shall
subsist.

3.-(1) Subject to the provisions of this section, copyright shall subsist in the following works -

- (a) scientific works;
- (b) literary works;
- (c) musical works;
- (d) artistic works;
- (e) cinematograph films;
- (f) photographs;
- (g) sound recordings;
- (h) broadcasts;

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(2) No copyright shall subsist in a literary, musical or artistic work unless it is of an original character, and has been reduced to writing, audio recorded in any way by electronic or other means or has not otherwise been reduced to some material form.

(3) No copyright shall subsist in a scientific or artistic work if at the time when the work is made it is intended by the author to be used as a model or pattern to be multiplied by any industrial process.

(4) A work shall not be ineligible for copyright by reason only that the making of the work, or the doing of any act in relation to the work, involves an infringement of copyright in some other work.

Copyright
by virtue
of citizen-
ship or
the residence.

4.-(1) Copyright shall be conferred under this section every work eligible for copyright, of which the author or, in the case of a work of joint authorship, any of the authors thereof is, at the time when the work is made or, in the case of a broadcast, at the time when broadcast takes place, a qualified person, that is to say -

- (a) an individual who is a citizen of the Republic, or has his habitual residence in the Republic; or
- (b) a body corporate incorporated and vested with legal personality under the laws of the Republic.

(2) The duration of copyright subsisting by virtue of this section shall be calculated in accordance with the following schedule -

Type of Work	Date of Expiration of Copyright
(i) Scientific, literary, musical or artistic works other than photographs.	Fifty years beginning from the end of the year in which the author dies.
(ii) Cinematograph films and photographs.	Fifty years beginning from the end of the year in which the work was first published.
(iii) Sound recordings.	Fifty years beginning from the end of the year in which the recording was made.
(iv) Broadcasts.	Fifty years beginning from the end of the year in which the broadcast took place.

(3) In the case of anonymous or pseudonymous scientific, literary, musical or artistic works the copyright therein shall expire fifty years beginning from the end of the year in which the work was first published, but in any case not later than the end of the year in which it is reasonable to presume that the author has been dead for fifty years:

Provided that in the event of the identity of the author becoming known the duration of copyright shall be calculated in accordance with the provisions of section 4(2)(i).

(4) In the case of a work of joint authorship, reference in the schedule in subsection (2) to the death of the author shall be taken to refer to the author who dies last, whether or not he is a qualified person.

5.-(1) Copyright shall subsist under this section in every work, other than a broadcast, which is eligible for copyright and which -

Copyright by
reference to
country of
origin.

5(a)18(1)/93

(a) is a scientific, literary, musical or artistic work or a cinematograph film having been published or is an audio recording having first been published in the Republic;

(b) is a work of architecture having been erected in the Republic or is another artistic work having been incorporated in a building located in the Republic; and

5(b)18(1)/93

(c) is a sound recording or cinematograph film, having been made in the Republic and which has not been the subject of copyright subsisting by virtue of section 4.

(2) Copyright subsisting in a work by virtue of this section shall have the same duration as provided for in section 4 in relation to the same type of work.

Copyright
in works of
Government
and interna-
tional bodies.

6.-(1) Copyright shall subsist by virtue of this section in every work which is eligible for copyright under this Law and which is made by or under the direction or control of the Government and of such international bodies or other government organisations as may be prescribed and which has not been the subject of copyright conferred by section 4 or 5.

(2) Copyright subsisting by this section in a scientific, literary, musical or artistic work, other than a photograph, shall expire fifty years after the end of the year in which it was first published.

(3) Copyright subsisting by this section in a cinematograph film, photograph, sound recording or broadcast shall have the same duration as provided for by section 4 in relation to the same type of work.

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Nature of
copyright in literary,
musical or artistic
works and cinematograph
films.

7.-(1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, the lending of the advertisement, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof:

Provided that copyright in any such work shall not include the right to control -

- (a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast;
- (b) the inclusion in a cinematograph film or broadcast of any artistic work situated in a place where it may be viewed by the public;
- (c) the reproduction and distribution of copies of any artistic work permanently situated in a place where it may be viewed by the public;
- (d) the incidental inclusion of an artistic work in a cinematograph film or broadcast;
- (e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is

compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used;

- (f) The quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used;
- (g) the reproduction by the press and the inclusion in a broadcast or a communication to the public of articles published in newspapers or magazines on current economic, political or religious topics, if such reproduction or inclusion has not been expressly reserved and provided that the source is clearly indicated;
- (h) the making of a sound recording of a literary or musical work, as well as the reproduction of such sound recording by the maker or under licence granted by him, provided that the copies thereof are intended for retail sale in the Republic and that such work has already been previously recorded, whether in the Republic or abroad, under licence from the owner of the relevant part of the copyright, subject to such conditions and on payment of such reasonable compensation as the Minister may prescribe;
- (i) the reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;
- (j) any use made of a work by such public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived there from and no admission fee is charged for the communication, if any, to the public of the work thus used;
- (κ) the reproduction of a work by or under the direction or control of a broadcasting authority where such reproduction or any copies thereof are intended exclusively for a lawful broadcast and are destroyed before the end of the period of six calendar months following immediately after making of the reproduction or such longer periods as may be agreed between the broadcasting authority and the owner of the relevant part of the copyright in the work:

Provided that any reproduction of a work made under this paragraph may, if it constitutes an exceptional portrayal or recording of objective facts, (documentary) be preserved in the archives of the broadcasting authority, which are hereby designated official archives for the purpose, but nevertheless subject to the provisions of this Law, shall not be used for broadcasting or for any other purposes without the consent of the owner of the relevant part of the copyright in the work;

- (l) the broadcasting of a published work with which no licensing body referred to under section 15 is concerned, subject to the condition that, saving the provisions of this section, the owner of the broadcasting right in the work receives a fair compensation determined, in the absence of agreement, by the competent authority appointed under section 15;
- (m) any use of a work for the purpose of a judicial proceeding or of any report of any such proceeding;
- (n) the reproduction by the press, the broadcasting and the communication to the public of lectures, addresses and other works of the same nature which are delivered in public, if such use is justified by its informatory purpose.

(a),(e),(f),(g),(i),(m)

(2) The use of a work under the provisions of paragraphs and (n), of the proviso to sub-section (1) includes the use thereof in any of the languages in general use in the Republic.

(3) Copyright in a work of architecture shall also include the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original:

Provided that the copyright in any such work shall not include the right to control the reconstruction in the same style as the original, of a building to which that copyright relates.

(4) Copyright in a scientific, literary, musical or artistic work, in a cinematograph film or photograph includes the right of the author, during his lifetime, to claim authorship of the work and to object to any distortion, mutilation or other alteration thereof which would be prejudicial to his honour or reputation:

Provided that an author who authorizes the use of his work in a cinematograph film or a television broadcast may not oppose modifications which are absolutely required on technical grounds or for the purpose of commercial exploitation of the work.

Broadcasting
of works
incorporated in a
cinematograph
film.

8. Where the owner of the copyright in any literary or artistic work authorizes a person or body corporate to include the work in a cinematograph film, such authorization shall, in the absence of express agreement to the contrary, be deemed to imply authority to communicate the film to the public and to broadcast it. This section shall not apply to musical works included in a cinematograph film.

Nature of
copyright
in sound
recording.

9. Copyright in a sound recording shall be the exclusive right to control in the Republic the direct or indirect reproduction of the whole or a substantial part of the recording either in its original form or any adaptation or in any form recognizably derived from the original:

Provided that the provisions of paragraphs (a),(e),(j),(k) and (m) of the

proviso to subsection (1) of section 7 shall apply to the copyright in a sound recording in like manner as they apply to copyright in a literary, musical or artistic work or in a cinematograph film.

Nature of
copyright
in broadcasts.

10. Copyright in a broadcast shall be the exclusive right to control the doing in the Republic of any of the following acts, namely, the recording and rebroadcasting of the whole or a substantial part of the broadcast and the communication to the public, in places where an admission fee is charged, of the whole or a substantial part of a television broadcast, either in its original form or any adaptation of in any form recognizably derived from the original:

Provided that -

- (a) the provisions of paragraphs (a), (e), (j) and (m) of the proviso to subsection (1) of section 7 shall apply to the copyright in a broadcast in like manner as they apply to copyright in a literary, musical or artistic work or a cinematograph film;
- (b) the copyright in a television broadcast shall include the right to control the taking of still photographs from such broadcasts.

First owner
of copy-
right to
be the author.

11.-(1) Copyright subsisting by virtue of this Law shall vest initially in the author:

Provided that, notwithstanding the provisions of subsection (5) of section 12, where the doing of a work -

- (a) is commissioned by a person or body corporate who is not the author's employer under a contract of service or apprenticeship, or
- (b) not having been so commissioned, is made in the course of the author's employment as part of his duties under his contract of employment,

the copyright shall be deemed to be transferred to the person or body corporate who commissioned the work or to the author's employer, subject to any agreement between the parties excluding or limiting such transfer.

(2) The name on a work purporting to be the name of its author shall be deemed as such, unless the contrary is proved.

(3) In the case of an anonymous or pseudonymous work, the publisher whose name is indicated on the work as such shall be deemed to be, unless the contrary is proved, the lawful representative of the anonymous or pseudonymous author and shall be entitled to exercise and protect the rights belonging to the author under this Law.

(4) In the case of an unpublished work where the identity of the author is unknown, but where there are reasons supporting the view that he is a citizen of the Republic the copyright subsisting by virtue of this Law shall be deemed to vest in the Minister of Education and Culture according to the Renaming of the Ministry of Education Law 1993.

Assignments and
licences in
respect of copyright.

(5) The provisions of subsections (3) and (4) shall cease to apply as soon as the identity of the author becomes known.

12.-(1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as movable property.

(2) An assignment or testamentary disposition of copyright may be limited so as to apply to some only of the acts which the owner of the copyright has the exclusive right to control, or to part only of the period for which the copyright is to subsist or to a specified country or other geographical area.

(3) No assignment of copyright and no exclusive licence to do an act the doing of which is controlled by copyright shall have effect unless it is or is granted in writing.

(4) A non-exclusive licence to do an act the doing of which is controlled by copyright may be written or oral, or may be inferred from conduct.

(5) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work, or an existing work in which copyright does not yet subsist, and the prospective copyright in any such work shall be transmissible by operation of law as movable property.

(6) A testamentary disposition of the material on which a work is first written or otherwise recorded shall, unless the will has provided otherwise, be deemed to include any copyright or prospective copyright in the work which is vested in the deceased.

Infringements.

13.-(1) Copyright shall be infringed by any person who does, or causes or permits any other person to do, without the licence of the owner thereof, an act the doing of which is controlled by copyright.

7(a) of 18(1)/93

(2) Copyright shall also be infringed by any person who, without the licence of the owner of the copyright, imports into the Republic or exports from the Republic, otherwise than for his private and domestic use, or distributes therein by way of trade or sells or rents or lends or communicates to the public or exhibits in public or in any way advertises, any article in respect of which copyright is infringed under subsection (1).

(3) In an action for infringement of copyright -

(a) copyright shall be presumed to subsist in the work, unless the defendant puts the question in issue;

(b) where the subsistence of copyright is not in issue, the plaintiff is presumed to be the owner of the right claimed, unless the defendant puts his ownership in issue;

(c) the work in question shall be presumed to be original, and, in the case of a publication, the date and place alleged by the plaintiff shall be

presumed to be correct, unless, in either case, the contrary is proved.

7(b) of 18(1)/93

(4) Subject to the provisions of this Law, infringements of copyright shall be actionable at the suit of the owner of the copyright, and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other rights including the right of delivery up to the owner of copyright, who is deemed to be their owner, of all the copies which appear to the Court to be infringing copies of the copyright in the work.

(5) Where in an action for infringement of copyright it is proved or admitted -

- (a) that an infringement was committed, but
- (b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work to which the action relates,

the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

(6) Where in an action under this section an infringement of copyright is proved or admitted, and the Court, having regard (in addition to all other material considerations) to -

- (a) the flagrancy of the infringement; and
- (b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the Court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the Court may consider appropriate in the circumstances.

(7) No injunction shall be issued in proceedings for infringement of copyright which requires a completed or partly built building to be demolished or prevents the completion of partly built building.

(8) In this section -

"action" includes a counterclaim, and references to the plaintiff and to the defendant in an action shall be constructed accordingly;

"Court" means a Court of competent jurisdiction;

"owner of copyright" means the first owner, an assignee or an exclusive licensee, as the case may be, of the relevant portion of the

copyright.

14.-(1) If any person knowingly -

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Penalties and
summary proceedings
in respect of dealings
which infringe copyright.

- (a) Makes for sale or hire any infringing copy in which copyright subsists or
- (b) sells or lets for hire or advertises the sale or hire, or by way of trade exposes or offers for sale or hire any such copy or
- (c) obtains possession or distributes such copies 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 such copy or
- (e) exports from and/or imports into the Republic for sale or hire any such copy

shall commit an offence and shall, on his conviction, be liable to a fine not exceeding one thousand five hundred pounds (£1,500.-) or to imprisonment for a term not exceeding two (2) years or to both such penalties and in the case of a second or any subsequent conviction he shall be liable to a fine not exceeding two thousand (2000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.

(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 shall commit an offence and shall, on his conviction, be liable to a fine not exceeding one thousand five hundred (1500) pounds or to imprisonment for a term not exceeding two (2) years or to both such penalties, and, in the case of a second or any subsequent conviction, he shall be liable to a fine not exceeding two thousand (2000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.

(3) Any person who knowingly causes or permits a scientific, literary, artistic or musical work to be performed in public thereby infringing a copyright which subsists in such work shall commit an offence and, shall on his conviction, be liable to a fine not exceeding one thousand five hundred (1500) pounds or to imprisonment for a term not exceeding two (2) years or to both such penalties, and, in the case of a second or any subsequent conviction, he shall be liable to a fine not exceeding two thousand (2000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.

(4) With regard to any procedure relating to criminal offences in contravention of the present law, within the meaning of the term "author", every person who reproduces with authorised representative of his, shall be included.

(5) The Court before which any such proceedings are taken may,

irrespective of 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 of the subsisting copyright to this work or to be plates for the purpose of making infringing copies, shall be destroyed or delivered up to the owner of the copyright or otherwise be dealt with as the Court may think fit.

(6) For the purposes of this section "Court" means the President of the District Court or Senior District Judge or District Judge who, notwithstanding the provisions of any other law, has with the present law territorial jurisdiction to try any offence under this section and impose the penalties prescribed thereunder.

14A-(1) The circulation, sale, rental, distribution of any audio recording, cinematograph film or electronic computer programme will only be allowed as long as it carries affixed by the author or his authorized representative on a visible place, a special sticker which will be made available in the manner that the Minister will determine and the affixing of this sticker by the author or his authorized representative certifies that the making available for trade, or the circulation in any way of the audio recording, cinematograph film, or electronic computer programme does not constitute an infringement of the copyright of the author.

(2) Anyone who knowingly, acts in breach of this section, shall commit an offence and in case of his conviction shall be liable to a fine not exceeding one thousand five hundred (1500) pounds) for every copy or to imprisonment for a term not exceeding two (2) years or both such penalties and in case of a second or subsequent conviction to a fine which shall not exceed two thousand (2000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.

Appointment of
competent
authority and
duties of such
authority.

15.-(1) In any case where it appears to the competent authority that a licensing body -

- (a) is unreasonably refusing to grant licenses in respect of copyright, or
- (b) is imposing unreasonable terms or conditions on the granting of such licences,

the competent authority may direct that, as respects the doing of any act relating to a work with which the licensing body is concerned, a licence shall be deemed to have been granted by the licensing body at the time the act is done, provided the appropriate fees fixed by such competent authority are paid or tendered before the expiration of such period or periods as the competent authority may determine and such other reasonable terms and conditions as may be prescribed by the competent authority are fulfilled.

(2) In this section -

"competent authority" means the authority consisting of not more than

five persons appointed by the Minister from amongst persons having experience in and knowledge of matters of copyright, at least three of which are not members of the public service, for the purpose of exercising jurisdiction under the provisions of this Law whenever any matter requires to be determined by such authority;

"licensing body" means a society, firm or other organization which has as its main object, or one of its main objects, the negotiation or granting of licences in respect of copyright works, and includes an individual carrying on the same activity.

(3) No person may be appointed under the provisions of this section, nor any person so appointed act, as a competent authority, if he, his partner, his employer or any body (whether statutory or not) of which he is a member has any pecuniary interest in any matter which requires to be determined by such authority.

(4) The Minister may make regulations, published in the official Gazette of the Republic, governing the proceedings before the competent authority and, without prejudice to the generality of the foregoing may make Regulations -

- (a) prescribing the manner in which any matter may be referred to the competent authority;
- (b) prescribing the procedure to be adopted by the competent authority in dealing with any matter referred to it under this Law and the records to be kept by the competent authority;
- (c) prescribing the manner in which the competent authority shall be convened and the place where the competent authority shall hold its sittings;
- (d) prescribing the scale of fees and charges; and
- (e) relating generally to the better carrying out of the functions entrusted to the competent authority by this Law.

Regulations
2a of 63/77

16.-(1) The Council of Ministers may make Regulations, published in the 2a official Gazette of the Republic, for the better carrying out of the provisions of this Law, and for prescribing anything which is required or may be prescribed under this Law.

2(b) of 63/77

(2) Without prejudice to the generality of sub-section (1) Regulations made by the Council of Ministers under this section may provide for an extension of the provisions of this Law in respect of some or all of the works referred to in sub-section (1) of section 3 by -

- (a) individuals who are citizens or have their habitual residence in;
- (b) bodies corporate incorporated in or according to the law in force in;

- (c) works, other than sound recordings or broadcasts first published in;
- (d) works of architecture erected in, or other artistic works incorporated in a building in;
- (e) sound recordings made in,

a country which is a party to a convention to which the Republic is also a party and in which there is provision for the protection of copyright in works protected by this Law.

Laying of
Regulations
before the
House of
Representatives

99 of 1989
227 of 1990
27(1) of 1992

17. Regulations made under this Law shall be laid before the House of Representatives. If within sixty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, soon after the expiry of the period hereinafter mentioned, be published in the official Gazette of the Republic and they shall come into force as from such publication. In the event of their amendment, in whole or in part, by the House of Representatives, such Regulations shall be published in the official Gazette of the Republic as amended by the House of Representatives and they shall come into force as from such publication in accordance with the Laws which provide for the laying before the House of Representatives of Regulations which are published under Authorization of Law, Laws of 1989 to 1992.

Extent of
application of
the Law.

18. This Law shall apply in relation to works made before the commencement thereof in the same manner as it applies in relation to works made subsequently. This Law shall apply also to works which should be eligible for protection by virtue of international treaties or international conventions binding the Republic.

Abrogation
of common
Law rights.

19. No copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Law or of some other enactment in that behalf.

Existing
of Contracts.

20. Any contract entered into under other Law and being valid on the date the commencement of this Law shall be governed until the termination or expiry thereof by the Law which was in force on the date when it was entered into.

Repeal.
Cap. 264
1 - 2
George
Sc. 46

21. The Copyright Law is hereby repealed and the provisions of the United Kingdom Copyright Act, 1911, which are in force thereunder shall cease to have effect.
