

1905.

## THE SENATE.

## COPYRIGHT BILL.

MEMORANDUM OF REFERENCES TO SIMILAR PROVISIONS IN  
ACTS AND BILLS.*(Circulated by Senator Keating.)*

## IN THE SUBJOINED REFERENCES—

- (1) "Copyright Bill" means the print of 1900 of Copyright Bill (House of Commons, No. 295, Vol. I., 1900) to amend and consolidate the Law relating to Literary Copyright; and
- (2) "Copyright (Artistic) Bill" means the print of 1900 Copyright (Artistic) Bill (House of Lords, Bill 192, Vol. IV., 1900) to amend and consolidate the Law relating to Artistic Copyright.

Clauses in the above two Bills are referred to as sections.

Clause 5. Copyright Bill, definition "simultaneously."

Clause 6. Copyright Bill, ss. 4 (4), 5 (5), 6 (7).

Clause 7. Application of Common Law.

Clause 8. Cf. s. 8, *Patents Act* 1903.

Clauses 9, 10, 11, 12. Cf. Part II., *Patents Act* 1903.

Clause 13. Copyright Bill, s. 3 and s. 4 (1).

Clause 14. Copyright Bill, s. 5 (1), (2).

Clause 15. Copyright Bill, s. 6 (1), (2).

Clause 16. Copyright Bill, ss. 4 (3), 5 (4), 6 (4).

Clause 17. Copyright Bill, ss. 4 (3), 5 (3), 6 (4), 6 (6), 7 (2), 8.

TERMS OF LITERARY COPYRIGHT AND PERFORMING RIGHT IN THE UNITED  
KINGDOM AND THE AUSTRALIAN STATES AND CANADA.

U.K., 5 and 6 Vict., ch. 45, s. 3.—Life of author and seven years or 42 years, whichever longer.

N.S.W., 42 Vict. No. 20, ss. 3, 18.—Life of author and seven years or 42 years, whichever longer.

Vict. No. 1076, ss. 15, 30.—Life of author and seven years or 42 years, whichever longer.

Qld., Acts of U.K. apply.—Life of author and seven years or 42 years, whichever longer.

S.A. No. 95, 1878, ss. 13, 28.—Life of author and seven years or 42 years, whichever longer.

W.A. No. 24, 1895, ss. 5, 24.—Life of author and seven years or 42 years, whichever longer.

Tas.—Acts of U.K. apply.—Life of author and seven years or 42 years, whichever longer.

Canada, Revised Statutes, 1886, ch. 62, ss. 4, 17.—28 years, with conditional extension for additional fourteen years.

[C. 3]—150/12.9.1905.—F.3402.

- Clause 18. Copyright Bill, ss. 4 (2), 5 (3), 6 (3)—  
 Cf. U.K., 5 and 6 Vict., ch. 45, s. 3.  
 N.S.W., 42 Vict. No. 20, ss. 3, 18.  
 Vict., 1076, ss. 15, 30.  
 S.A., No. 95, 1878, ss. 13, 28.  
 W.A., 1895, No. 24, ss. 5 (1), 24.
- Clause 19. Copyright Bill, s. 8.
- Clause 20. Copyright Bill, s. 9.
- Clauses 21, 22. Copyright Bill, s. 10—  
 U.K., 5 and 6 Vict., ch. 45, s. 18.  
 N.S.W., 42 Vict., No. 20 s. 13.  
 Vict., 1076, s. 25.  
 S.A., No. 95, 1878, s. 23.  
 W.A., 1895, No. 24, s. 18.
- Clause 23. Copyright Bill, s. 40—  
 U.K., 5 and 6 Vict., ch. 45, s. 25.  
 U.K., 25 and 26 Vict., ch. 68, s. 3.  
 Similar provisions in State Acts.
- Clause 24. Cf. Copyright (Artistic) Bill, s. 5.
- Clause 25. Copyright Bill, s. 13—  
 U.K., 25 and 26 Vict., ch. 68, s. 3.  
 Similar provisions in State Acts.
- Clause 26. Copyright Bill, s. 11.
- Clause 27. Copyright Bill, s. 4 (5). Report of Copyright Commission, 1878, par. 74.
- Clause 28. Copyright Bill, s. 4 (6).
- Clause 29. Copyright Bill, s. 4 (7). Cf. Berne Convention, Art. V.
- Clause 30. Copyright Bill, s. 4 (8).
- Clause 31. Copyright Bill, s. 5 (6), (7). Cf. U.K., 45 and 46 Vict., ch. 40, ss. 2-3.
- Clause 32. Copyright Bill—  
 Cf. N.S.W., 42 Vict. No. 20, ss. 20, 21, 22, and 23.  
 Vict., 1076, ss. 32, 33, and 34.  
 S.A., 95, 1878, ss. 30, 31, 32, and 33.  
 W.A., 24, 1895, ss. 30, 31, 32, and 33.  
 Copyright Commission Report, 1878, par. 82 to 87.
- Clause 33. Protection of newspapers. Copyright Bill, s. 12.

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TERMS OF PROTECTION FOR NEWSPAPERS IN SOME OF THE STATES.

- S.A., Act No. 10, 1872, s. 1.—24 hours from time of publication, but not to exceed 36 hours after receipt.
- W.A., Act No. 24, 1895.—72 hours from time of publication.
- Tas., Act No. 49, 1891.—48 hours from time of publication.
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- Clause 34. Copyright (Artistic) Bill, s. 16, definition of "copyright."
- Clause 35. Compare clause 13 (2) of Bill.
- Clause 36. Copyright (Artistic) Bill, s. 3.

TERMS OF ARTISTIC COPYRIGHT IN UNITED KINGDOM, IN THE STATES OF THE  
COMMONWEALTH, AND CANADA.

*Paintings, Drawings, &c.*

U.K., 25 and 26 Vict., ch. 68.—Life of author and seven years.  
N.S.W., 42 Vict. No. 20, s. 25.—Fourteen years.  
Vict., 1076, s. 37.—Fourteen years.  
Qld.—Acts of U.K. apply.—Life of author and seven years.  
S.A., No. 95, 1878, s. 34.—Fourteen years.  
W.A., No. 24, 1895, s. 35.—Fourteen years.  
Tas.—Acts of U.K. apply.—Life of author and seven years.  
Canada, Act 1886, ch. 62, ss. 4 and 17.—28 years, with conditional extension for fourteen years.

*Sculpture.*

U.K., 54 Geo. III., ch. 56.—Fourteen years and an additional fourteen] years if original holder alive.

*Photographs.*

U.K., 25 and 26 Vict., ch. 68.—Life of author and seven years.  
N.S.W., 42 Vict. No. 20, s. 25.—Three years.  
Vict., 1076, s. 37.—Three years.  
Qld.—Acts of U.K. apply.—Life of author and seven years.  
S.A., No. 95, 1878, s. 34.—Three years.  
W.A., No. 24, 1895, s. 35.—Three years.  
Tas.—Acts of U.K. apply.—Life of author and seven years.  
Canada, Act 1886, ch. 62, ss. 4 and 17.—28 years, with conditional extension for fourteen years.

*Engravings and Prints.*

U.K., 7 Geo. III., ch. 38, s. 2.—28 years.  
N.S.W., 42 Vict. No. 20, s. 25.—Fourteen years.  
Vict., 1076, s. 37.—Fourteen years.  
Qld. and Tas.—Acts of U.K. apply.—28 years.  
S.A., No. 95, 1878.—Fourteen years.  
W.A., No. 24, 1895, s. 35.—Fourteen years.  
Canada, Act 1886, ch. 62, ss. 4 and 17.—28 years, with conditional extension for fourteen years.

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- Clause 37. Cf. clause 18 of Bill.  
Clause 38. Copyright (Artistic) Bill, s. 4.  
Clause 39. Cf. Copyright (Artistic) Bill, s. 18.  
Clause 40. Cf. Copyright (Artistic) Bill, s. 17.  
Clause 41. Copyright (Artistic) Bill, s. 7.  
Clause 42. Cf. clause 23 of Bill.  
Clause 43. Cf. clause 24 of Bill.  
Clause 44. Cf. clause 25 of Bill.  
Clause 45. Copyright Bill, ss. 14, 8.  
Clause 46. Copyright Bill, s. 15.  
Clause 47. Copyright Bill, s. 16—  
Cf. U.K., 5 and 6 Vict., ch. 45, s. 16.  
Similar provisions in State Copyright Acts.

- Clause 48. Copyright Bill, s. 17—  
 U.K., 5 and 6 Vict., ch. 45, s. 26.  
 Similar provisions in State Copyright Acts.
- Clause 49. Copyright Bill, s. 18—  
 U.K., 5 and 6 Vict., ch. 45, s. 23.  
 N.S.W., 42 Vict., No. 20, s. 16.  
 Vict., No. 1076, s. 28.  
 S.A., 95, 1878, s. 26.  
 W.A., 24, 1895, s. 17.
- Clause 50. Copyright Bill, s. 24—  
 Copyright (Artistic) Bill, s. 9.  
 U.K., 5 and 6 Vict., ch. 45, s. 15.  
 N.S.W., 42 Vict., No. 20, s. 10.  
 Vict., 1076, s. 22.  
 S.A., 95, 1878, s. 20.  
 W.A., 24, 1895, s. 15.
- Clause 51. Copyright Bill, s. 25—  
 Cf. U.K., 51 and 52 Vict., ch. 17, s. 3.
- Clause 52. Copyright Bill, s. 26—  
 Cf. U.K., 2 Edw. VII., ch. 15, ss. 1, 2.
- Clause 53. Cf. U.K., s. 23 of 5 and 6 Vict., ch. 45—  
 N.S.W., 42 Vict. No. 2, s. 16.  
 Vict., No. 1076, s. 28.  
 S.A., 95, 1878, s. 26.  
 W.A., 24, 1895, s. 17 (2).
- Clause 54. Forbidding infringement.
- Clause 55. Seizing of pirated copies. Cf. Copyright Bill, s. 27—  
 U.K., 2 Edw. VII., ch. 15, ss. 1 and 2.
- Clause 56. Copyright Bill, s. 30—  
 N.S.W., 42 Vict. No. 20, ss. 10, 31.  
 Vict., No. 1076, ss. 22, 43.  
 S.A., 95, 1878, ss. 20, 40.  
 W.A., 24, 1895, ss. 15, 41.
- Clause 57. Copyright Bill, s. 28.
- Clause 58. S.A., 95, 1878, s. 48.
- Clause 59. Copyright Bill, s. 19—  
 Cf. ss. 52 and 57, Customs Act, No. 6, 1901.  
 U.K., 39 and 40 Vict., ch. 36, ss. 42-45.  
 N.S.W., 42 Vict. No. 20, s. 12.  
 Vict., No. 1076, s. 24.  
 S.A., 95, 1878, s. 22.  
 W.A., 24, 1895, s. 16.
- Clauses 60, 61. Provisions relating to International Copyright.
- Clause 62. N.S.W., 42 Vict., No. 20, s. 55—  
 Vict., No. 1076, s. 57.  
 S.A., 95, 1878, s. 56.
- Clauses 63, 64, 65, 66, 67. Registration provisions.
- Clause 68. N.S.W., 42 Vict. No. 20, s. 53—  
 Vict., No. 1076, s. 54.  
 S.A., 95, 1878, s. 55.  
 W.A., 24, 1895, s. 57.
- Clauses 69, 70. Registration provisions.

- Clauses 71, 72. U.K., 5 and 6 Vict., ch. 45, s. 14—  
 N.S.W., 42 Vict. No. 20, s. 50.  
 Vict., 1076, s. 51.  
 S.A., 95, 1878, s. 52.  
 W.A., 24, 1895, s. 47.
- Clause 73. U.K., 5 and 6 Vict., ch. 45, s. 24—  
 N.S.W., 42 Vict. No. 20, s. 17.  
 Vict., No. 1076, s. 29.  
 S.A., 95, 1878, s. 27.  
 W.A., 24, 1895, s. 13.
- Clause 74. U.K., 5 and 6 Vict., ch. 45, s. 6—  
 N.S.W., 42 Vict. No. 20, s. 5.  
 Vict., 1076, s. 17.  
 S.A., 95, 1878, s. 15.  
 W.A., 24, 1895, s. 7.
- Clause 75. Cf., *Patents Act* 1903, s. 12—  
 N.S.W., 42 Vict. No. 20, s. 46.  
 Vict., 1076, s. 47.  
 S.A., 95, 1878, s. 44.  
 W.A., 24, 1895, s. 50.
- Clause 76. U.K., 5 and 6 Vict., ch. 45, s. 5—  
 N.S.W., 42 Vict. No. 20, s. 4.  
 Vict., 1076, s. 16.  
 S.A., 95, 1878, s. 14.  
 W.A., 24, 1895, s. 6.
- Clause 77. Power to award costs.
- Clause 78. Regulations.