

1906.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 17 August, 1906.*(Brought in by the Prime Minister, the Honorable Alfred Deakin.)*

A BILL

FOR

AN ACT

To amend the *Copyright Act 1905*.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Copyright Act 1906*, and this Act and the *Copyright Act 1905* shall be read together, and may together be cited as the Copyright Acts 1905, 1906.

Short title and
incorporation.

2. After section thirty-one of the *Copyright Act 1905* the following section is inserted:—

“31A. (1) The owner of the copyright in a book shall cause notice of the copyright therein to be printed on the title page (if any) or any conspicuous part of each copy published by inserting the words ‘Copyright in Australia’ (*followed by the name of the owner of the copyright and the year in which the book was first published in Australia*).

Notice of
existence of
copyright
in books.
Cf U.S.A. 1874,
c. 301.

(2) Where—

(a) proceedings are taken for the infringement of the copyright in a book, and

(b) the defendant proves to the satisfaction of the Court that he has in his possession a copy of the book and that that copy was published with the consent of the owner of the copyright and does not contain the notice required by this Act of the copyright therein

judgment may be given in favour of the defendant either with or without costs as the Court in its discretion thinks fit.”

[C. 24]—760/17.8.1906.—F. 6799.

3. After section forty-one of the *Copyright Act 1905* the following section is inserted :—

Notice of
copyright in
artistic works.

“41A. (1) The owner of the copyright in an artistic work shall cause notice of the copyright therein to be printed or inscribed upon each copy of the artistic work by printing or inscribing upon the work and each copy the words ‘Copyright in Australia’ (followed by the name of the owner of the copyright and the year in which the work was made). 5

(2) Where—

(a) Proceedings are taken for the infringement of the copyright in an artistic work, and 10

(b) the defendant proves to the satisfaction of the Court that he has in his possession the original work or a copy of it and that the work or copy was published with the consent of the owner of the copyright, and does not contain the notice required by this Act of the copyright therein 15

judgment may be given in favour of the defendant either with or without costs as the Court in its discretion thinks fit.”

4. After section seventy-seven of the *Copyright Act 1905* the following section is inserted :— 20

Reciprocal
provisions for
protection of
copyright, &c.,
within the
Empire.

“77A. (1) Where it is made appear to the Governor-General that any part of the British Dominions has made satisfactory provision for the protection in that part of the copyright in books, the performing right in musical or dramatic works, or the copyright in artistic works, first published performed or made in Australia, the Governor-General may, by order, declare that all or any of the provisions of this Act shall, subject to such modifications and conditions as he sees fit to direct, apply to the copyright in books, the performing right in musical or dramatic works, or the copyright in artistic works, first published or performed or made in that part of the British Dominions : 25 30

Provided that the period of protection in Australia shall not exceed the period of protection in that part of the British Dominions or the period of protection under this Act. 35

(2) Every order under this section shall have effect as if enacted in this Act.”

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(Amendments to be proposed in Committee by the Attorney-General.)

- Clause 1, page 1, lines 5, 6, omit "may together be cited as the Copyright Acts 1905, 1906," insert "the Copyright Act 1905, as amended by this Act may be cited as the Copyright Act 1905-1906."
- Clause 2, page 1, line 11, after "published" insert "in Australia."
- " " line 20, after "published" insert "in Australia."
- Clause 3, page 2, line 5, after "artistic work" insert "published in Australia."
- " " lines 5-6, omit "the work and."
- " " line 14, after "published" insert "in Australia."

New Clause.

After clause 4 insert new clause :—

"5. After section thirty-three of the *Copyright Act* 1905 the following section is inserted :—

'33A.—(1.) Any person who alone or in conjunction with others, obtains specially by telegraph news of facts or events which have taken place beyond the limits of Australia, shall, as against all persons who have not obtained the news independently, be entitled, for the space of twenty-four hours immediately succeeding its first publication in Australia, to the exclusive right of publishing that news.

(2.) Any person who publishes any news protected by this section, without the consent of a person who is entitled to the exclusive right to publish it, shall be liable to a penalty not exceeding One pound for each copy of the newspaper or document in which he publishes the news, but not exceeding in the whole Fifty pounds.

(3.) For the purposes of this section a person shall be deemed to publish any news protected thereby if he publishes in any newspaper or document the whole or part of the news or the substance of the news.

(4.) Proceedings for the recovery of any penalty under this section may be instituted by or in the name of any person aggrieved in any court of summary jurisdiction or court of competent jurisdiction, and the penalty shall be paid to him.

(5.) An injunction or order restraining the repetition of any contravention of this section may also be awarded and granted by any court of competent jurisdiction.

(6.) If any person, who obtains news which under this section he has an exclusive right to publish, refuses without reasonable cause to supply the news to the proprietor of a newspaper, on fair and reasonable terms, for immediate publication,—

(a) he shall not be entitled to copyright in the news or in any letter-press embodying the news ; and

(b) no person shall be liable to a penalty under this section in relation to the publication of the news.

In case of difference, the question what terms are fair and reasonable may, on the application of either party, be determined summarily by a Justice of the High Court or of the Supreme Court of a State.’”