

CHAPTER 104

THE COPYRIGHT ACT

Arrangement of Sections

Section

1. Short title.
2. Penalties for dealing with infringing copies, &c.
3. Modification of section 14 of 1 & 2 Geo. 5, Ch. 46 in the application of that section to Antigua and Barbuda.

SCHEDULE.

COPYRIGHT

(30th April, 1919.)

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S.R.O. 2211956.
1811989.

1. This Act may be cited as the Copyright Act.
2. (1) If any person 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

Short title.

Penalties for dealing with infringing copies, &c.

(d) by way of trade exhibits in public any infringing copy of any such work; or

(e) imports for sale or hire into Antigua and Barbuda any infringing copy of any such work;

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding 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 with or without hard labour for a term not exceeding two months.

(2) If any person 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 owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding three thousand dollars, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding 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.

Modification of section 14 of 1 & 2 Geo. 5, Ch. 46 in the application of that section to Antigua and Barbuda. Schedule.

3. For the purpose of the application of section fourteen of the Copyright Act, 1911, of the United Kingdom to the importation into Antigua and Barbuda of works made out of Antigua and Barbuda 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.

SCHEDULE

S.3.

MODIFICATION OF SECTION 14 OF THE
COPYRIGHT ACT, 1911, OF THE UNITED KINGDOM
IN THE APPLICATION OF THAT SECTION TO
ANTIGUA AND BARBUDA.

14. (1) Copies made out of Antigua and Barbuda of any work in which copyright subsists which if made in Antigua and Barbuda would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Comptroller of Customs that he is desirous that such copies should not be imported into Antigua and Barbuda 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 Trade and Revenue Act, and the provisions of the said Act relative to goods liable to forfeiture which are not repugnant to the provisions or purpose of this Act shall apply accordingly.

**Importation of
copies.**

(2) Before any such copies are detained or any further proceedings with a view to the forfeiture thereof are taken under the aforesaid Trade and Revenue Act, the Comptroller of Customs 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 Cabinet 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 such detention and forfeiture, and may, by such 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 such 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 re-imbursing the Comptroller of Customs 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 Comptroller of Customs shall be deemed to have been given by the owner of the copyright to the Comptroller of Customs.
