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Copyright (Rome Convention) Act, 1933

Act 1 of 1933

Legislation as at 1 December 1998

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Copyright (Rome Convention) Act, 1933

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Copyright (Rome Convention) Act, 1933

Act 1 of 1933

Commenced on 16 March 1933

[This is the version of this document at 1 December 1998.]

An Act to implement the Rome Convention scheduled thereto.

1. Short title

This Act may be cited as the Copyright (Rome Convention) Act, 1933.

2. Application to foreign countries

This Act relates to the following foreign countries, that is to say: Austria, Belgium, Brazil, Bulgaria, Czecho-Slovakia, Free City of Dantzig, Denmark, with the Faroe Islands, Estonia, Finland, France with Algeria and Colonies, Germany, Greece, Hayti, Hungary, Italy, Japan with Korea, Formosa, Japanese Saghalien and Kwantung Leased Territory, Liechtenstein, Luxembourg, Monaco, Morocco (French Zone), Netherlands with the Netherlands East Indies, Surinam and Curacao, Norway, Poland, Portugal with Colonies, Roumania, Siam, Spain with Colonies, Sweden, Switzerland, Syria and Lebanon, Tunis and Yugo-Slavia (which are hereinafter referred to as the foreign countries of the Copyright Union).

3. Reciprocal application of Copyright Act, 1912, on conditions

The Copyright Act, 1912, shall apply:

- (a) to works first published in a foreign country of the Copyright Union, in like manner as if they were first published within the parts of the British Commonwealth to which the Copyright Act, 1911 of the United Kingdom extends;
- (b) to literary, dramatic, musical and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country of the Copyright Union, in like manner as if the authors were British subjects;
- (c) in respect of residence in a foreign country of the Copyright Union, in like manner as if such residence were residence in the parts of the British Commonwealth to which the said Copyright Act, 1911 of the United Kingdom extends:

Provided that—

- (i) the term of copyright within the parts of the British Commonwealth to which this Act applies shall not exceed that conferred by the law of the country of origin of the work;
- (ii) the enjoyment of the rights conferred by the Copyright Act, 1912, shall be subject to the accomplishment of the following conditions and formalities, that is to say:
 - (a) in the case of any newspaper or magazine article on current economic, political or religious topics (not being a serial story or tale) the right to prevent the reproduction of such article (either in the original language or in a translation) in another newspaper or magazine with an indication of the source shall be conditional upon reproduction being forbidden by express declaration in some conspicuous part of the newspaper or magazine in which the article is published;
 - (b) in the case of any literary or dramatic work of which the country of origin is Greece, Estonia, Japan with Korea, Formosa, Japanese Saghalien and Kwantung Leased Territory, or Siam the right after the expiration of ten years from the end of the year

in which the work or in the case of a book published in numbers each number of the work was first published to prevent the production, reproduction, performance in public or publication of any translation of the work shall be conditional upon the publication before the expiration of the above-mentioned period and within the parts of the British Commonwealth to which this Act applies or within any foreign country of the Copyright Union of an authorised translation in the language for which protection is claimed of the work or of each number of the work;

- (c) in the case of any literary or dramatic work of which the country of origin is Yugo-Slavia the right after the expiration of ten years from the end of the year in which the work or in the case of a book published in numbers each number of the work was first published to prevent the production, reproduction or publication of any English translation of the work shall be conditional upon the publication before the expiration of the abovementioned period and within the parts of the British Commonwealth to which this Act applies or within any foreign country of the Copyright Union of an authorised English translation of the work or of each number of the work;
 - (d) in the case of any published musical work of which the country of origin is Greece or Siam the right to prevent performance in public shall be conditional upon performance in public being forbidden by an express declaration on the title-page or commencement of the work; and
 - (e) in the case of any work of which the country of origin is Siam, the rights conferred by the Copyright Act, 1912 shall be conditional upon the accomplishment of the conditions and formalities prescribed by law in Siam;
- (iii) in the application to any work to which protection is given by this Act of sections 3(2)(d) and 18 of the Copyright Act, 1912, the date shown in the second column of the Third Schedule to this Act against the name of the country of origin of the said work shall be substituted for the commencement of the said Copyright Act, 1912 and the date shown in the third column of the said Schedule against the name of the country of origin shall be substituted for the passing of that Act in sections 18(7) and (8) wherever those expressions occur;
 - (iv) where any musical work to which the Copyright Act, 1912, is applied by this Act has been published before the date shown in the second column of the Third Schedule to this Act against the name of the country of origin of the said work, but no contrivance by means of which the work may be mechanically performed has before the said date been lawfully made or placed on sale within the parts of the British Commonwealth to which this Act applies, copyright in such work shall include all rights conferred by the said Copyright Act with respect to the making of records, perforated rolls and other contrivances by means of which the work may be mechanically performed;
 - (v) in the application of this Act to Palestine and to Tanganyika Territory respectively, the last foregoing proviso shall not have effect as respects any work if any contrivance by means of which that work may be mechanically performed has been lawfully made or placed on sale within Palestine or, as the case may be, within Tanganyika Territory before the following dates respectively, that is to say, in the case of Palestine, the twenty-sixth day of May, nineteen hundred and twenty-five, and in the case of Tanganyika Territory, the twenty-third day of July, nineteen hundred and thirty-one;
 - (vi) nothing in the provisions of the Copyright Act, 1912, as applied by this Act shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section 5 of the International Copyright Act, 1886 of the United Kingdom.

4. Saving of existing rights in certain cases

Where any person has, before the date of this Act, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a

work at a time when such reproduction or performance would, but for the making of this Act, have been lawful, nothing in this Act shall diminish or prejudice any rights or interest arising from, or in connection with, such action which are subsisting and valuable at the said date unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

5. Interpretation

- (1) In this Act “**the country of origin**” means—
 - (a) in the case of unpublished works, the country to which the author belongs;
 - (b) in the case of published works the country of first publication;
 - (c) in the case of works published simultaneously in several countries of the Copyright Union, the country the laws of which grant the shortest term of protection; and
 - (d) in the case of works published simultaneously in a country outside the Copyright Union and in a country of the Copyright Union, the country of the Copyright Union in which the work is so published.
- (2) The Interpretation Act, 1889 of the United Kingdom, shall apply to the interpretation of this Act.

First Schedule

Reservations made to the Berlin Convention by countries which have not ratified the Rome Convention

Country	Subject	Provisions of earlier Conventions retained by reservations
Denmark	Newspaper and Magazine Articles	Art. 7 of Berne Convention as amended by Additional Act.
Estonia	Translating right	Art. 5 of Berne Convention as amended by Additional Act.
	Performing rights as regards translations of dramatic or dramatico-musical works	Art. 9, par.(2) of Berne Convention.
France	Works of art applied to industrial purposes	Art. 4 of Berne Convention.
Roumania	Newspaper and Magazine Articles.	Art. 7 of Berne Convention.
Siam	Works of art applied to industrial purposes	Art. 4 of Berne Convention.
	Conditions and formalities	Art. 2, par.(2) of Berne Convention.
	Translating right	Art. 5 of Berne Convention as amended by Additional Act.
	Newspaper and Magazine Articles	Art. 7 of Berne Convention as amended by Additional Act.
	Performing rights in dramatic, dramatico-musical and musical works	Art. 9 of Berne Convention and par. (2) of Final Protocol.
	Retrospective effect	Art. 14 of Berne Convention and par. (4) of Final Protocol as amended by Additional Act.

Tunis	Works of art applied to industrial purposes	Art. 4 of Berne Convention.
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Second Schedule

Reservations made to the Rome Convention retained by countries which have ratified the Rome Convention

Country	Subject	Provisions of earlier Conventions retained by reservations
Greece	Translating right	Art. 5 of Berne Convention.
	Performing right in dramatic, dramatico-musical and musical works	Art. 9 of Berne Convention.
Japan	Translating right	Art. 5 of Berne Convention as amended by Additional Act.
Yugo-Slavia	Translating right in respect of translations into the languages of Yugo-Slavia	Art. 5 of Berne Convention as amended by Additional Act.

Third Schedule

Country of Origin		
Belgium	1st July, 1912	16th December, 1911.
France	1st July, 1912	16th December, 1911.
Germany	1st July, 1912	16th December, 1911.
Hayti	1st July, 1912	16th December, 1911.
Japan	1st July, 1912	16th December, 1911.
Luxembourg	1st July, 1912	16th December, 1911.
Monaco	1st July, 1912	16th December, 1911.
Norway	1st July, 1912	16th December, 1911.
Portugal	1st July, 1912	16th December, 1911.
Spain	1st July, 1912	16th December, 1911.
Switzerland	1st July, 1912	16th December, 1911.
Tunis	1st July, 1912	16th December, 1911.
Denmark	17th March, 1913	16th December, 1911.
Netherlands	17th March, 1913	1st November, 1912.
Netherlands East Indies, Curacao	11th April, 1913	1st April, 1913.
Surinam	13th June, 1913	1st April, 1913.
Italy	1st April, 1914	1st April, 1914.
Morocco (French Zone)	16th November, 1917	16th June, 1917.

Sweden	1st January, 1920	1st January, 1920.
Poland	26th April, 1920	28th January, 1920.
Austria	21st December, 1920	1st October, 1920.
Greece	21st December, 1920	9th November, 1920.
Czecho-Slovakia	27th May, 1921	22nd February, 1921.
Bulgaria	6th February, 1922	5th December, 1921.
Brazil	21st April, 1922	9th February, 1922.
Hungary	21st April, 1922	14th February, 1922.
Dantzig, Free City of	13th October, 1922	24th June, 1922.
Syria - Lebanon	9th October, 1924	1st August, 1924.
Roumania	1st January, 1927	1st January, 1927.
Estonia	3rd November, 1927	9th June, 1927.
Finland	7th May, 1928	1st April, 1928.
Portuguese Colonies and Spanish Colonies	7th May, 1929	7th May, 1929.
French Colonies and Protectorates under the authority of the French Ministry of the Colonies	27th October, 1930	26th May, 1930.
Yugo-Slavia	27th October, 1930	17th June, 1930.
Liechtenstein	7th October, 1931	30th July, 1931.
Siam	7th October, 1931	17th July, 1931.

Korea, Formosa, Japanese Saghalien and Kwantung Leased Territory.	17th March, 1932	1st August, 1931.
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[Explanatory note]

[This Act has been created out of an Order-in-Council applying the Copyright Act, 1911 of the United Kingdom to Swaziland, part of which order being the Copyright (Rome Convention) Order-in-Council, 1933.]