Index

Acts of Union (1801) 5
ACUM (Hebrew Performing Rights society) 98, 102
Agitha, T.G. xi
ALAI 12
Almagor v Godik 103
Alteco Chemical Pte Ltd v Chong Yean Wah t/a Yamayo Stationery Manufacture 161–2
Anglo-Canadian relations 1
Anglo-Irish Agreement (1922) 78
Anti-Counterfeiting Trade Agreement (2011) xi
APRA (Australasian Performing Right Society) 78–80
artistic craftsmanship 218–19
artistic works 121, 123, 218–19
assignment 133–5
Associated Booksellers of Great Britain and Ireland 16
Association for the Protection of the Rights of Authors 16
Australia xii, 52–83
authors 133
authors’ rights 157–62, 223
Authors’ Rights Act (1953) (Israel) 103
Bahamas, and Copyright Act (1956) 175
Balfour Declaration 87
Basic Laws (Israel) 111
Batavian copyright tradition 204–5
Beecham Laboratories (Biotech Laboratories (Pty) v Beecham Group plc) case 212–13, 215
Bell, Dillon 38, 41
Bendix, Ludwig 99
Bentley, L. 9
Bentwich, Norman 93
Berlin Act (1908) 20, 66, 74
Berlin Revisions (Berne Convention) (1908) 17, 65
Berne Act (1886) 74
Berne Convention xi, 11, 12, 13–14, 17, 18, 22, 52, 60, 62, 65, 67, 73–8, 88, 100, 102, 139, 149, 155, 157, 172, 180, 183, 184, 190, 196, 235, 236, 240, 241
Berne Union 15, 16, 20, 55, 70–71, 75
Birnhack, Michael xi
Blackwood & Sons Ltd. & Others v Parasuraman & Others 117–18
Blum, Arno A. 101
book prices, in colonies 56–62
British Empire, extent of 7–8
British Guiana, and Copyright Act (1956) 175
British North America Act (1867) 226
broadcast reproduction 129
broadcast rights 20, 128–9
Brussels Act (1948) 20, 173
Brussels Revision Conference (1948) 76, 81, 101
Burke, Shirley Maynier 201
Butterworth & Co (Publishers) Ltd v Ng Sui Nam 151, 153–5
Canada 9–12, 17, 226–44
CARICOM (Caribbean Community) 180–81
Carrington Polytechnic see Longman Group Ltd v Carrington Technical Institute Board of Governors
categories of works 119–23
Cayman Islands, and Copyright Act (1956) 175
CCH Canadian Ltd v Law Society of Upper Canada 243, 244

245
A shifting empire

CCL (Caribbean Copyright Link) 199
CDPA see Copyright, Designs and Patents Act (1988)
Charter Act (1833) 145
Chinese customs in Singapore 143–4
cinematographic works 20, 121, 127, 132
CISAC (International Confederation of Societies of Authors and Composers) 198–9
Civil Law Ordinance (1878) (Singapore) 147
Clarke, Marcus 54
Claude Rose t/a Central Theatre v The Performing Right Society Ltd 182–3
Clay Report (1837) 6
CMOs (collective management organizations) 20–21
Colonial Copyright Act (1847) 10
colonial legislation (Australia) 53–62
Colonial Piracies Sub-Committee 8
commissioning party (photographs) rights 157–62
Commonwealth copyright 62–5
community copyright concept 25
compulsory licensing 138–9
Computer Programs Directive 25
consolidation bill delays 17
constitutional revolution (Israel) 110–13
Copinger on Copyright 101, 103
Copinger, Walter Arthur 35
Copyright Act (1814) 35
Copyright Act (1842) 10–11, 116, 145, 210
Copyright Act (1842) (New Zealand) 30, 34–5
Copyright Act (1847) (India) 116
Copyright Act (1868) (Canada) 12
Copyright Act (1875) (Canada) 11, 12
Copyright Act (1889) (Canada) 11
Copyright Act (1905) (Commonwealth) 53, 63–5, 68, 69–71
Copyright Act (1911) (Canada) 11
Copyright Act (1911) (Palestine) 85
Copyright Act (1911) (UK) see Imperial Copyright Act (1911)
Copyright Act (1912) (Australia) 22
Copyright Act (1912) (Commonwealth) 22, 68–9, 71, 79, 80
Copyright Act (1913) (Jamaica) 168, 171, 172, 186
Copyright Act (1913) (New Zealand) 30, 35, 46, 48
Copyright Act (1914) 35
Copyright Act (1914) (India) 117–18, 119
Copyright Act (1914) (Singapore) 152, 155
Copyright Act (1916) (South Africa) 205, 209, 218, 219, 221, 223
Copyright Act (1921) (Canada) 23, 227–44
Copyright Act (1957) (India) 116, 117, 119, 123, 124, 125, 126, 129, 132, 134, 137
Copyright Act (1962) (New Zealand) 42, 48
Copyright Act (1965) (South Africa) 206–7, 209, 210, 213, 218, 219, 221, 223
Copyright Act (1968) (Commonwealth) 53, 69, 82–3
Copyright Act (1977) (Jamaica) 169, 178–81, 184, 186
Copyright Act (1978) (South Africa) 207–8, 209, 210, 211, 212, 218, 221, 222, 225
Copyright Act (1987) (Malaysia) 83
Copyright Act (1987) (Singapore) 83, 141, 152–3, 156, 157, 158–66
Copyright Act (1993) (Jamaica) 169–70, 184, 186–96, 198–204
Copyright Act (1994) (New Zealand) 42, 48, 49, 50
Copyright Act (2007) (Israel) 85, 115
Copyright Act amendment (1988) (India) 123, 130, 131
Copyright Act amendment (1994) (India) 130–31, 134, 140
Copyright Acts (colonial Australia) 53, 54, 55, 56
Copyright Amendment Act (1842) (Talfourd Act) 15
Copyright Amendment Act (1965) (Jamaica) 177–8, 182
Copyright Amendment Act (1985) 42
Copyright Amendment Act (1992) (South Africa) 218
Copyright Amendment Act (1999) (Jamaica) 197
Copyright Appeal Board (Canada) 242
Copyright Bill (1912) (Commonwealth) 69–70
Copyright Board of Canada 233, 242
Copyright Commission (1878) 60
Copyright Committee report (1959) (New Zealand) 49
Copyright, Designs and Patents Act (1988) (CDPA) 22, 23, 24, 27, 30, 129, 130, 139, 169, 170, 183, 184, 188, 196, 241, 244
copyright, first ownership of 157–62
Copyright (Gramophone Records and Government Broadcasting) Act (1968) (Singapore) 152, 155
copyright institutions 119–39
Copyright Law Amendment Law (1914) (Jamaica) 171
Copyright Law Amendment Law (1915) (Jamaica) 171–2
Copyright Law Amendment Law (1918) (Jamaica) 172
Copyright Licensing Limited 50
copyright means 123
Copyright Ordinance (1842) (New Zealand) 31, 32, 33–7, 47
Copyright Ordinance (1914) (Singapore) 151
Copyright Ordinance (1920) (Palestine) 90, 91, 94, 113
Copyright Ordinance (1924) (Palestine) 91–2, 98, 99
copyright ownership 132–5, 192, 194, 211–12
copyright reform 2–9, 28, 30
copyright term/duration see term of copyright
Copyright Tribunal 44
Copyright Tribunal (Jamaica) 180, 186, 191
Copyright Tribunal (New Zealand) 44–5
Cornish, W.R. 223
Covenant of the League of Nations (1919) 86
Creative Technology Ltd v Aztech Systems Pte Ltd 164–5
Crown Copyright 193
Crystal, Michael 93
Daley, Dianne xi
Dalglish Committee/Report 47
Dalglish, Judge 42
Dead Sea Scrolls ruling 107–8
Deazley, R. 16–17
design and copyright interface 219–20
Dexion Europe Ltd v Universal Storage Systems (Pty) Ltd 221
Dickens Provision 216
doctrine of indirect copying 217–22
domestic authorial power 2–4
Donaldson v Beckett 4–5
Dorling v Honnor Marine Ltd 220
dramatic work 120
Drayton, Robert Harry 96
duration of copyright see term of copyright
East India Company 145–6
EC Directive on Rental and Related Rights 130
educational purposes 137
el-Amiri v Katul 94
EPC (European Patent Convention) 24
EU (European Union) copyright law xii, 25–7
exceptions and limitations 135–9
exclusive rights (Jamaica) 194
fair dealing 47–50, 108–10, 135–8, 162–6, 191, 238–9
false attribution of authorship 157
Farrer, J.H. 61
Federation of the West Indies 175
*Feist Publications Inc. v Rural Telephone Service Co. Inc.* 105, 107, 243
Fine Arts Copyright Act (1862) 54, 56
Fine Arts Copyright Act (1877) (New Zealand) 32, 37, 38
first ownership of copyright 157–62
*Fishburn Bros v Adelaide Cuclorama Co Ltd* 56
*For the Term of His Natural Life* 54
foreign authors, protection of 55–6
Foreign Imprints Act (1847) 57, 58, 60
France xi
Friedenberg, Kalman 96, 97
FTAs (Free Trade Agreements) 113, 156, 166
GATT (Uruguay Round) 196
Gendreau, Ysolde xi
Geneva Convention (1971) 20, 196
geopolitical paternalism 9
German Performing Rights Society 96
Geva, David 109–10
global market piracy 4–7
Goldstone, J. 209
Gopalakrishnan, N.S. xi
Gorell Committee 18, 66
Gorell, Lord 66
government employees’ work (Jamaica) 193
Government of Jamaica Staff Orders for the Public Service 193
Graham, Douglas 42
Gramophone Co. Ltd. v Leo Feist 69
Gramophone Co. Ltd. v Stephen Cawardine & Co. 122–3
Gregory Committee/Report (1952) 22, 23, 81, 121–2, 128–9, 135–7, 139, 161
Grenada, and Copyright Act (1956) 175
Hall-Jones, William 32, 45, 46
Hannan, Ralph 48
Harris, Ron 93
Hobson, Governor William 34–5
*Holt v Webb* 35–6
Hugo, Victor 12
IFPI (International Federation of the Phonographic Industry) 20, 152, 199
IFRRO (International Federation of Reproduction Rights Organizations) 199
Illsley Commission 46
imperial commerce 7–9
Imperial Copyright Act (1842) 148–9
Imperial Copyright Act (1911) x, xii, 1, 7, 11, 12, 15, 19, 23, 28, 32, 38, 40–41, 52, 65–8, 69–73, 83, 85, 90, 91, 96, 97, 98, 99, 122, 135, 141–69, 209, 210, 214, 216, 225, 234
imperial copyright (Canada) 9–12
Imperial Copyright Conference (1910) 18, 67, 68
Imperial Copyright Conference (1926) 76, 78
Imperial International Copyright Act (1886) 11
India xi–xii, 116–40
Indian Act XX (1847) 145–8, 149
Indian Independence Act (1947) 118
indirect copying 217–22
infringements (Jamaica) 195
initial ownership 132–3
*Interlego v Exin Lines* 107, 108
*Interlego A.G. v Tyco Industries Inc.* 106
International and Colonial Copyright Act (1886) 14–15, 55, 56, 74
International Copyright Act (1842) 37
International Copyright Act (1844) 8, 12, 13, 14
International Copyright Act (1886) 62
International Copyright Act (1891) (Chace Act) 13, 15
International Literary Association 12
international obligations 12–15
international reprinting 6
internet copyright 27
interregrum period (Singapore) 151
intra-imperial decoupling 78
Irish Free State 77, 118–19
Israel 84–115
JACAP (Jamaica Association of Composers, Authors and Publishers) 198, 199
Jamaica xi, 168–203
JAMCOPY (Jamaican Copyright Licensing Agency) 199
JAMMS (Jamaica Music Society) 199, 200, 202
JAMRAS (Jamaica Musical Rights Administration Society) 199
Jenkins, Edward 17
JIPO (Jamaica Intellectual Property Office) 189
Johns, A. 6
journalist-employee rights 157–62
JPAS (Jamaica Performers Administration Society) 199, 200
Keating, Senator 60, 69
Kelbrick, R.A. 208
Kernochan, John M. 222
King v SA Weather Service 214
Klep Valves (Pty) Ltd v Saunders Valve Co Ltd 220
Ladbroke (Football) Ltd. v William Hill (Football) Ltd. 106
Latham, J.G. 80
Law and Administration Ordinance (1948) (Israel) 100
legal traditions xii
lending (Israel) 112
licensing copyright 133–5
limitations and exceptions 135–9
Linda, Solomon 216–17
Literary Copyright Act (1842) 57, 61
literary works 120, 218
locatio conductio operarum 214
Longman Group Ltd v Carrington Technical Institute Board of Governors 49, 50
Lord’s Day Act (1676) 144
McLay, Geoff xii
manufacturing clauses 13
Marley v UMG 203
Marley, Bob 200, 201, 202
Massey, Prime Minister 38
Maunsell, Robert 34
Mbube 216–17
media monitors (New Zealand) 48
MITT (Music Industry Task Team) 224
Monserat, and Copyright Act (1956) 175
Moore, Sir Harrison 75–6
moral rights (Canada) 239–41
moral rights (India) 139
moral rights (Jamaica) 179, 190, 195
moral rights (New Zealand) 50–51
moral rights (Rome Act) 172–3
music, in Jamaica 200–202
Musical Copyright Act (1902) 18
Musical Copyright Act (1906) 18
Musical Performers’ Protection Act (1925) 129–30
musical work 121
musicians, Jamaican 200
Neha Bhasin v Anand Raaj Anand 139
neighbouring right 223
New Zealand xii, 30–51
Ng-Loy Wee Loon xii
1911 Act see Imperial Copyright Act (1911)
non-governmental organizations 19–21
Nowell-Smith, S. 59
objects of protection (Canada) 234–7
Order in Council (Palestine) 91
originality 27, 105–8
Ottoman Authors’ Rights Act (1910) 86, 88–9
Ottoman Copyright Act (1910) 85
Owen Commission 78–80
Owen, Justice 78
ownership of copyright 132–5, 192, 194, 211–12, 237–8
Palestine 84–115
The Palestine Telegraphic Agency v Jaber 94, 96
Pan African Engineers (Pty) Ltd v Hydro Tube (Pty) Ltd 220
Patents Act (1903) 62
Patents and Designs Act (1907) (South Africa) 219
Patents, Designs, Trade Marks and Copyright Act (1916) (South Africa) 205–6, 208
Patterson, Percival James 186
Performers’ Protection Act (1967) (South Africa) 224, 225
Performers’ Protection Acts (1958–1972) 130
performers’ rights 12–32
Performing Right Tribunal 22, 174
Performing Rights Society v Bray Urban District Council 118–19
Performing Rights Society (Canada) 242
Phillips, Jeremy 159
Phonograms Convention 20, 196
Photographic Copyright Act (1896) (New Zealand) 31, 32, 37–8
piracy 4–7
political independence (Canada) 11
private use 137
producers 132–3
PRS (Performing Rights Society) 78, 96, 98, 152, 172, 181–3, 200
Publishers’ Association 8, 16
reader market 2–3
records copyright 122
Report of the Royal Commission on Copyright (1875) 13, 15–16, 17, 61
research or private study 165
RIAJam (Recording Industry Association of Jamaica) 199
Richard, Cliff 151
Ricketson, Sam xii
Riddiford, MP, Mr 47
rights, under copyright acts 123–7
Rome Act (1928) 20, 172, 235, 240
Rome Convention (1961) 20, 184, 188, 196, 224, 236
Rome revision (1928) 74–5, 77
Routledge v Low 35, 36, 53
SABIP Report 28
St Lucia, and Copyright Act (1956) 175
Saint Vincent, and Copyright Act (1956) 175
Salmond, Solicitor-General John 40
Scaw Metals (Pty) Ltd v Apex Foundry (Pty) Ltd 220
Second Charter of Justice (Singapore) 142, 143
Seddon, Richard John 37
Seligson, Ernest 101
Seville, C. 10, 46
Shangar, Chief Justice Meir 107
Shavit, Zohar 97
Singapore xii, 141–67
Ska music 176
Société des Gens de Lettres de France 12
Society of Authors 16
sound performances (South Africa) 223–5
sound recordings 20, 121–3, 127, 194–5, 234
South Africa xii, 204–25
South African Copyright Review Commission 216, 217
Spicer Committee/Report (1959) (Australia) 22, 46, 81–2
state copyright (South Africa) 210–15
Statute of Anne xi, 3, 5, 141, 143, 180
Statute of Westminster (1931) 227
Stephen, Sir James 34
Stockholm Revision Conference 60
Stone v White 36
Strait Settlements see Singapore
Suthersanen, Uma xii
take down notices 27

University of London ruling 107

taping (Israel) 112–13
US Digital Millenium Copyright Act (1998) 157

Television New Zealand Ltd v Newsmonitor Services Ltd 48

New Zealand Act v Newsmonitor Services Ltd 48

term of copyright (1911 Act) 67

Victoria v Commonwealth x

term of copyright (Brussels Act) 173

time (Israel) video copyright 125

term of copyright (Jamaica) 190, 194, 198

Video Master v Nishi Productions 125

term of copyright (New Zealand) 45–7

Virgin Islands, and Copyright Act (1956) 175

term of copyright (South Africa) 220

Tolima (Pty) Ltd v Cugacius Motor Accessory (Pty) Ltd 209, 221

Tolima (Pty) Ltd v Cugacius Motor Accessory (Pty) Ltd 209, 221

Trade Marks Act (1905) 62

Waitangi Treaty 33

translations 12, 15

Waitangi Tribunal 31

TRIPS (Trade Related Aspects of Intellectual Property Rights)

WCT (WIPO Copyright Treaty) 113, 197

Agreement (1994) xi, xii, 21, 28, 30–31, 42, 52, 113, 114, 140, 141, 156, 166, 196–7, 236

White Paper (1986) 24

Tyranny of Distance 59

Whitford Committee (1977) 23, 139, 183

Tyrell’s of Spruce Street xi, xii

WIPO (World Intellectual Property Organization) 20, 113, 141, 196

UCC (Universal Copyright Convention) 22, 100, 176–7, 184, 197

WPPT (WIPO Performances and Phonograms Treaty) 199

umbrella organizations 21

WTO (World Trade Organization) 20

UNESCO (United Nations Educational, Scientific and Cultural Organization) 20

WTO (World Trade Organization) 20, 113, 141, 196

Unger v Paris-Israel Movies Ltd. 103

Young, Arthur Henderson 148

United States xi, xii

United Nations Educational, Scientific and Cultural Organization 20

unitary imperial copyright area 18

_unitary imperial copyright area 18

Young, Arthur Henderson 148