

**Copyright (Gramophone Records and Government Broadcasting) Act  
(CHAPTER 64)**

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**COPYRIGHT (GRAMOPHONE RECORDS AND GOVERNMENT  
BROADCASTING) ACT**

**(CHAPTER 64)**

**(Original Enactment: Act 47 of 1968)**

**REVISED EDITION 1985**

**(30th March 1987)**

An Act to provide penalties for the infringement of copyright in gramophone records and to exempt Government broadcasting from infringement of copyright in musical works and in gramophone records.

[1st January 1969]

### **Short title**

1. This Act may be cited as the Copyright (Gramophone Records and Government Broadcasting) Act.

### **Interpretation**

2. In this Act, unless the context otherwise requires —

“gramophone record” means the material first embodying the recording of a sequence of sounds capable, by the use of that material, of being automatically reproduced aurally, but does not include a sound track associated with a cinematograph film;

“musical work” means a musical work in which there is a subsisting copyright;

“pirated copies”, in relation to any gramophone record, means any copies of that record made or reproduced without the consent lawfully given by the owner of the copyright in that record.

### **Penalty for being in possession of pirated copies of gramophone records**

3.—(1) Every person who makes, reproduces, imports for sale, sells, exposes or offers for sale, or has in his possession for sale, any pirated copies of any gramophone record, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and in the case of a second or subsequent conviction to imprisonment for a term not exceeding one year or to a fine not exceeding \$2,000 or to both.

(2) Where a person is charged with an offence under subsection (1), it shall be a defence to prove that —

- (a) he had at the time of the commission of the alleged offence no reason to suspect that he was dealing with pirated copies;
- (b) on demand by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he had obtained the pirated copies; and
- (c) in all respects he acted innocently.