

(1 November 1996 – to date)

COPYRIGHT ACT 98 OF 1978

(Gazette No. 6092, Notice No. 1349 dated 30 June 1978. Commencement date: 1 January 1979)

DEPARTMENT OF TRADE AND INDUSTRY APPLICATION OF ACT TO COUNTRIES TO WHICH IT DOES NOT EXTEND

Published under General Notice 136 in Government Gazette 11718 dated 3 March 1989. Commencement date: 3 March 1989.

and amended by:

Government Notice 125 in Government Gazette 12300 dated 23 February 1990. Commencement date: 23 February 1990.

Government Notice 1398 in Government Gazette 13319 dated 21 June 1991. Commencement date: 21 June 1991.

Government Notice 304 in Government Gazette 16370 dated 21 April 1995. Commencement date: 21 April 1995.

Government Notice 1558 in Government Gazette 17517 dated 1 November 1996. Commencement date: 1 November 1996.

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SCHEDULE – Berne Convention Countries

The Minister of Economic Affairs and Technology has, under the provisions of section 37 of the Copyright Act, 1978 (Act 98 of 1978), issued the following notice:

1. In this notice, unless the context otherwise indicates-
 - (a) **"Berne Copyright Union"** means the Union constituted by the Berne Convention for the Protection of Literary and Artistic Works, signed on 9 September 1886 and completed at Paris on 4 May 1896, revised by the Berlin Convention, signed on 13 November 1908 and completed

Prepared by:

at Berne on 20 March 1914, revised by the Rome Convention, concluded on 2 June 1928 and revised by the Brussels Convention signed on 26 June 1948, revised by the Stockholm Convention on 14 July 1967 and revised at Paris on 24 July 1971; and

"country of the Berne Copyright Union" means any country which ratified or acceded to any one or more of the said Conventions and is mentioned in Schedule 1 hereto;

(b) **"country of origin"** means-

- (i) in the case of a published work, if the country of first publication is a country mentioned in Schedule 1, that country;
- (ii) in the case of a work published simultaneously in a country of the Berne Copyright Union and a country which is not in the said Union, the former country;
- (iii) in the case of a work published simultaneously in several countries of the Berne Copyright Union, the country whose laws give the shortest term of protection for such a work;

(c) **"material time"** means-

- (i) in relation to an unpublished work, the time at which such work was made or, if the making thereof extended over a period, a substantial part of that period;
- (ii) in relation to a published work, the time of first publication;

(d) **"published simultaneously"** means published within a period of 30 days from the date of first publication;

(e) **"the Act"** means the Copyright Act, 1978 (Act 98 of 1978), and any expression to which a meaning has been assigned in the Act, bears the same meaning when used in this notice.

2. The provisions of the Act shall, in the case of any country specified in Schedule 1, apply -

- (a) in relation to literary, musical or artistic works, cinematograph films, sound recordings and published editions first published in that country, as they apply in relation to literary, musical or artistic works, cinematograph films, sound recordings and published editions first published in the Republic;
- (b) in relation to persons who at a material time are citizens or subjects of that country, as they apply in relation to persons who at such a time are South African citizens;

- (c) in relation to persons who at a material time are domiciled or resident in that country, as they apply in relation to persons who at such a time are domiciled or resident in the Republic;
- (d) in relation to bodies incorporated under the laws of that country, as they apply in relation to bodies incorporated under the laws of the Republic:

Provided that copyright in a sound recording or a published edition shall subsist only to the extent that protection in the nature of or related to copyright is granted under the laws of its country of origin in respect of such a work first published in the Republic or made by a qualified person referred to in section 3(1) of the Act (hereinafter referred to as a "South African work") and such a work shall not enjoy any wider protection by virtue of this proclamation than is enjoyed in its country of origin by a South African work of the same description.

- 3. The Proclamation specified in Schedule 2 is hereby repealed.
- 4. This notice shall take effect on publication.

SCHEDULE 1 BERNE CONVENTION COUNTRIES

BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS STATUS ON JULY 1, 1996		
State	Date of accession	Latest Act of the Convention to which State is party and date on which State became party to that Act
Albania	March 6, 1994	Paris: March 6, 1994
Argentina	June 10, 1967	Brussels: June 10, 1967
		Paris, Articles 22 to 38: October 8, 1980
Australia	April 14, 1928	Paris: March 1, 1978
Austria	October 1, 1920	Paris: August 21, 1982
Bahamas	July 10, 1973	Brussels: July 10, 1973
		Paris, Articles 22 to 38: January 8, 1977
Barbados	July 30, 1983	Paris: July 30, 1983
Belgium	December 5, 1887	Brussels: August 1, 1951
		Stockholm, Articles 22 to 38: February 12, 1975
Benin	January 3, 1961	Paris: March 12, 1975
Bolivia	November 4, 1993	Paris: November 4, 1993
Bosnia and Herzegovina	March 6, 1992	Paris: March 6, 1992
Brazil	February 9, 1992	Paris: April 20, 1975
Bulgaria	December 5, 1921	Paris: December 4, 1974
Burkina Faso	August 19, 1963	Paris: January 24, 1976
Cameroon	September 21, 1964	Paris, Articles 1 to 21: October 10, 1974

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		Paris, Articles 22 to 38: November 10, 1973
Canada	April 10, 1928	Rome: August 1, 1931
		Stockholm, Articles 22 to 38: July 7, 1970
Central African Republic	September 3, 1977	Paris: September 3, 1977
Chad	November 25, 1971	Brussels: November 25, 1971
		Stockholm, Articles 22 to 38: November 25, 1971
Chile	June 5, 1970	Paris: July 10, 1975
China	October 15, 1992	Paris: October 15, 1992
Colombia	March 7, 1988	Paris: March 7, 1988
Congo	May 8, 1962	Paris: December 5, 1975
Costa Rica	June 10, 1978	Paris: June 10, 1978
Côte d'Ivoire	January 1, 1962	Paris, Articles 1 to 21: October 10, 1974
		Paris, Articles 22 to 38: May 4, 1974
Croatia	October 8, 1991	Paris: October 8, 1991
Cyprus	February 24, 1964	Paris: July 27, 1983
Czech Republic	January 1, 1993	Paris: January 1, 1993
Denmark	July 1, 1903	Paris: June 30, 1979
Ecuador	October 9, 1991	Paris: October 9, 1991
Egypt	June 7, 1977	Paris: June 7, 1977
El Salvador	February 19, 1994	Paris: February 19, 1994
Estonia	October 26, 1994	Paris: October 26, 1994
Fiji	December 1, 1971	Brussels: December 1, 1971
		Stockholm, Articles 22 to 38: March 15, 1972
Finland	April 1, 1928	Paris: November 1, 1986
France	December 5, 1887	Paris, Articles 1 to 21: October 10, 1974
		Paris, Articles 22 to 38: December 15, 1972
Gabon	March 26, 1962	Paris: June 10, 1975
Gambia	March 7, 1993	Paris: March 7, 1993
Georgia	May 16, 1995	Paris: May 16, 1995
Germany	December 5, 1887	Paris, Articles 1 to 21: October 10, 1974
		Paris, Articles 22 to 38: January 22, 1974
Ghana	October 11, 1991	Paris: October 11, 1991
Greece	November 9, 1920	Paris: March 8, 1976
Guinea	November 20, 1980	Paris: November 20, 1980
Guinea-Bissau	July 22, 1991	Paris: July 22, 1991
Guyana	October 25, 1994	Paris: October 25, 1994
Haiti	January 11, 1996	Paris: January 11, 1996

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State	Date of accession	Latest Act of the Convention to which State is party and date on which State became party to that Act
Holy See	September 12, 1935	Paris: April 24, 1975
Honduras	January 25, 1990	Paris: January 25, 1990
Hungary	February 14, 1922	Paris. Articles 1 to 21: October 10, 1974
		Paris, Articles 22 to 38: December 15, 1972
Iceland	September 7, 1947	Rome: September 7, 1947
		Paris, Articles 22 to 38: December 28, 1984
India	April 1, 1928	Paris, Articles 1 to 21: May 6, 1984
		Paris, Articles 22 to 38: January 10, 1975
Ireland	October 5, 1927	Brussels: July 5, 1959
		Stockholm, Articles 22 to 38: December 21, 1970
Israel	March 24, 1950	Brussels: August 1, 1951
		Stockholm, Articles 22 to 38: January 29 or February 26, 1970
Italy	December 5, 1887	Paris: November 14, 1979
Jamaica	January 1, 1994	Paris: January 1, 1994
Japan	July 15, 1899	Paris: April 24, 1975
Kenya	June 11, 1993	Paris: June 11, 1993
Latvia	August 11, 1995	Paris: August 11, 1995
Lebanon	September 30, 1947	Rome: September 30, 1947
Lesotho	September 28, 1989	Paris: September 28, 1989
Liberia	March 8, 1989	Paris: March 8, 1989
Libya	September 28, 1976	Paris: September 28, 1976
Liechtenstein	July 30, 1931	Brussels: August 1, 1951
		Stockholm, Articles 22 to 38: May 25, 1972
Lithuania	December 14, 1994	Paris: December 14, 1994
Luxembourg	June 20, 1888	Paris: April 20, 1975
Madagascar	January 1, 1966	Brussels: January 1, 1966
Malawi	October 12, 1991	Paris: October 12, 1991
Malaysia	October 1, 1990	Paris: October 1, 1990
Mali	March 19, 1962	Paris: December 5, 1977
Malta	September 21, 1964	Rome: September 21, 1964
		Paris, Articles 22 to 38: December 12, 1977
Mauritania	February 6, 1973	Paris: September 21, 1976
Mauritius	May 10, 1989	Paris: May 10, 1989
Mexico	June 11, 1967	Paris: December 17, 1974
Monaco	May 30, 1889	Paris: November 23, 1974
Morocco	June 16, 1917	Paris: May 17, 1987

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Namibia	March 21, 1990	Paris: December 24, 1993
Netherlands	November 1, 1912	Paris, Articles 1 to 21: January 30, 1986
		Paris, Articles 22 to 38: January 10, 1975
New Zealand	April 24, 1928	Rome: December 4, 1947
Niger	May 2, 1962	Paris: May 21, 1975
Nigeria	September 14, 1993	Paris: September 14, 1993
Norway	April 13, 1896	Paris, Articles 1 to 21: October 11, 1995
		Paris. Articles 22 to 38: June 13, 1974
Pakistan	July 5, 1948	Rome: July 5, 1948
		Stockholm, Articles 22 to 38: January 29 or February 26, 1970
Panama	June 8, 1996	Paris: June 8, 1996
Paraguay	January 2, 1992	Paris: January 2, 1992
Peru	August 20, 1988	Paris: August 20, 1988
Philippines	August 1, 1951	Brussels: August 1, 1951
		Paris, Articles 22 to 38: July 16, 1980
Poland	January 28, 1920	Paris, Articles 1 to 21: October 22, 1994
		Paris, Articles 22 to 38: August 4, 1990
Portugal	March 29, 1911	Paris. January 12, 1979
Republic of Korea	August 21, 1996	Paris: August 21, 1996
Republic of Moldova	November 2, 1995	Paris: November 2, 1995
Romania	January 1, 1927	Rome: August 6, 1936
		Stockholm, Articles 22 to 38: January 29 or February 26, 1970
Russian Federation	March 13, 1995	Paris: March 13, 1995
Rwanda	March 1, 1984	Paris: March 1, 1984
Saint Kitts and Nevis	April 9, 1995	Paris: April 9, 1995
Saint Lucia	August 24, 1993	Paris: August 24, 1993
Saint Vincent and the Grenadines	August 29, 1995	Paris: August 29, 1995
Senegal	August 25, 1962	Paris.. August 12, 1975
Slovakia	January 1, 1993	Paris: January 1, 1993
Slovenia	June 25, 1991	Paris June 25, 1991
South Africa	October 3, 1928	Brussels: August 1, 1951
		Paris, Articles 22 to 38: March 24, 1975
Spain	December 5, 1887	Paris, Articles 1 to 21: October 10, 1974
		Paris, Articles 22 to 38: February 19, 1974

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Sri Lanka	July 20, 1959	Rome: July 20, 1959
		Paris, Articles 22 to 38: September 23, 1978
Suriname	February 23, 1977	Paris: February 23, 1977
Sweden	August 1, 1904	Paris, Articles 1 to 21: October 10, 1974
		Paris. Articles 22 to 38: September 20, 1973
Switzerland	December 5, 1897	Paris: September 25, 1993
Thailand	July 17, 1931	Paris, Articles 1 to 21: September 2, 1995
		Paris, Articles 22 to 38: December 29, 1990
The Former Yugoslav Republic of Macedonia	September 8, 1991	Paris: September 8, 1991
Togo	April 30, 1975	Paris: April 30, 1975
Trinidad and Tobago	August 16, 1988	Paris: August 16, 1988
Tunisia	December 5, 1887	Paris: August 16, 1975
Turkey	January 1, 1952	Paris: January 1, 1996
Ukraine	October 25, 1995	Paris: October 25, 1995
United Kingdom	December 5, 1887	Paris: January 2, 1990
United Republic of Tanzania	July 25, 1994	Paris: July 25, 1994
United States of America	March 1, 1989	Paris: March 1, 1989
Uruguay	July 10, 1967	Paris: December 28, 1979
Venezuela	December 30, 1982	Paris: December 30, 1982
Yugoslavia	June 17, 1930	Paris: September 2, 1975
Zaire	October 8, 1963	Paris: January 31, 1975
Zambia	January 2, 1992	Paris: January 2, 1992
Zimbabwe	April 18, 1980	Rome: April 18, 1980
		Paris, Articles 22 to 38: December 30, 1981

(Schedule 1 amended by Government Notice 125 in Government Gazette 12300 dated 23 February 1990)

(Schedule 1 amended by Government Notice 1398 in Government Gazette 13319 dated 21 June 1991)

(Schedule 1 substituted by Government Notice 304 in Government Gazette 16370 dated 21 April 1995)

(Schedule 1 substituted by Government Notice 1558 in Government Gazette 17517 dated 1 November 1996)

SCHEDULE 2
NOTICE REPEALED

Notice 704 of 1987.
(3 March 1989)