

(2.) The notice shall, not less than ten days before any contrivances on which the musical work is reproduced are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

- (a.) If the name and an address within New Zealand of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to such owner or agent at such address;
- (b.) If such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *Gazette* and the *Journal*. The advertisement in the *Gazette* and *Journal* shall give the particulars required by paragraphs (a) and (b) of subregulation (1) of this regulation, and shall also state an address from which a copy of the notice described in subregulation (1) of this regulation may be obtained. Any number of musical works may be included in the same advertisement.

44. (1.) Unless otherwise agreed royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed in the manner provided by this part of these regulations.

(2.) After the person making the contrivances has given the prescribed notice of his intention to make or sell the contrivances the owner of the copyright shall by writing, sent by registered post, intimate to him some reasonably convenient place within New Zealand from which adhesive labels can be obtained, and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

45. Subject to these regulations no contrivance shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto, or, in the case of cylinders to which it is not reasonably practicable to affix the labels, until such label or labels have been affixed to a carton or box enclosing the cylinder.

46. (1.) In cases where royalties are payable by means of adhesive labels, if at any time labels of the required denominations are not available, either because—

- (a.) After the expiration of five days from the date of the prescribed notice of the intention of the person making the contrivances to make or sell such contrivances the owner of the copyright has not duly sent to the person making the contrivances an intimation of some reasonably convenient place within New Zealand from which such labels can be obtained; or
- (b.) The owner of the copyright refuses or neglects to supply such labels within three days after demand duly made;

contrivances may be delivered to purchasers without having labels affixed thereto or to the carton or box enclosing the same; and the amount of royalties shall be a debt due from the person making the contrivances to the owner of the copyright, and the person making the contrivances shall keep an account of all such contrivances sold by him.

(2.) For the purposes of this regulation "the date of the prescribed notice" means—

- (a.) In cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b.) In cases where the notice is required to be advertised in the *Gazette* and *Journal*, the date of such advertisement.

47. In cases where royalties are payable on contrivances made before the commencement of the Act, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these regulations in the case of the notice required by section 25 (2) of the Act.

48. Where royalties are by agreement payable in any other mode than by means of adhesive labels the time and frequency of the payment shall be such as are specified in the agreement.

49. The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle, and the side of the label not to be greater than $\frac{3}{4}$ in. in length. The label shall not be in a form which resembles any postage-stamp, nor bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to such Government.

50. The ordinary retail selling-price of any contrivance shall be calculated at the marked or catalogued selling-price of single copies to the public, or, if there is no such marked or catalogued selling-price, at the highest price at which single copies are ordinarily sold to the public.

51. (1.) The inquiries referred to in section 25 of the Act shall be directed to the owner of the copyright by name, or

(if his name is not known and cannot with reasonable diligence be ascertained) in general terms to "the owner of the copyright" of the musical work in respect of which the inquiries are made, and shall contain—

- (a.) A statement of the name of the musical work in respect of which the inquiries are made and of the author (if known), and (if necessary) a description sufficient to identify it;
- (b.) A statement of the name, address, and occupation of the person making the inquiries;
- (c.) An allegation that a contrivance has previously been made by means of which the musical work may be mechanically performed, with the trade name (if known) and a description of such contrivance;
- (d.) An inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

(2.) The inquiries shall be sent by registered post or published by advertisement as follows:—

- (a.) If an address within New Zealand of the owner of the copyright is known, or can with reasonable diligence be ascertained, the inquiries shall be sent to such address; or
- (b.) If such address is not known and cannot with reasonable diligence be ascertained, the inquiries shall be advertised in the *Gazette* and *Journal*.

52. The prescribed time for reply to such inquiries shall be—

- (a.) In cases where the inquiries are required to be sent by registered post, seven days after the date when the inquiries would in ordinary course of post be delivered;
- (b.) In cases where the inquiries are required to be advertised in the *Gazette* and *Journal*, seven days after the date of such advertisement.

FIRST SCHEDULE.

FEES.

1. On filing application for registration of copyright in a literary or musical work	s. d.
2. On filing application for registration of copyright in an artistic work (except copyright in a photograph)	2 6
3. On filing application for registration of copyright in a dramatic work (except copyright in an original cinematograph production)	2 6
4. On filing application for registration of copyright in a photograph	1 0
5. On filing application for registration of performing-right in a musical or dramatic work	2 6
6. On filing application for the registration of copyright in an original cinematograph production	5 0
7. On filing application for the registration of the copyright in a mechanical contrivance for reproducing a musical work	5 0
8. On request to the Registrar to register an assignment, transmission, or license in connection with a copyright or performing-right	2 6
9. For inspection of the register—for each entry searched for or inspected	1 0
10. For certified copy of an entry in the register	5 0
11. On application to the Registrar for amendment of the register under section 48 of the Act	5 0

SECOND SCHEDULE.

INDEX TO COPYRIGHT FORMS.

- A. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work. (By the author or his assignee, agent, or attorney.)
- A1. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work. (By a firm.)
- A2. Application for registration of copyright in a published original literary, dramatic, musical, or artistic work. (By a body corporate.)
- A3. Application for the registration of copyright in a collective work. (By owner or his assignee, agent, or attorney.)
- B. Application for registration of copyright in an unpublished original literary, dramatic, musical, or artistic work.
- C. Application for registration of copyright in a photograph. (By the author or his assignee, agent, or attorney.)
- C1. Application for registration of copyright in a photograph. (By a firm.)
- D. Application for registration of copyright in a published mechanical musical contrivance.