

interest whatever in the copyright. It was contended, CAP. XIX. and very strongly, in *Stevens v. Benning*, that the author had done so; but I held that he had not, and my view was affirmed by the Lords Justices. Here also, as there, the publisher was to publish at his own risk. Nevertheless, in *Stevens v. Benning*, the agreement contained other provisions, considerably more definite than any in this case. It pointed to a series of editions to be published for the author by the same publisher, as to every one of which the author himself stipulated, as part of the contract, that he would assist in the publication. Here the agreement is simply that the publisher shall publish the work at his own expense and risk, and, after deducting all the expenses specified in the memorandum, and an allowance of £10 per cent., the profits remaining of every edition that shall be printed of the work are to be divided into two equal parts, one of which is to be paid to the author, and the other to the publisher."

"It was contended for the defendant that if the effect of the agreement was not an assignment of the copyright (which it is now clearly decided that it could not be), it resulted in a joint adventure, in which the defendant was to have a licence to publish the work; and that, from the nature of the case, and by the terms of the agreement, that licence was irrevocable. In *Stevens v. Benning* I considered the agreement must be regarded as creating, to a certain extent, a joint adventure, and Lord Justice Knight Bruce adopted the same view. He says, it must be observed, that such interest, if any, in the copyright of the author's work as the other parties to the agreement acquired under it, they acquired, not exclusively of the author, 'but by way of joint adventure with him, or of partnership with him, in respect and for the objects of which he undertook the fulfilment by himself personally of certain duties to them, and they undertook the fulfilment by themselves personally of certain duties to him' (a). Community of risk does not appear to me to be by our law,

(a) 6 D. M. & G. 223, 229.

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any more than it was by the civil law, essential to constitute a partnership; one partner being at liberty to contract with another that he will take all the losses of the concern upon himself. Lord Justice Turner looked upon the agreement in *Stevens v. Benning* in the double light of a licence and a partnership, speaking, however, less decidedly as to its being a partnership. He says: 'Next if there was a partnership, then, if the agreement does not affect the copyright, the partnership was not in the copyright, but in the copies printed under the licence contained in the agreement' (a) —viewing it, therefore, as a licence for the publication of the work, and then a joint adventure between the author and publisher in the copies so to be published. If that were the effect of the agreement in the present case, the question would still remain, whether the licence be irrevocable.

"The plaintiff does not attempt to interfere with the publication of an edition which the defendant had commenced, and incurred expense in preparing for publication, before he exercised the option of determining the agreement. His claim is limited to editions about which no such expense had been incurred by the defendant; and his argument is, that, unless he has a right to determine the agreement as to all such editions, the consequence will be, that, during the whole of the defendant's life, he may be under an obligation to the defendant, while the defendant will be under no reciprocal obligation to him. It is true that, according to *Stevens v. Benning*, a licence like the present would, I apprehend, be restricted to the defendant personally, and would not extend to his executors, or to any future partner or assignee; but if the defendant's construction be correct, it follows that, so long as he lives and is willing to continue publishing fresh editions of the work, so long, according to the doctrine in *Sweet v. Cater*, the plaintiff will be precluded from asserting a right to publish any competing edition. The defendant could compel the plaintiff to abstain from publishing a single copy of the work, so long as he expressed

(a) 6 D. M. & G. 231.

his readiness to continue publishing. But the plaintiff CAP. XIX. has no reciprocal power. He could never compel the defendant to publish more than a single edition of the work. His powers are limited to what the contract gives him; and, according to the contract, when the defendant has published a single edition the contract on his part is fulfilled. That is a position of considerable hardship for an author, and one which ought to be clearly shewn, upon the face of a contract, to have been contemplated by the parties who entered into it In the present case, no new expense has been incurred by the defendant, either in printing, advertising, or otherwise, as regards 'Peg Woffington,' since 'the publication of the second edition, and, as regards 'Christie Johnstone,' since the publication of the fourth edition; and that being, as I have already intimated, the true test in construing the agreement, it appears to me, that, when those editions were published, the period had arrived at which the parties intended a division of profits to take place, and at which the plaintiff became entitled to terminate his agreement with the defendant. This is the only conclusion at which I can arrive, after a very careful consideration of the contracts. But it is much to be regretted that contracts should be framed with such uncertainty, when it would have been so easy to make them certain" (a).

The defendant, having printed a book, sold 300 copies of it to the plaintiff, a bookseller, at 40s. a copy, and agreed by letter "only to sell to others at 48s. in quires, and single copies at 50s. until the plaintiff's 300 copies were sold, or the plaintiff should consent." The letter also contained these words: "I do not expect you to sell under 48s. and 50s., but do as you like." The plaintiff, when he had sold part of the 300 copies, went into partnership with C. and transferred all his stock at the cost price; and also sold some copies at 45s. and 46s. An action being afterwards brought by him against the defendant for

Agreement
not to sell
under a cer-
tain price.

(a) *Per Wood, V.C., in Reade v. Bentley, 4 K. & J. 656, 669.*

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selling copies under the stipulated price, it was contended on behalf of the defendant, first, that the plaintiff was bound by implication not to sell the work himself under the price at which the defendant was to sell, and that his selling at 45s. and 46s. was an answer to the action, as being against the good faith and honour of the contract, inasmuch as it would tend to prevent the defendant from selling his copies at all; secondly, that the contract was put an end to by the plaintiff going into partnership with C., and transferring his interest to the firm at 40s. a copy, because the undertaking of the defendant was only to continue in force till the 300 copies were sold by the plaintiff, and his parting with them to a firm of which he was only a partner, was, in fact, a selling, just as much as it would be in the case of a joint stock company (a).

Denman, C.J., in summing up, said: "It seems that the defendant left the plaintiff at liberty to sell as he pleased, but bound himself down not to sell under the prices stated, and this is an answer to some part of the argument urged in favour of the defendant. You will have to say, first, whether the agreement was made; of this, there does not seem any doubt; and then, whether it was broken; and if it was, you must spell out the damage as well as you can from the evidence. It is a very difficult thing to ascertain the amount of damage. I think, in considering that subject, you may reasonably consider, as damage must arise from the effect produced upon the price of the work in the market by the defendant's having sold copies at a sum lower than the stipulated price, whether the plaintiff's own selling at 45s. and 46s. might not have contributed to that depreciation. If you are satisfied that the agreement was broken, then you will have to say to what extent the plaintiff has been injured."

Ordinary
agreement
between

The ordinary agreement between authors and publishers to the effect that the owner shall contribute the manuscript, and the latter shall in the first place defray the

(a) *Benning v. Dove*, 5 Car. & P. 427.

cost of the bringing out of the work, and repay himself out of the proceeds of the sale, and that the net profits shall be divided, is not properly a partnership (a). CAP. XIX.
authors and
publishers not
a partnership.

In all agreements between authors and publishers the terms should be distinctly stated, and the respective rights of the parties clearly defined. The number of copies of which the edition is to consist should be declared, for otherwise a publisher might, if so disposed, print 20,000 as one edition (b). But a person who has acquired the right to publish one edition only of a work, cannot publish another edition, without authority.

The meaning of the word "edition," and the construction to be placed upon it, were fully discussed in *Reade v. Bentley*. It was argued that where a work had once been stereotyped, the term "edition" was no longer applicable; and that when a work is published in what are called "thousands," 20,000 or 30,000 being circulated, each thousand could not properly be called an "edition." Wood, V.C., however, thought that not merely in point of etymology, but having regard to what actually takes place in the publication of any work, an "edition of a work was the putting of it forth before the public, and if this were done in batches at successive periods, each successive batch was a new edition; and the question whether the individual copies had been printed by means of movable type or by stereotype, did not seem to him to be material. If movable type were used, the type having been broken up, the new edition was prepared by setting-up the type afresh, printing afresh, advertising afresh, and repeating all the other necessary steps to obtain a new circulation of the work. In that case the contemplated break between the two editions was more complete, because, until the type was again set up, nothing further

(a) See *Gardiner v. Childs*, 8 C. & P. 345; *Reade v. Bentley*, 3 K. & J. 271, and 4 *Ibid.* 656; *Wilson v. Whitehead*, 10 M. & W. 503; *Gale v. Leckie*, 2 Stark. 107; *Venables v. Wood*, 3 Ross, L. C. on Com. Law, 529, cited Lindley on Partnership, 22.

(b) *Per Wood, V.C.*, in *Reade v. Bentley*, 4 K. & J. 656, 669; 27 L. J. (Ch.) 254; *Sweet v. Cater*, 11 Sim. 572; 5 Jur. 68; *Stevens v. Benning*, 1 K. & J. 168; 6 D. M. & G. 223; *Benning v. Dove*, 5 C. & P. 427.

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could be done. It made no substantial difference as regards the meaning of the term "edition," whether the new "thousand" had been printed by a resetting of movable type, or by stereotype, or whether they have been printed at the same time with the former thousand or subsequently. A new "edition" is published whenever, having in his storehouse a certain number of copies, the publisher issues a fresh batch of them to the public. This, according to the practice of the trade, is done, as is well known, periodically. And if, after printing 20,000 copies, a publisher should think it expedient for the purpose of keeping up the price of the work, to issue them in batches of a thousand at a time, keeping the rest under lock and key, each successive issue would be a new "edition" in every sense of the word (a).

In many cases an advantage would accrue by a publisher so doing; for when an author sells the copyright of a work to a publisher for a certain specified time, the publisher has the right, after the expiration of that period, of selling copies of the work he has printed before the expiration of the time limited.

Right of the publisher to sell copies on hand prior to the expiration of his limited copyright.

This was decided in the important case of *Howitt v. Hall* (b). Mr. William Howitt applied for an injunction to restrain the defendants Messrs. Hall & Virtue, the publishers, from selling or otherwise disposing of any copies of an original work called 'A Boy's Adventures in the Wilds of Australia,' of which Mr. Howitt was the author and registered proprietor. It appeared by the affidavits that in the year 1854, a negotiation was entered into with the defendants by Mrs. Mary Howitt, the wife of the plaintiff, who was then in Australia, for the sale to them of the

(a) *Per Wood, V.C., in Reade v. Bentley*, 4 K. & J. 656, 667. See *Blackwood v. Brewster*, 7 Dec. 1860; 23 Sess. Cas. 2nd Series, 142. In this case it was held that an editor, under an agreement that he should prepare every new edition of a work, and should receive a certain sum for his services, is not entitled to superintend, or to claim payment for, the reprinting of a part of the work to replace copies destroyed by fire. The copies reprinted under such circumstances do not form a new edition, but go to replace the part of the edition destroyed.

(b) 10 W. R. 381; 6 L. T. (N.S.) 348.

copyright of the work in question for four years, for a sum of £250. This negotiation, after some discussion as to the precise date from which the contract was to commence, resulted in an agreement being entered into on behalf of the plaintiff, which was afterwards confirmed on his return from Australia by the following memorandum signed by him :—

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“Gentlemen,—I confirm the agreement entered into with you by Mrs. Howitt on the 14th of March, 1854, for the publication of ‘A Boy’s Adventures in Australia,’ being a copyright of four years from that date.

“WILLIAM HOWITT.”

On the same day the defendants sent for the plaintiff’s signature a receipt for the £250, “being the purchase-money, as agreed, for the copyright and sole right of sale for four years” of the work in question. In October, 1857, the work having then gone through two editions, the defendants contemplated issuing a third and cheap edition, and accordingly gave notice of their intention to Mr. Howitt, by whom it was revised previously to publication. No further copies had been printed, and the term of four years expired in March, 1858. In February of 1862, the plaintiff, being about to bring out a uniform edition of the juvenile works of Mrs. Howitt and himself, and having, as he stated, only then for the first time discovered that the defendants were continuing to sell the work and to advertise it for sale, wrote to them complaining of this as an infringement of his copyright and a breach of contract, and asking for compensation. In reply to this application, the defendants insisted on their legal right to sell the remaining stock, as their own *bonâ fide* property, when and as they pleased; but at the same time they expressed their willingness to sell it by auction during the present month of March, so as not to stand in the way of the new edition. This suggestion, however, the plaintiff declined to accede to, and filed his bill pray-

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ing for an account of the profit made by the defendants since March, 1858, and for an injunction. Vice-Chancellor Wood said, that the purchase of the copyright carried with it the right of printing and publishing, and the defendant was entitled to continue selling after the expiration of the four years' term the stock printed by him under his purchase. "The Copyright Acts were directed against unlawful printing; and when, as in this case, the defendant had acquired the right of lawfully printing the work, he was at liberty to sell at any time what he had so printed. The words 'sole right of sale' might or might not have been superfluous; but after four years the right to print the work reverted to the author, who had taken care to secure himself in this respect. It had been suggested that the effect might be to destroy the copyright in the author altogether, as the publisher who had purchased the copyright for a limited period only might during that period print off copies enough to last for all time. A nice question might indeed arise as to the number of copies of which an edition might consist, but a publisher was not likely to incur the useless expense of printing copies enough to exhaust the demand for all time, and have them lying upon his hands unprofitably. Besides this, even if the effect of a sale for four years might operate in this way to deprive the author of all copyright in his work, the answer was that he had not guarded himself against such a contingency. If a manifest case of fraud upon the author were established, the court would know how to deal with it. But nothing of the sort was shewn. The defendants had acted quite *bonâ fide*, and were making a perfectly legitimate use of their contract, and the motion must be refused."

Assignor after assignment of copyright may sell copies remaining on hand.

So also it has been held that after he has assigned his copyright, the assignor is free to sell any copies of the book which he had printed before the assignment was made (a), but of course this was in the absence of any express agreement between the parties and of the

(a) *Taylor v. Pillon*, L. R. 7 Eq. 418.

existence of any circumstances from which any implied agreement to the contrary might have been inferred. CAP. XIX.

The right of the publisher in the one case, and of the assignor in the other are not exclusive rights. Thus where the plaintiffs had orally agreed with Mrs. Cook to publish at their own expense a book written by her and entitled 'How to Dress on £15 a Year as a Lady, by a Lady,' to sell at a shilling a copy, and to pay her a penny for each copy sold. Nothing was said as to how many copies, or how long the plaintiffs should publish, or whether they should be the sole publishers. When forty-four thousand copies had been printed, and forty-two thousand sold, the author notified to the plaintiffs the termination of the agreement, and immediately authorized the defendants to issue a new edition. The plaintiffs now sought to restrain such publication until the copies printed by them under the agreement should be sold. Sir George Jessel, M.R., held that the plaintiffs were entitled to be the exclusive publishers while the agreement lasted; but that after its termination, though they were at liberty to sell the copies previously printed, they had no power to prevent the author or any person claiming under her from publishing (a). But the right is not an exclusive right.

"Looking at the nature of the book," said the Master of the Rolls, "and to the circumstance that it was a term of the agreement that the publishers should publish at their own risk, and pay the royalty, I think the contract, so long as it existed, must be taken to be an exclusive contract, that is to say, that so long as Messrs. Warne & Co. were allowed to publish so long no one else could publish—neither the lady herself, nor an assign from her. That being established, what is the next right it gives to either party? On the determination of the partnership adventure, or whatever you choose to call it, what right had Messrs. Warne & Co. in the book? There is authority upon the subject, but I do not think it

(a) L. R. 18 Eq. 497.

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wants authority. I think it is plain that no termination of the agreement could deprive them of the right of selling the copies which they have themselves printed under this arrangement. Whether the arrangement was at will or for a term, the publishers must retain the right of selling for their own benefit (subject to the royalty) the copies which they have printed at their own expense, in reliance upon that agreement. So far I go with the plaintiffs; but the plaintiffs then want me to import something else—not only that the publishers should have the right to sell any copies they might have printed before the disagreement, but that the owner of the copyright should not have the right to publish at all, so long as any copies remain unsold. I cannot find that in the agreement, and it does not seem to be reasonable to import it; because it would come to this, that if the publishers printed a very large number of copies it would deprive the authoress of the copyright altogether. I cannot import such an unreasonable term into the agreement.

“Then it is said, that, if you give the publisher no protection, the result may be that the author may publish another edition a day or two after the publishing of the first edition, and so destroy the value of the remaining copies of the first edition remaining unsold. That may be. And it is said that that is so unreasonable that you must infer some stipulation to prevent it. Why? No doubt partnerships at will have their inconveniences as well as their conveniences. There is no reason why I should make persons take up a totally different position from that which they have agreed to take up, because it might be convenient to one of the parties after the termination of the arrangement. If you do want that protection for a term of years or for a definite term, you must contract for it. That is all. But I cannot import such a term into the contract. If I did, I should make partnerships at will involve consequences that the partners never dreamt of.”

This decision must be received with considerable caution. The Court held that so long as the arrangement between the parties held good the publishers had the exclusive right of publication. They must have had this by reason of an implied agreement to that effect, there being nothing express on the subject in the contract. It was implied in consideration of the expense incurred by the publishers, and must in reason be held to continue so long as there were any copies printed with the consent and concurrence of the author remaining unsold.

And of what value was the exclusive right of publication to the publisher, if this right was determinable at any moment by the author? In short the right existed so long as it was of no value, but the moment it might have had any value it ceased to exist.

In a case in the Irish Bankruptcy Court it appeared that Curry & Co. had published three novels by Charles Lever, under an agreement that they should bear the expense of publication and pay to the author a specified sum for a certain number of copies, and should divide with him the nett profits on the copies sold beyond that number. While a large number of printed copies remained unsold, Curry became bankrupt, when Lever claimed to be entitled as partner to one half of the unsold stock, and to have a special lien on the other half, entitling him as a preferred creditor to be paid in full for whatever balance might be due to him. The commissioner held that if Lever were a partner in the unsold stock, he was a mere dormant and secret partner; and, as the whole of the stock had been in the possession and disposition of the bankrupt, it passed to the creditors under the Bankruptcy Act; and that, for the same reason, Lever had no special lien on it. The commissioner said that the question as to whom the copyright belonged was not within the jurisdiction of the Court; but he expressed the opinion that, as Curry had been permitted to advertise himself as the owner,

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Accounts
between
authors and
publishers.

As to accounts between authors and publishers, see *Barry v. Stevens* (b) and *Stiff v. Cassell* (c).

(a) *In re Curry*, 12 Ir. Eq. 382. As to publisher's commission see case of *Gatty v. Pawson*, 'Times,' March 9, 1873.

(b) 31 Beav. 258.

(c) 2 Jur. (N.S.) 348.

APPENDIX (A).

8 ANNE, c. 19 (1709).

An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Time therein mentioned.

Repealed by 5 & 6 Vict. c. 45, § 1.

By 7 Geo 2, c. 24, the sole liberty of printing and publishing the Histories of Thuanus, with additions and improvements, during the time therein limited, is granted to Samuel Buckley.

8 GEO. II. c. 13 (1735).

An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers during the Time therein mentioned.

WHEREAS divers persons have, by their own genius, industry, pains, and expense, invented and engraved, or worked in mezzotinto, or chiaro-oscuro, sets of historical and other prints, in hopes to have reaped the sole benefit of their labours: And whereas printsellers and other persons have of late, without the consent of the inventors, designers, and proprietors of such prints, frequently taken the liberty of copying, engraving, and publishing, or causing to be copied, engraved, and published base copies of such works, designs, and prints, to the very great prejudice and detriment of the inventors, designers, and proprietors thereof: For remedy thereof, and for preventing such practices for the future, may it please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal,

After 24th
June, 1735, the
property of his-
torical and
other prints
vested in the
inventor
for fourteen
years.

Proprietor's
name to be
affixed to each
print.

Penalty on
printsellers or
others pirating
the same.

and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June which shall be in the year of our Lord one thousand seven hundred and thirty-five, every person who shall invent and design, engrave, etch, or work, in mezzotinto or chiaro-oscuro, or from his own works and invention shall cause to be designed and engraved, etched, or worked, in mezzotinto or chiaro-oscuro, any historical or other print or prints, shall have the sole right and liberty of printing and reprinting the same for the term of fourteen years, to commence from the day of the first publishing thereof, which shall be truly engraved with the name of the proprietor on each plate, and printed on every such print or prints; and that if any printseller or other person whatsoever, from and after the said twenty-fourth day of June one thousand seven hundred and thirty-five, within the time limited by this Act, shall engrave, etch, or work as aforesaid, or in any other manner copy and sell, or cause to be engraved, etched, or copied and sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause to be printed, reprinted, or imported for sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof first had and obtained in writing signed by him or them respectively in the presence of two or more credible witnesses, or, knowing the same to be so printed or reprinted without the consent of the proprietor or proprietors shall publish, sell, or expose to sale, or otherwise or in any other manner dispose of, or cause to be published, sold, or exposed to sale, or otherwise or in any other manner disposed of, any such print or prints, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print or prints are or shall be so copied or printed), to the proprietor or proprietors of such original print or prints, who shall forthwith destroy and damask the same; and further, that every such offender or offenders shall forfeit five shillings for every print which shall be found in his, her, or their custody, either printed or published, and exposed to sale or otherwise disposed of, contrary to the true intent and meaning of this Act, the one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety thereof to any person or persons that shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance, shall be allowed.

II. Provided nevertheless, That it shall and may be lawful for Not to extend any person or persons who shall hereafter purchase any plate or to purchasers plates for printing from the original proprietors thereof to print of plates from and reprint from the said plates without incurring any of the the original proprietors. penalties in this Act mentioned.

III. And be it further enacted by the authority aforesaid, Limitations of That if any action or suit shall be commenced or brought against actions for any person or persons whatsoever for doing or causing to be done anything done anything in pursuance of this Act, the same shall be brought in pursuance of Act. within the space of three months after so doing; and the defendant and defendants in such action or suit shall or may plead the general issue, and give the special matter in evidence; and if upon General issue. such action or suit a verdict shall be given for the defendant or defendants, or if the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or actions, then the defendant or defendants shall have and recover full costs, for the recovery whereof he shall have the same remedy as any other defendant or defendants in any other case hath or have by law.

IV. Provided always, and be it further enacted by the authority Limitation of aforesaid, That if any action or suit shall be commenced or brought actions for against any person or persons for any offence committed against offences against this Act, the same shall be brought within the space of three months after the discovery of every such offence, and not afterwards, anything in this Act contained to the contrary notwithstanding.

V. Repealed by 30 & 31 Vict. c. 59.

VI. And be it further enacted by the authority aforesaid, That Public Act. this Act shall be deemed, adjudged, and taken to be a Public Act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

12 GEO. II. c. 36 (1739).

An Act for prohibiting the Importation of Books reprinted abroad, and first composed or written in and printed in Great Britain; and for repealing so much of an Act made in the Eighth Year of the Reign of her late Majesty Queen Anne as empowers the limiting the Prices of Books.

Repealed by 30 & 31 Vict. c. 59.

7 GEO. III. c. 38 (1766).

An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of designing, engraving, and etching historical and other Prints; and for vesting in, and securing to, Jane Hogarth, Widow, the Property in certain Prints.

Preamble, reciting Act 8 G. 2.

The original inventors, designers, or engravers, &c., of historical and other prints, and such who shall cause prints to be done from works, &c., of their own invention,

and also such as shall engrave, &c., any print taken from any picture, drawing, model, or sculpture; are entitled to the benefit and protection of the recited and present Act;

and those who shall engrave or import for sale, copies of such prints, are liable to penalties.

WHEREAS an Act of Parliament passed in the eighth year of the reign of His late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned," has been found ineffectual for the purposes thereby intended: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand seven hundred and sixty-seven, all and every person and persons who shall invent or design, engrave, etch, or work in mezzotinto or chiaro-oscuro, or, from his own work, design, or invention, shall cause or procure to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, shall have, and are hereby declared to have, the benefit and protection of the said Act and this Act, under the restrictions and limitations hereinafter mentioned.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of January one thousand seven hundred and sixty-seven, all and every person and persons who shall engrave, etch, or work in mezzotinto or chiaro-oscuro, or cause to be engraved, etched, or worked, any print, taken from any picture, drawing, model, or sculpture, either ancient or modern, shall have, and are hereby declared to have, the benefit and protection of the said Act and this Act, for the term hereinafter mentioned, in like manner as if such print had been graven or drawn from the original design of such graver, etcher, or draftsman; and if any person shall engrave, print and publish, or import for sale, any copy of any such print, contrary to the true intent and meaning of this and the said former Act, every such person shall be liable to the penalties contained in the said Act, to be recovered as therein and hereinafter is mentioned.

III. and IV. repealed by 30 & 31 Vict. c. 59.

V. And be it further enacted by the authority aforesaid, That all Penalties may and every the penalties and penalty inflicted by the said Act, and be sued for as extended, and meant to be extended, to the several cases comprised by the recited Act is directed in this Act shall and may be sued for and recovered in like manner, and under the like restrictions and limitations, as in and by the said Act is declared and appointed; and the plaintiff or common and be recovered with informer in every such action (in case such plaintiff or common in- full costs; former shall recover any of the penalties incurred by this or the provided the said former Act) shall recover the same, together with his full costs prosecution be of suit. Provided also, that the party prosecuting shall commence commenced within six his prosecution within the space of six calendar months after the months after the offence committed. the fact.

VI. And be it further enacted by the authority aforesaid, That The right in- the sole right and liberty of printing and reprinting intended to be tended to be secured and protected by the said former Act and this Act, shall be secured by this be extended, continued, and be vested in the respective proprietors, and the former Act, vested in for the space of twenty-eight years, to commence from the day of the proprietors the first publishing of any of the works respectively hereinbefore for the term of and in the said former Act mentioned. twenty-eight years from the first publi- cation.

VII. And be it further enacted by the authority aforesaid, That Limitation of if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, any- actions. thing in pursuance of this Act, the same shall be brought within the space of six calendar months after the fact committed; and the defendant or defendants in any such action or suit shall or may plead the general issue, and give the special matter in evidence; General issue. and if, upon such action or suit, a verdict shall be given for the defendant or defendants, or if the plaintiff or plaintiffs become non-suited, or discontinue his, her, or their action or actions, then the defendant or defendants shall have and recover full costs; for the Full costs. recovery whereof he shall have the same remedy as any other defendant or defendants, in any other case, hath or have by law.

15 GEO. III. c. 53 (1775).

An Act for enabling the two Universities in England, the four Universities in Scotland, and the several Colleges of Eton, Westminster, and Winchester, to hold in perpetuity their Copy-right in Books, given or bequeathed to the said Universities and Colleges for the Advancement of useful Learning and other Purposes of Education; and for amending so much of an Act of the Eighth Year of the Reign of Queen Anne as relates to the Delivery of Books to the Warehouse-keeper of the Stationers' Company, for the Use of the several Libraries therein mentioned.

Preamble.

WHEREAS authors have heretofore bequeathed or given, and may hereafter bequeath or give, the copies of books composed by them, to or in trust for one of the two universities in that part of Great Britain called England, or to or in trust for some of the colleges or houses of learning within the same, or to or in trust for the four universities in Scotland, or to or in trust for the several colleges of Eton, Westminster, and Winchester, and in and by their several wills or other instruments of donation, have directed or may direct, that the profits arising from the printing and reprinting such books shall be applied or appropriated as a fund for the advancement of learning, and other beneficial purposes of education within the said universities and colleges aforesaid: And whereas such useful purposes will frequently be frustrated, unless the sole printing and reprinting of such books, the copies of which have been or shall be so bequeathed or given as aforesaid, be preserved and secured to the said universities, colleges, and houses of learning respectively in perpetuity: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said universities and colleges respectively shall, at their respective presses, have, for ever, the sole liberty of printing and reprinting all such books as shall at any time heretofore have been, or (having not been heretofore published or assigned) shall at any time hereafter be bequeathed, or otherwise given by the author or authors of the same respectively, or the representatives of such author or authors, to or in trust for the said universities, or to or in trust for any college or house of learning within the same, or to or in trust for the said four universities in Scotland, or to or in trust for the said colleges of Eton, Westminster, and Winchester, or any of them, for the purposes aforesaid, unless the same shall have been bequeathed or

Universities, &c., in England and Scotland to have for ever the sole right of printing, &c., such books as have been, or shall be, bequeathed to them,

unless the same

given, or shall hereafter be bequeathed or given, for any term of years, or other limited term, any law or usage to the contrary hereof in anywise notwithstanding.

II. And it is hereby further enacted, That if any bookseller, printer, or other person whatsoever, from and after the twenty-fourth day of June one thousand seven hundred and seventy-five, shall print, reprint, or import, or cause to be printed, reprinted, or imported, any such book or books; or, knowing the same to be so printed or reprinted, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such book or books; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the university, college, or house of learning respectively, to whom the copy of such book or books shall have been bequeathed or given as aforesaid, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one penny for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this Act; the one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

III. Provided nevertheless, That nothing in this Act shall extend to grant any exclusive right otherwise than so long as the books or copies belonging to the said universities or colleges are printed only at their own printing presses within the said universities or colleges respectively, and for their sole benefit and advantage; and that if any university or college shall delegate, grant, lease, or sell their copyrights, or exclusive rights of printing the books hereby granted, or any part thereof, or shall allow, permit, or authorise any person or persons, or bodies corporate, to print or reprint the same, that then the privileges hereby granted are to become void and of no effect, in the same manner as if this Act had not been made; but the said universities and colleges as aforesaid shall nevertheless have a right to sell such copies so bequeathed or given as aforesaid, in like manner as any author or authors now may do under the provisions of the statute of the eighth year of Her Majesty Queen Anne.

IV. And whereas many persons may through ignorance offend against this Act, unless some provision be made whereby the property of every such book as is intended by this Act to be secured to the said universities, colleges, and houses of learning

have been, or shall be, given for a limited time.

After June 24, 1775, persons printing or selling such books shall forfeit the same, and also 1d. for every sheet;

one moiety to His Majesty, and the other to the prosecutor.

Nothing in this Act to extend to grant any exclusive right longer than such books are printed at the presses of the universities.

Universities may sell Copyrights in like manner as any author.

No person subject to penalties for printing, &c., books already be-

queathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed, must be entered within two months after such bequest shall be known.

6d. to be paid for each entry in the register book, which may be inspected without fee.

Clerk to give a certificate, being paid 6d.

If clerk refuse or neglect to make entry, &c.

Proprietor of such copyright to have like benefit as if such entry had been made, and the clerk shall forfeit 20l.

within the same, and to the said universities in Scotland, and to the respective colleges of Eton, Westminster, and Winchester, may be ascertained and known, be it therefore enacted by the authority aforesaid, That nothing in this Act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties herein mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, unless the title to the copy of such book or books, which has or have been already bequeathed or given to any of the said universities or colleges aforesaid, be entered in the register book of the Company of Stationers kept for that purpose, in such manner as hath been usual, on or before the twenty-fourth day of June, one thousand seven hundred and seventy-five; and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid, be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice-chancellors of the said universities, or the heads of houses and colleges of learning, or of the principal of any of the said four universities respectively; for every of which entries so to be made as aforesaid the sum of sixpence shall be paid, and no more; which said register book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer, or other person, without any fee or reward; and the clerk of the said company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

V. And be it further enacted, That if the clerk of the said Company of Stationers for the time being shall refuse or neglect to register or make such entry or entries, or to give such certificate, being thereunto required by the agent of either of the said universities or colleges aforesaid, lawfully authorised for that purpose, then either of the said universities or colleges aforesaid, being the proprietor of such copyright or copyrights as aforesaid (notice being first given of such refusal by an advertisement in the *Gazette*), shall have the like benefit as if such entry or entries, certificate or certificates, had been duly made and given; and the clerk so refusing shall for every such offence forfeit twenty pounds to the proprietor or proprietors of every such copyright; to be recovered in any of His Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, protection, or more than one imparlance, shall be allowed.

VI. and VII. repealed by 24 & 25 Vict. c. 101.

VIII. And be it further enacted by the authority aforesaid, That Public Act this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

17 GEO. III. c. 57 (1777).

An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases.

WHEREAS an Act of Parliament passed in the eighth year of the reign of His late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned:" And whereas, by an Act of Parliament passed in the seventh year of the reign of His present Majesty, for amending and rendering more effectual the aforesaid Act, and for other purposes therein mentioned, it was (among other things) enacted, That from and after the first day of January one thousand seven hundred and sixty-seven, all and every person or persons who should engrave, etch, or work in mezzotinto or chiaro-oscuro, or cause to be engraved, etched, or worked any print taken from any picture, drawing, model, or sculpture, either ancient or modern, should have and were thereby declared to have the benefit and protection of the said former Act and that Act, for the term thereafter mentioned, in like manner as if such print had been graven or drawn from the original design of such graver, etcher, or draughtsman; and whereas the said Acts have not effectually answered the purposes for which they were intended, and it is necessary for the encouragement of artists, and for securing to them the property of and in their works, and for the advancement and improvement of the aforesaid arts, that such further provisions should be made as are hereafter mentioned and contained: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June, one thousand seven hundred and seventy-seven, if any engraver, etcher, print-seller, or other person shall, within the time limited by the aforesaid Acts, or either of them, engrave, etch, or work, or cause or procure to be

Recital of Acts
8 G. 2, and
7 G. 2.

After June 24,
1777, if any
engraver. &c.,
shall, within
the time

limited by the aforesaid Acts, engrave or etch, &c., any print without the consent of the proprietor, he shall be liable to damages and double costs.

engraved, etched, or worked, in mezzotinto or chiaro-oscuro, or otherwise, or in any other manner copy, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause or procure to be printed, reprinted, or imported for sale, or shall publish, sell, or otherwise dispose of, or cause or procure to be published, sold, or otherwise disposed of, any copy or copies of any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, which hath or have been, or shall be engraved, etched, drawn, or designed, in any part of Great Britain, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor or proprietors shall and may, by and in a special action upon the case, to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon, shall give or assess, together with double costs* of suit.

27 GEO. III. c. 38 (1787).

An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

29 GEO. III. c. 19 (1789).

An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

* So much of this statute as relates to double costs is repealed by 24 & 25 Vict. c. 101.

34 GEO. III. c. 23 (1794).

An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Period.

Repealed by 5 & 6 Vict. c. 100, § 1.

38 GEO. III. c. 71 (1798).

An Act for Encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned.

Repealed by 24 & 25 Vict. c. 101.

41 GEO. III. c. 107 (1801).

An Act for the further Encouragement of Learning, in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the time therein mentioned.

Repealed by 5 & 6 Vict. c. 45, § 1.

54 GEO. III. c. 56.

An Act to amend and render more effectual an Act of His present Majesty, for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned; and for giving further Encouragement to such Arts.

[18th May, 1814.]

WHEREAS by an Act, passed in the thirty-eighth year of the reign of His present Majesty, intituled "An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned," the sole right and property thereof were vested in the original proprietors, for a time therein specified: And whereas the provisions of the said Act having been found ineffectual for the purposes thereby intended, it is expedient to amend the same, and to make other provisions and regulations for the encouragement of artists, and to secure to them the profits of and in their works, and for the advancement

38 Geo. 3, c. 71.

The sole right and property of all new and original sculptures, models, copies, and casts, vested in the proprietors for fourteen years.

of the said arts: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, every person or persons who shall make or cause to be made any new and original sculpture or model, or copy or cast, of the human figure, or human figures, or of any bust or busts, or of any part or parts of the human figure, clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of any animal combined with the human figure or otherwise, or of any subject being matter of invention in sculpture, or of any alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or any cast from nature of the human figure, or of any part or parts of the human figure, or of any cast from nature of any animal, or of any part or parts of any animal, or of any such subject containing or representing any of the matters and things hereinbefore mentioned, whether separate or combined, shall have the sole right and property of all and in every such new and original sculpture, model, copy, and cast of the human figure or human figures, and of all and in every such bust or busts, and of all and in every such part or parts of the human figure, clothed in drapery or otherwise, and of all and in every such new and original sculpture, model, copy, and cast, representing any animal or animals, and of all and in every such work representing any part or parts of any animal combined with the human figure or otherwise, and of all and in every such new and original sculpture, model, copy, and cast of any subject, being matter of invention in sculpture, and of all and in every such new and original sculpture, model, copy, and cast in alto or basso-relievo, representing any of the matters or things hereinbefore mentioned, and of every such cast from nature, for the term of fourteen years from first putting forth or publishing the same: Provided, in all and in every case, the proprietor or proprietors do cause his, her, or their name or names, with the date, to be put on all and every such new and original sculpture, model, copy, or cast, and on every such cast from nature, before the same shall be put forth or published.

Works published under the recited Act, vested in the proprietors for fourteen years.

II. And be it further enacted, That the sole right and property of all works, which have been put forth or published under the protection of the said recited Act, shall be extended, continued to and vested in the respective proprietors thereof for the term of fourteen years, to commence from the date when such last mentioned works respectively were put forth or published.

Persons put-

III. And be it further enacted, That if any person or persons

shall, within such term of fourteen years, make or import, or cause to be made or imported, or exposed for sale, or otherwise disposed of, any pirated copy or pirated cast of any such new and original sculpture, or model or copy, or cast of the human figure or figures, or of any such bust or busts, or of any such part or parts of the human figure clothed in drapery or otherwise, or of any such work of any animal or animals, or of any such part or parts of any animal or animals combined with the human figure or otherwise, or of any such subject being matter of invention in sculpture, or of any such alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or of any such cast from nature as aforesaid, whether such pirated copy or pirated cast be produced by moulding or copying from, or imitating in any way, any of the matters or things put forth or published under the protection of this Act, or of any works which have been put forth or published under the protection of the said recited Act, the right and property whereof is and are secured, extended, and protected by this Act in any of the cases as aforesaid, to the detriment, damage, or loss of the original or respective proprietor or proprietors of any such works so pirated; then and in all such cases the said proprietor or proprietors, or their assignee or assignees, shall and may, by and in a special action upon the case to be brought against the person or persons so offending, receive such damages as a jury on a trial of such action shall give or assess, together with double costs of suits.

ting forth
pirated copies
or pirated
casts, may be
prosecuted.

Damages and
double costs.

IV. Provided nevertheless, That no person or persons who shall or may hereafter purchase the right or property of any new and original sculpture or model, or copy or cast, or of any cast from nature, or of any of the matters and things published under or protected by virtue of this Act, of the proprietor or proprietors, expressed in a deed in writing signed by him, her, or them respectively, with his, her, or their own hand, or hands, in the presence of and attested by two or more credible witnesses, shall be subject to any action for copying, or casting, or vending the same, anything contained in this Act to the contrary notwithstanding.

Purchasers of
copyright se-
cured in the
same.

V. Provided always, and be it further enacted, That all actions to be brought as aforesaid, against any person or persons for any offence committed against this Act, shall be commenced within six calendar months next after the discovery of every such offence and not afterwards.

Limitation of
actions.

VI. Provided always, and be it further enacted, That from and immediately after the expiration of the said term of fourteen years, the sole right of making and disposing of such new and original sculpture, or model, or copy, or cast of any of the matters or things hereinbefore mentioned, shall return to the person or persons who

An additional
term of four-
teen years, in
case the maker
of the original
sculpture, &c.,
shall be living.

originally made or caused to be made the same, if he or they shall be then living, for the further term of fourteen years, excepting in the case or cases where such person or persons shall by sale or otherwise have divested himself, herself, or themselves, of such right of making or disposing of any new and original sculpture, model, or copy, or cast of any of the matters or things hereinbefore mentioned, previous to the passing of this Act.

54 GEO. 3. c. 156 (1814).

An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns.

Repealed by 5 & 6 Vict. c. 45, § 1.

3 WILL. IV. c. 15.

An Act to amend the Laws relating to dramatic literary Property.

[10th June, 1833.]

WHEREAS by an Act passed in the fifty-fourth year of the reign of 54 G. 3, c. 156. His late Majesty King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns," it was amongst other things provided and enacted, that from and after the passing of the said Act the author of any book or books composed, and not printed or published, or which should thereafter be composed and printed and published, and his assignee or assigns, should have the sole liberty of printing and reprinting such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author should be living at the end of that period for the residue of his natural life: And whereas it is expedient to extend the provisions of the said Act: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed, and not printed and published by the author thereof or his assignee, or which hereafter shall be composed, and not printed or published by the

The author of any dramatic piece shall have as his property the sole liberty of

author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof; and that the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof: Provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorized such representation, but that such sole liberty of the author or his assignee shall be subject to such right or authority.

representing it
or causing it
to be repre-
sented at any
place of dra-
matic enter-
tainment.

Proviso as to
cases where,
previous to
the passing of
this Act, a
consent has
been given.

II. And be it further enacted, That if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act, or right of the author or his assignee, represent or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained at any place of dramatic entertainment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings, or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act; to be recovered, together with double costs of suit, by such author or other proprietors, in any court having jurisdiction in such cases in that part of the said United Kingdom or of the British dominions in which the offence shall be committed; and in

Penalty on
persons per-
forming pieces
contrary to
this Act.

every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same.

Limitation of actions.

III. Provided nevertheless, and be it further enacted, That all actions or proceedings for any offence or injury that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

Explanation of words.

IV. And be it further enacted, That whenever authors, persons, offenders, or others are spoken of in this Act in the singular number or in the masculine gender, the same shall extend to any number of persons and to either sex.

5 & 6 WILL. IV. c. 65.

An Act for preventing the Publication of Lectures without Consent.

[9th September, 1835.]

Authors of lectures, or their assigns, to have the sole right of publishing them.

Penalty on other persons publishing, &c., lectures without leave.

WHEREAS printers, publishers, and other persons have frequently taken the liberty of printing and publishing lectures delivered upon divers subjects, without the consent of the authors of such lectures, or the persons delivering the same in public, to the great detriment of such authors and lecturers: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of September one thousand eight hundred and thirty-five the author of any lecture or lectures, or the person to whom he hath sold or otherwise conveyed the copy thereof, in order to deliver the same in any school, seminary, institution, or other place, or for any other purpose, shall have the sole right and liberty of printing and publishing such lecture or lectures; and that if any person shall, by taking down the same in short-hand or otherwise in writing, or in any other way, obtain or make a copy of such lecture or lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without leave of the author thereof, or of the person to whom the author thereof hath sold or otherwise conveyed the same, and every person who, knowing the same to have been printed or copied and published without such consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such lecture or

lectures, shall forfeit such printed or otherwise copied lecture or lectures, or parts thereof, together with one penny for every sheet thereof which shall be found in his custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to His Majesty, his heirs or successors, and the other moiety thereof to any person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

II. And be it further enacted, That any printer or publisher of any newspaper who shall, without such leave as aforesaid, print and publish in such newspaper any lecture or lectures, shall be deemed and taken to be a person printing and publishing without leave within the provisions of this Act, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

Penalty on printers or publishers of newspapers publishing lectures without leave.

III. And be it further enacted, That no person allowed for certain fee and reward, or otherwise, to attend and be present at any lecture delivered in any place, shall be deemed and taken to be licensed or to have leave to print, copy, and publish such lectures only because of having leave to attend such lecture or lectures.

Persons having leave to attend lectures not on that account licensed to publish them.

IV. Provided always, That nothing in this Act shall extend to prohibit any person from printing, copying, and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assignees, and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by an Act passed in the eighth year of the reign of Queen Anne, intituled "An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned," and by another Act passed in the fifty-fourth year of the reign of King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," or to any lectures which have been printed or published before the passing of this Act.

Act not to prohibit the publishing of lectures after expiration of the copyright.

8 Ann. c. 19.

54 G. 3, c. 156.

V. Provided further, That nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two justices living within five miles from the place where such lecture or lectures shall be delivered two days at the least before delivering the same, or to any lecture or lectures delivered in any university or public school or college, or on any public foundation, or by any individual in

Act not to extend to lectures delivered in unlicensed places, &c.

virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

6 & 7 WILL. IV. c. 59.

An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.

[13th August, 1836.]

17 G. 3, c. 57.

Provisions of recited Act extended to Ireland.

Penalty on engraving or publishing any print without consent of proprietor.

WHEREAS an Act was passed in the seventeenth year of the reign of His late Majesty King George Third, intituled "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases:" And whereas it is desirable to extend the provisions of the said Act to Ireland: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act all the provisions contained in the said recited Act of the seventeenth year of the reign of His late Majesty King George the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of Great Britain and Ireland.

II. And be it further enacted, That from and after the passing of this Act, if any engraver, etcher, printseller, or other person shall within the time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any engraving or print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of Great Britain or Ireland, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any court of law in Great Britain or Ireland, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon shall give or assess together with double costs of suit.

1 & 2 VICT. c. 59 (1838).

“The International Copyright Act.”

Repealed by 7 Vict. c. 12.

2 VICT. c. 13 (1839).

An Act for extending the Copyright of Designs for Calico-Printing to Designs for Printing other woven Fabrics.

Repealed by 5 & 6 Vict. c. 100, § 1.

2 VICT. c. 17 (1839).

An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.

Repealed by 5 & 6 Vict. c. 100, § 1.

5 & 6 VICT. c. 45.

An Act to amend the Law of Copyright.

[1st July, 1842.]

WHEREAS it is expedient to amend the law relating to copyright, and to afford greater encouragement to the production of literary works of lasting benefit to the world: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That Repeal of former Acts: from the passing of this Act an Act passed in the eighth year of Her Majesty Queen Anne, intituled “An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Time therein mentioned;” and also an Act passed in the forty-first year of the reign of His Majesty King George the Third, intituled “An Act 8 Anne, c. 19. 41 G. 3, c. 107. for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the Time therein mentioned;” and also an Act passed in the fifty-fourth year of the reign of His Majesty King George the Third, intituled “An Act to amend the several Acts for the 54 G. 3, c. 156. Encouragement of Learning, by securing the Copies and Copyright

of printed Books to the Authors of such Books, or their Assigns," be and the same are hereby repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceeding at law or in equity pending at the time of passing this Act, or for enforcing any cause of action or suit, or any right or contract then subsisting.

Interpretation
of Act.

II. And be it enacted, That in the construction of this Act the word "book" shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published: that the words "dramatic piece" shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment; that the word "copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied; that the words "personal representative" shall be construed to mean and include every executor, administrator, and next of kin entitled to administration; that the word "assigns" shall be construed to mean and include every person in whom the interest of an author in copyright shall be vested, whether derived from such author before or after the publication of any book, and whether acquired by sale, gift, bequest, or by operation of law, or otherwise; that the words "British Dominions" shall be construed to mean and include all parts of the United Kingdom of Great Britain and Ireland, the Islands of Jersey and Guernsey, all parts of the East and West Indies, and all the colonies, settlements, and possessions of the Crown which now are or hereafter may be acquired; and that whenever in this Act, in describing any person, matter, or thing the word importing the singular number or the masculine gender only is used, the same shall be understood to include and to be applied to several persons as well as one person, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there shall be something in the subject or context repugnant to such construction.

Endurance of
term of copy-
right in any
book hereafter
to be published
in the lifetime
of the author;

II. And be it enacted, That the copyright in every book which shall after the passing of this Act be published in the lifetime of its author shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book which shall be published after the death of its author shall endure for the term

of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published, and his assigns.

IV. And whereas it is just to extend the benefits of this Act to authors of books published before the passing thereof, and in which copyright still subsists, be it enacted, That the copyright which at the time of passing this Act shall subsist in any book theretofore published (except as herein-after mentioned) shall be extended and endure for the full term provided by this Act in cases of books thereafter published, and shall be the property of the person who at the time of passing of this Act shall be the proprietor of such copyright: Provided always, that in all cases in which such copyright shall belong in whole or in part to a publisher or other person who shall have acquired it for other consideration than that of natural love and affection, such copyright shall not be extended by this Act, but shall endure for the term which shall subsist therein at the time of passing of this Act, and no longer, unless the author of such book, if he shall be living, or the personal representative of such author, if he shall be dead, and the proprietor of such copyright, shall, before the expiration of such term, consent and agree to accept the benefits of this Act in respect of such book, and shall cause a minute of such consent in the form in that behalf given in the schedule to this Act annexed to be entered in the book of registry herein-after directed to be kept, in which case such copyright shall endure for the full term by this Act provided in cases of books to be published after the passing of this Act, and shall be the property of such person or persons as in such minute shall be expressed.

V. And whereas it is expedient to provide against the suppression of books of importance to the public, be it enacted, That it shall be lawful for the judicial committee of Her Majesty's Privy Council, on complaint made to them that the proprietor of the copyright in any book after the death of its author has refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a licence to such complainant to publish such book, in such manner and subject to such conditions as they may think fit, and that it shall be lawful for such complainant to publish such book according to such licence.

VI. And be it enacted, That a printed copy of the whole of every book which shall be published after the passing of this Act, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be published, and also of any second or subsequent edition which shall be so published with any additions

if published after the author's death.

In cases of subsisting copyright, the term to be extended, except when it shall belong to an assignee for other consideration than natural love and affection; in which case it shall cease at the expiration of the present term, unless its extension be agreed to between the proprietor and the author.

Judicial committee of the Privy Council may license the republication of books which the proprietor refuses to republish after death of the author.

Copies of books published after the passing of this Act, and of all subsequent editions, to be delivered with-

in certain times or alterations, whether the same shall be in letter-press, or in the maps, prints, or other engravings belonging thereto, and whether at the British Museum. the first edition of such book shall have been published before or after the passing of this Act, and also of any second or subsequent edition of every book of which the first of some preceding edition shall not have been delivered for the use of the British Museum, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed, shall, within one calendar month after the day on which any such book shall first be sold, published, or offered for sale within the bills of mortality, or within three calendar months if the same shall first be sold, published or offered for sale in any other part of the United Kingdom, or within twelve calendar months after the same shall first be sold, published, or offered for sale in any other part of the British dominions, be delivered, on behalf of the publisher thereof, at the British Museum.

Mode of delivering at the British Museum.

VII. And be it enacted, That every copy of any book which under the provisions of this Act ought to be delivered as aforesaid shall be delivered at the British Museum between the hours of ten in the forenoon and four in the afternoon on any day except Sunday, Ash Wednesday, Good Friday, and Christmas Day, to one of the officers of the said museum, or to some person authorized by the trustees of the said museum to receive the same, and such officer or other person receiving such copy is hereby required to give a receipt in writing for the same, and such delivery, to all intents and purposes, be deemed to be good and sufficient delivery under the provisions of this Act.

A copy of every book to be delivered within a month after demand to the officer of the Stationers' Company, for the following libraries: the Bodleian at Oxford, the Public Library at Cambridge, the Faculty of Advocates at Edinburgh, and that of Trinity College, Dublin.

VIII. And be it enacted, That a copy of the whole of every book, and of any second or subsequent edition of every book containing additions and alterations, together with all maps and prints belonging thereto, which after the passing of this Act shall be published, shall, on demand thereof in writing, left at the place of abode of the publisher thereof, at any time within twelve months next after the publication thereof, under the hand of the officer of the Company of Stationers who shall from time to time be appointed by the said company for the purposes of this Act, or under the hand of any other persons thereto authorized by the persons or bodies politic and corporate, proprietors and managers of the libraries following, (*videlicet*,) the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy Undivided Trinity of Queen Elizabeth near Dublin, be delivered, upon the paper of which the largest number of copies of such book or edition shall be printed for sale, in the like condition as the copies prepared for sale by the publisher thereof respectively

within one month after demand made thereof in writing as aforesaid, to the said officer of the said Company of Stationers for the time being, which copies the said officer shall and he is hereby required to receive at the hall of the said company, for the use of the library for which such demand shall be made within such twelve months as aforesaid; and the said officer is hereby required to give a receipt in writing for the same, and within one month after any such book shall be so delivered to him as aforesaid to deliver the same for the use of such library.

IX. Provided also, and be it enacted, That if any publisher shall be desirous of delivering the copy of such book as shall be demanded on behalf of any of the said libraries at such library, it shall be lawful for him to deliver the same at such library, free of expense, to such librarian or other person authorized to receive the same (who is hereby required in such case to receive and give a receipt in writing for the same), and such delivery shall to all intents and purposes of this Act be held as equivalent to a delivery to the said officer of the Stationers' Company.

Publishers may deliver the copies to the libraries, instead of at the Stationers' Company.

X. And be it enacted, That if any publisher of any such book, or of any second or subsequent edition of any such book, shall neglect to deliver the same pursuant to this Act, he shall for every such default forfeit, besides the value of such copy of such book or edition which he ought to have delivered, a sum not exceeding five pounds, to be recovered by the librarian or other officer (properly authorized) of the library for the use whereof such copy should have been delivered, in a summary way, on conviction before two justices of the peace for the county or place where the publisher making default shall reside, or by action of debt or other proceeding of the like nature, at the suit of such librarian or other officer, in any court of record in the United Kingdom, in which action, if the plaintiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

Penalty for default in delivering copies for the use of the libraries.

XI. And be it enacted, That a book of registry, wherein may be registered, as herein-after enacted, the proprietorship in the copy-right of books, and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licences affecting such copyright, shall be kept at the hall of the Stationers' Company by the officer appointed by the said company for the purposes of this Act, and shall at all convenient times be open to the inspection of any person, on payment of one shilling for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, and impressed with the stamp of the said company, to be provided by them for that purpose, and which they are hereby required to

Book of registry to be kept at Stationers' Hall.

provide, to any person requiring the same, on payment to him of the sum of five shillings; and such copies so certified and impressed, shall be received in evidence in all courts, and in all summary proceedings, and shall be *primâ facie* proof of the proprietorship or assignment of copyright or licence as therein expressed, but subject to be rebutted by other evidence, and in the case of dramatic or musical pieces shall be *primâ facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

Making a false entry in the book of registry, a misdemeanor.

XII. And be it enacted, That if any person shall wilfully make or cause to be made any false entry in the registry book of the Stationers' Company, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of an indictable misdemeanor, and shall be punished accordingly.

Entries of copyright may be made in the book of registry.

XIII. And be it enacted, That after the passing of this Act, it shall be lawful for the proprietor of copyright in any book heretofore published, or in any book hereafter to be published, to make entry in the registry book of the Stationers' Company of the title of such book, the time of the first publication thereof, the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the schedule to this Act annexed, upon payment of the sum of five shillings to the officer of the said company; and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

Persons aggrieved by any entry in the book of registry may apply to a court of law in term, or judge in vacation, who may order such entry to be varied or expunged.

XIV. And be it enacted, That if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Court of Queen's Bench, Court of Common Pleas, or Court of Exchequer, in term time, or to apply by summons to any judge of either such courts in vacation, for an order that such entry may be expunged or varied; and that upon any such application by motion or summons to either of the said courts, or to a judge as aforesaid, such court or judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such court or judge shall seem just; and the officer appointed by the Stationers' Company for the purposes of

this Act shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisitions of such order.

XV. And be it enacted, That if any person shall, in any part of the British dominions, after the passing of this Act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall import for sale or hire any such book, so having been unlawfully printed, from parts beyond the sea, or, knowing such book to have been so unlawfully printed or imported, shall sell, publish, or expose to sale or hire, or cause to be sold, published, or exposed to sale or hire, or shall have in his possession, for sale or hire, any such book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought in any court of record in that part of the British dominions in which the offence shall be committed: Provided always, that in Scotland such offender shall be liable to an action in the Court of Session in Scotland which shall and may be brought and prosecuted in the same manner in which any other action of damages to the like amount may be brought and prosecuted there.

XVI. And be it enacted, That after the passing of this Act, in any action brought within the British dominions against any person for printing any such book for sale, hire, or exportation, or for importing, selling, publishing, or exposing to sale or hire, or causing to be imported, sold, published, or exposed to sale or hire, any such book, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action; and if the nature of his defence be, that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein; and at such trial or hearing no other

Remedy for the piracy of books by action on the case.

In actions for piracy the defendant to give notice of the objections to the plaintiff's title on which he means to rely.

objection shall be allowed to be made on behalf of such defendant than the objection stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication with the title, time, and place specified in such notice.

No person except the proprietor, &c., shall import into the British dominions for sale or hire any book first composed, &c., within the United Kingdom, and reprinted elsewhere, under penalty of forfeiture thereof, and also of 10*l.* and double the value

Books may be seized by officers of customs or excise.

As to the copyright in encyclopædias, periodicals, and works published in a series, reviews, or magazines.

XVII. And be it enacted, That after the passing of this Act it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the said United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions; and if any person, not being such proprietor or person authorized as aforesaid, shall import or bring, or cause to be imported or brought, for sale or hire, any such printed book, into any part of the British dominions, contrary to the true intent and meaning of this Act, or shall knowingly sell, publish, or expose to sale or let to hire, or have in his possession for sale or hire, any such book, then every such book shall be forfeited, and shall be seized by any officer of customs or excise, and the same shall be destroyed by such officer; and every person so offending, being duly convicted thereof before two justices of the peace for the county or place in which such book shall be found, shall also for every such offence forfeit the sum of ten pounds, and double the value of every copy of such book which he shall so import or cause to be imported into any part of the British dominions, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall cause to be sold, published, or exposed to sale or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act; five pounds to the use of such officer of customs or excise, and the remainder of the penalty to the use of the proprietor of the copyright in such book.

XVIII. And be it enacted, That when any publisher or other person shall, before or at the time of the passing of this Act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in or as part of the same, and such work, volumes, parts, essays, articles, or portions shall have been or shall hereafter be composed under

such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor, the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion so composed and paid for, shall be the property of such proprietor, projector, publisher, or other conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this Act; except only that in the case of essays, articles, or portions forming part of and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act: Provided always, that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor shall not publish any such essay, article, or portion separately or singly, without the consent previously obtained of the author thereof, or his assigns: Provided, also, that nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right shall be entitled to the copyright in such composition when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher, or conductor as aforesaid.

Proviso for authors who have reserved the right of publishing their articles in a separate form.

XIX. And be it enacted, That the proprietor of the copyright in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts shall be entitled to all the benefits of the registration at Stationers' Hall under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work, published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first number or volume first published after the passing of this Act in any such work which shall have been published heretofore, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

Proprietors of encyclopædias, periodicals, and works published in a series, may enter at once at Stationers' Hall, and thereon have the benefit of the registration of the whole.

XX. And whereas an Act was passed in the third year of the reign of His late Majesty, to amend the law relating to dramatic literary property, and it is expedient to extend the term of the

The provisions of 3 & 4 W. 4, c. 15, extended to musical com-

positions, and the term of copyright, as provided by this Act, applied to the liberty of representing dramatic pieces and musical compositions.

sole liberty of representing dramatic pieces given by that Act to the full time by this Act provided for the continuance of copyright: And whereas it is expedient to extend to musical compositions the benefits of that Act, and also of this Act, be it therefore enacted, That the provisions of the said Act of His late Majesty, and of this Act, shall apply to musical compositions, and that the sole liberty of representing or performing, or causing or permitting to be represented or performed, any dramatic piece or musical composition, shall endure and be the property of the author thereof, and his assigns, for the term in this Act provided for the duration of copyright in books: and the provisions herein-before enacted in respect of the property of such copyright, and of registering the same, shall apply to the liberty of representing or performing any dramatic piece or musical composition, as if the same were herein expressly re-enacted and applied thereto, save and except that the first public representation or performance of any dramatic piece or musical composition shall be deemed equivalent, in the construction of this Act, to the first publication of any book: Provided always, that in case of any dramatic piece, or musical composition in manuscript, it shall be sufficient for the person having the sole liberty of representing or performing, or causing to be represented or performed the same, to register only the title thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor thereof, and the time and place of its first representation or performance.

Proprietors of right of dramatic representations shall have all the remedies given by 3 & 4 W. 4, c. 15

XXI. And be it enacted, That the person who shall at any time have the sole liberty of representing such dramatic piece or musical composition shall have and enjoy the remedies given and provided in the said Act of the third and fourth year of the reign of His late Majesty King William the Fourth passed to amend the laws relating to dramatic literary property, during the whole of his interest therein, as fully as if the same were re-enacted in this Act.

Assignment of copyright of a dramatic piece not to convey the right of representation.

XXII. And be it enacted, That no assignment of the copyright of any book consisting of or containing a dramatic piece or musical composition shall be holden to convey to the assignee the right of representing or performing such dramatic piece or musical composition, unless an entry in the said registry book shall be made of such assignment, wherein shall be expressed the intention of the parties that such right should pass by such assignment.

Books pirated shall become the property of the proprietor of the copyright, and may be recovered by action.

XXIII. And be it enacted, That all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed or imported without the consent of the registered proprietor of such copyright, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright,

and who shall be registered as such; and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover.

XXIV. And be it enacted, That no proprietor of copyright in any book which shall be first published after the passing of this Act shall maintain any action or suit, at law or in equity, or any summary proceeding, in respect of any infringement of such copyright, unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made, in the book of registry of the Stationers' Company, of such book, pursuant to this Act: Provided always, that the omission to make such entry shall not affect the copyright in any book, but only the right to sue or proceed in respect of the infringement thereof, as aforesaid: Provided also, that nothing herein contained shall prejudice the remedies which the proprietor of the sole liberty of representing any dramatic piece shall have by virtue of the Act passed in the third year of the reign of His late Majesty King William the Fourth, to amend the laws relating to dramatic literary property, or of this Act, although no entry shall be made in the book of registry aforesaid.

No proprietor of copyright commencing after this Act shall sue or proceed for any infringement before making entry in the book of registry.

Proviso for dramatic pieces.

XXV. And be it enacted, That all copyright shall be deemed personal property, and shall be transmissible by bequest, or, in case of intestacy, shall be subject to the same law of distribution as other personal property, and in Scotland shall be deemed to be personal and moveable estate.

Copyright shall be personal property.

XXVI. And be it enacted, That if any action or suit shall be commenced or brought against any person or persons whomsoever for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath; and that all actions, suits, bills, indictments, or informations for any offence that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect; provided that such limitation of time shall not extend or be construed to extend to any actions, suits, or other proceedings which under the authority of this Act shall or may be brought, sued, or commenced for or in respect of any copies of books to be

General issue.

Limitation of actions;

not to extend to actions, &c., in respect of the delivery of books.

delivered for the use of the British Museum, or of any one of the four libraries hereinbefore mentioned.

Saving the rights of the universities, and the colleges of Eton, Westminster, and Winchester.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter the rights of the two universities of Oxford and Cambridge, the colleges or houses of learning within the same, the four universities in Scotland, the college of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, and the several colleges of Eton, Westminster, and Winchester in any copyrights heretofore and now vested or hereafter to be vested in such universities and colleges respectively, anything to the contrary herein contained notwithstanding.

Saving all subsisting rights, contracts, and engagements.

XXVIII. Provided also, and be it enacted, That nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, anything herein contained to the contrary notwithstanding.

Extent of the Act.

XXIX. And be it enacted, That this Act shall extend to the United Kingdom of Great Britain and Ireland, and to every part of the British dominions.

Act may be amended this Session.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE to which the preceding Act refers.

No. 1.

FORM of MINUTE of CONSENT to be entered at Stationers' Hall.

We, the undersigned, *A.B.* of the Author of a certain Book, intituled *Y.Z.* [or the personal Representative of the Author, *as the case may be*], and *C.D.* of do hereby certify, That we have consented and agree to accept the Benefits of the Act passed in the Fifth Year (*a*) of

(*a*) Her Majesty's reign commenced on the 20th of June, 1837, and her royal consent was given to this Act on the 1st of July, 1842, consequently the Act was passed in the sixth year of the Queen, and should be so pleaded, or as having been passed "in the session held in the fifth and sixth years of her Majesty Queen Victoria:" *Rex v. Biers*, 3 Nev. & M. 475; *Gibbs v. Pike*, 8 Mec. & W. 223. The Schedule was drawn in the fifth year of the Queen, and has not been corrected. It will be advisable in the minute of consent to state the year, by a reference to the session, which will include the words of the schedule. The form is inaccurate in another part by confining the date of consent to the present century. Note by Sweet to Bythewood and Jarman's Conveyancing, vol. vii. p. 618.

[illegible]

To the Registering Officer appointed by the Stationers' Company.

FORM of REQUIRING ENTRY of PROPRIETORSHIP.

Title of Book.	Name of Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
Y.Z.		A.B.	

Dated this day of 18 .
Witness, C.D. (Signed) A.B.

ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT of a BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
	<i>Y.Z.</i>	<i>A.B.</i>	<i>C.D.</i>	

No. 4.

FORM of CONCURRENCE of the PARTY assigning in any BOOK
previously registered.

I, *A.B.* of being the assigner of the Copyright of the Book
hereunder described, do hereby require you to make entry of the Assign-
ment of the Copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
<i>Y.Z.</i>	<i>A.B.</i>	<i>C.D.</i>

Dated this day of 18 .

(Signed) *A.B.*

No. 5.

FORM of ENTRY of ASSIGNMENT of COPYRIGHT in any BOOK previously
registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
	<i>[Set out the Title of the Book, and refer to the Page of the Registry Book in which the original Entry of the Copyright thereof is made.]</i>	<i>A.B.</i>	<i>C.D.</i>

5 & 6 VICT. c. 47 (1842).

An Act to amend the Laws relating to the Customs.

Repealed by 7 & 8 Vict. c. 73.

5 & 6 VICT. c. 100.

An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

[10th August, 1842.]

WHEREAS by the several Acts mentioned in the Schedule (A.) to this Act annexed there was granted, in respect of the woven fabrics therein mentioned, the sole right to use any new and original pattern for printing the same during the period of three calendar months: And whereas by the Act mentioned in the Schedule (B.) to this Act annexed there was granted, in respect of all articles except lace, and except the articles within the meaning of the Acts hereinbefore referred to, the sole right of using any new and original design, for certain purposes, during the respective periods therein mentioned; but forasmuch as the protection afforded by the said Acts in respect of the application of designs to certain articles of manufacture is insufficient, it is expedient to extend the same, but upon the conditions hereinafter expressed: Now for that purpose, and for the purpose of consolidating the provisions of the said Acts, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall come into operation on the first day of September one thousand eight hundred and forty-two, and that thereupon all the said Acts mentioned in the said Schedules (A.) and (B.) to this Act annexed shall be and they are hereby repealed.

Commence-
ment of Act
and repeal of
former Acts.

II. Provided always, and be it enacted, That notwithstanding such repeal of the said Acts every copyright in force under the same shall continue in force till the expiration of such copyright; and with regard to all offences or injuries committed against any such copyright before this Act shall come into operation, every penalty imposed and every remedy given by the said Acts, in relation to any such offence or injury, shall be applicable as if such Acts had not been repealed; but with regard to such offences or injuries committed against any such copyright after this Act shall come into operation, every penalty imposed and every remedy given by this Act in relation to any such offence or injury shall be applicable as if such copyright had been conferred by this Act.

Proviso as to
existing copy-
rights.

III. And with regard to any new and original design (except for sculpture and other things within the provisions of the several Acts mentioned in the Schedule (C.) to this Act annexed), whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial

Grant of copy-
right.

and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, whether by printing or by painting, or by embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined, be it enacted, That the proprietor of every such design, not previously published, either within the United Kingdom of Great Britain and Ireland or elsewhere, shall have the sole right to apply the same to any articles of manufacture, or to any such substances as aforesaid, provided the same be done within the United Kingdom of Great Britain and Ireland, for the respective terms hereinafter mentioned, such respective terms to be computed from the time of such design being registered according to this Act: (that is to say,)

In respect of the application of any such design to ornamenting any article of manufacture contained in the first, second, third, fourth, fifth, sixth, eighth, or eleventh of the classes following, for the term of three years:

In respect of the application of any such design to ornamenting any article of manufacture contained in the seventh, ninth, or tenth of the classes following, for the term of nine calendar months:

In respect of the application of any such design to ornamenting any article of manufacture or substance contained in the twelfth or thirteenth of the classes following, for the term of twelve calendar months:

Class 1.—Articles of manufacture composed wholly or chiefly of any metal or mixed metals:

Class 2.—Articles of manufacture composed wholly or chiefly of wood:

Class 3.—Articles of manufacture composed wholly or chiefly of glass:

Class 4.—Articles of manufacture composed wholly or chiefly of earthenware:

Class 5.—Paper-hangings:

Class 6.—Carpets:

Class 7.—Shawls, if the design be applied solely by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics:

Class 8.—Shawls not comprised in class 7:

Class 9.—Yarn, thread, or warp, if the design be applied by

printing, or by any other process by which colours are or may hereafter be produced :

Class 10.—Woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics; excepting the articles included in class 11 :

Class 11.—Woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics, such woven fabrics being or coming within the description technically called furniture, and the repeat of the design whereof shall be more than twelve inches by eight inches :

Class 12.—Woven fabrics not comprised in any preceding class :

Class 13.—Lace, and any article of manufacture or substance not comprised in any preceding class.

IV. Provided always, and be it enacted, That no person shall be entitled to the benefit of this Act, with regard to any design in copyright. Conditions of
respect of the application thereof to ornamenting any article of
manufacture, or any such substance, unless such design have
before publication thereof been registered according to this Act,
and unless at the time of such registration such design have been Registration.
registered in respect of the application thereof to some or one of
the articles of manufacture or substances comprised in the above-
mentioned classes, by specifying the number of the class in respect
of which such registration is made, and unless the name of such
person shall be registered according to this Act as a proprietor of
such design, and unless after publication of such design every such
article of manufacture, or such substance to which the same shall
be so applied, published by him, hath thereon, if the article of
manufacture be a woven fabric for printing, at one end thereof, or
if of any other kind or such substance as aforesaid, at the end or
edge thereof, or other convenient place thereon, the letters "R^d," Marks denot-
together with such number or letter, or number and letter, and in ing a registered
such form as shall correspond with the date of the registration of design.
such design according to the registry of designs in that behalf;
and such marks may be put on any such article of manufacture or
such substance, either by making the same in or on the material
itself of which such article or such substance shall consist, or by
attaching thereto a label containing such marks.

The term
"proprietor"
explained.

V. And be it enacted, That the author of any such new and original design shall be considered the proprietor thereof, unless he have executed the work on behalf of another person for a good or a valuable consideration, in which case such person shall be considered the proprietor, and shall be entitled to be registered in the place of the author; and every person acquiring for a good or a valuable consideration a new and original design, or the right to apply the same to ornamenting any one or more articles of manufacture, or any one or more such substances as aforesaid, either exclusively of any other person or otherwise, and also every person upon whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in respect of which the same may have been so acquired, and to that extent, but not otherwise.

Transfer of
copyright, and
register there-
of.

VI. And be it enacted, That every person purchasing or otherwise acquiring the right to the entire or partial use of any such design may enter his title in the register hereby provided, and any writing purporting to be a transfer of such design, and signed by the proprietor thereof, shall operate as an effectual transfer; and the registrar shall, on request, and the production of such writing, or, in the case of acquiring such right by any other mode than that of purchase, on the production of any evidence to the satisfaction of the registrar, insert the name of the new proprietor in the register; and the following may be the form of such transfer, and of such request to the registrar:

Form of Transfer, and Authority to register.

"I, A. B., author [or proprietor] of design, No. _____ having transferred my right thereto, [or, if such transfer be partial,] so far as regards the ornamenting of [describe the articles of manufacture or substances, or the locality with respect to which the right is transferred,] to B. C. of _____ do hereby authorize you to insert his name on the register of designs accordingly."

Form of Request to register.

"I, B. C., the person mentioned in the above transfer, do request you to register my name and property in the said design as entitled [if to the entire use] to the entire use of such design, [or, if to the partial use,] to the partial use of such design, so far as regards the application thereof [describe the articles of manufacture or the locality in relation to which the right is transferred]."

But if such request to register be made by any person to whom any such design shall devolve otherwise than by transfer, such request may be in the following form:

“I, C. D., in whom is vested by [*state bankruptcy or otherwise*] the design, No. [or, if such devolution be of a partial right, so far as regards the application thereof] to [*describe the articles of manufacture or substance, or the locality in relation to which the right has devolved*].”

VII. And for preventing the piracy of registered designs, be it enacted, That during the existence of any such right to the entire or partial use of any such design no person shall either do or cause to be done any of the following acts with regard to any articles of manufacture, or substances, in respect of which the copyright of such design shall be in force, without the licence or consent in writing of the registered proprietor thereof; (that is to say,) Piracy of designs.

No person shall apply any such design, or any fraudulent imitation thereof, for the purpose of sale, to the ornamenting of any article of manufacture, or any substance, artificial or natural, or partly artificial and partly natural:

No person shall publish, sell, or expose for sale any article of manufacture, or any substance to which such design, or any fraudulent imitation thereof, shall have been so applied, after having received either verbally or in writing, or otherwise, from any source other than the proprietor of such design, knowledge that his consent has not been given to such application, or after having been served with or had left at his premises a written notice signed by such proprietor or his agent to the same effect.

VIII. And be it enacted, That if any person commit any such act he shall for every offence forfeit a sum not less than five pounds and not exceeding thirty pounds to the proprietor of the design in respect of whose right such offence has been committed; and such proprietor may recover such penalty as follows: Recovery of penalties for piracy.

In England, either by an action of debt or on the case against the party offending, or by summary proceeding before two justices having jurisdiction where the party offending resides; and if such proprietor proceed by such summary proceeding, any justice of the peace acting for the county, riding, division, city, or borough where the party offending resides, and not being concerned either in the sale or manufacture of the

Form of Information.

“BE it remembered, that on the _____ at _____
in the county of _____ A.B. of _____ in _____
the county of _____ [or C.D. of _____ in the _____
county of _____ at the instance and on the behalf of _____
A.B. of _____ in the county of _____] cometh
before us _____ and _____ two of Her

Majesty's justices of the peace in and for the county of _____, and giveth us to understand that the said *A.B.* before and at the time when the offence hereinafter mentioned was committed, was the proprietor of a new and original design for [*here describe the design*], and that within twelve calendar months last past, to wit, on the _____ at _____ in the county of _____ *E.F.* of _____ in the county of _____ did [*here describe the offence*], contrary to the form of the Act passed in the _____ year of the reign of Her present Majesty, intituled 'An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.'"

Form of Conviction.

"Be it remembered, that on the _____ day of _____ in the year of our Lord _____ at _____ in the county of _____ *E.F.* of _____ in the county aforesaid is convicted before us _____ and _____ two of Her Majesty's justices of the peace for the said county, for that he the said *E.F.* on the _____ day of _____ in the year _____ at _____ in the county of _____ did [*here describe the offence*] contrary to the form of the statute in that case made and provided; and we the said justices do adjudge that the said *E.F.* for his offence aforesaid hath forfeited the sum of _____ to the said *A.B.*"

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender and find him liable in the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty, or penalties or costs not being paid, to levy and to recover the amount of the same by poinding: Provided always, that it shall be lawful to the sheriff, in the event of his dismissing the action, and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction or otherwise:

In Ireland, either by action in a superior court of law at Dublin or by civil bill in the Civil Bill Court of the county or place where the offence was committed.

Proviso as to action for damages.

IX. Provided always, and be it enacted, That, notwithstanding the remedies hereby given for the recovery of any such penalty as aforesaid, it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred (if he shall elect to do so) to bring such action as he may be entitled to for the recovery of any damages which he shall have sustained, either by the application of any such design or of a fraudulent imitation thereof, for the purpose of sale, to any articles of manufacture or substances, or by the publication, sale, or exposure to sale, as aforesaid, by any person, of any article or substance to which such design or any fraudulent imitation thereof shall have been so applied, such person knowing that the proprietor of such design had not given his consent to such application.

Registration may in some cases be cancelled or amended.

X. And be it enacted, That in any suit in equity which may be instituted by the proprietor of any design or the person lawfully entitled thereto, relative to such design, if it shall appear to the satisfaction of the judge having cognisance of such suit that the design has been registered in the name of a person not being the proprietor or lawfully entitled thereto, it shall be competent for such judge in his discretion, by a decree or order in such suit, to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void), or that the name of the proprietor of such design, or other person lawfully entitled thereto, be substituted in the register for the name of such wrongful proprietor or claimant, in like manner as is hereinbefore directed in case of the transfer of a design, and to make such order respecting the cost of such cancellation or substitution, and of all proceedings to procure and effect the same, as he shall think fit; and the registrar is hereby authorized and required, upon being served with an official copy of such decree or order, and upon payment of the proper fee, to comply with the tenour of such decree or order, and either cancel such registration or substitute such new name, as the case may be.

Penalty for wrongfully using marks denoting a registered design.

XI. And be it enacted, That unless a design applied to ornamenting any article of manufacture or any such substance as aforesaid be so registered as aforesaid, and unless such design so registered shall have been applied to the ornamenting such article or substance within the United Kingdom of Great Britain and Ireland, and also after the copyright of such design in relation to such article or substance shall have expired, it shall be unlawful

to put on any such article or such substance, in the manner hereinbefore required with respect to articles or substances whereto shall be applied a registered design, the marks hereinbefore required to be so applied, or any marks corresponding therewith or similar thereto; and if any person shall so unlawfully apply any such marks, or shall publish, sell, or expose for sale any article of manufacture, or any substance with any such marks so unlawfully applied, knowing that any such marks have been unlawfully applied, he shall forfeit for every such offence a sum not exceeding five pounds, which may be recovered by any person proceeding for the same by any of the ways hereinbefore directed with respect to penalties for pirating any such design.

XII. And be it enacted, That no action or other proceeding for any offence or injury under this Act shall be brought after the expiration of twelve calendar months from the commission of the offence; and in every such action or other proceeding the party who shall prevail shall recover his full costs of suit or of such other proceeding. Limitation of actions.

XIII. And be it enacted, That in the case of any summary proceeding before any two justices in England, such justices are hereby authorized to award payment of costs to the party prevailing, and to grant a warrant for enforcing payment thereof against the summoning party, if unsuccessful, in the like manner as is hereinbefore provided for recovering any penalty with costs against any offender under this Act. Justices may order payment of costs in cases of summary proceeding.

XIV. And for the purpose of registering designs for articles of manufacture in order to obtain the protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the consideration of all matters of trade and plantations may appoint a person to be a registrar of designs for ornamenting articles of manufacture, and, if the Lords of the said Committee see fit, a deputy registrar, clerks, and other necessary officers and servants; and such registrar, deputy registrar, clerks, officers, and servants, shall hold their offices during the pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from time to time fix the salary or remuneration of such registrar, deputy registrar, clerks, officers, and servants; and, subject to the provisions of this Act, the Lords of the said Committee may make rules for regulating the execution of the duties of the office of the said registrar; and such registrar shall have a seal of office. Registrar, &c., of designs to be appointed.

XV. And be it enacted, That the said registrar shall not register any design in respect of any application thereof to ornamenting any articles of manufacture or substances, unless he be furnished, Registrar's duties.

in respect of each such application, with two copies, drawings, or prints of such design, accompanied with the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and the number of the class in respect of which such registration is made; and the registrar shall register all such copies, drawings, or prints, from time to time successively as they are received by him for that purpose; and on every such copy, drawing, or print, he shall affix a number corresponding to such succession; and he shall retain one copy, drawing, or print, which he shall file in his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give ready access to the copies of designs so registered, he shall class such copies of designs, and keep a proper index of each class.

Certificate of
registration of
design.

XVI. And be it enacted, That upon every copy, drawing, or print of an original design so returned to the person registering as aforesaid, or attached thereto, and upon every copy, drawing, or print thereof received for the purpose of such registration, or of the transfer of such design being certified thereon or attached thereto, the registrar shall certify under his hand that the design has been so registered, the date of such registration, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and also the number of such design, together with such number or letter, or number and letter, and in such form as shall be employed by him to denote or correspond with the date of such registration; and such certificate made on every such original design, or on such copy thereof, and purporting to be signed by the registrar or deputy registrar, and purporting to have the seal of office of such registrar affixed thereto, shall, in the absence of evidence to the contrary, be sufficient proof, as follows:

Of the design, and of the name of the proprietor therein mentioned, having been duly registered; and

Of the commencement of the period of registry; and

Of the person named therein as proprietor being the proprietor; and

Of the originality of the design; and

Of the provisions of this Act, and of any rule under which the certificate appears to be made, having been complied with:

And any such writing purporting to be such certificate shall, in the

absence of evidence to the contrary, be received as evidence, without proof of the handwriting of the signature thereto, or of the seal of office affixed thereto, or of the person signing the same being the registrar or deputy registrar.

XVII. And be it enacted, That every person shall be at liberty to inspect any design whereof the copyright shall have expired, paying only such fee as shall be appointed by virtue of this Act in that behalf; but with regard to designs whereof the copyright shall not have expired, no such design shall be open to inspection, except by a proprietor of such design, or by any person authorized by him in writing, or by any person specially authorized by the registrar, and then only in the presence of such registrar or in the presence of some person holding an appointment under this Act, and not so as to take a copy of any such design or of any part thereof, nor without paying for every such inspection such fee as aforesaid: Provided always, that it shall be lawful for the said registrar to give to any person applying to him, and producing a particular design, together with the registration mark thereof, or producing such registration mark only, a certificate stating whether of such design there be any copyright existing, and if there be, in respect to what particular article of manufacture or substance such copyright exists, and the term of such copyright, and the date of registration, and also the name and address of the registered proprietor thereof.

XVIII. And be it enacted, That the Commissioners of the Treasury shall from time to time fix fees to be paid for the services to be performed by the registrar, as they shall deem requisite, to defray the expenses of the said office, and the salaries or other remuneration of the said registrar, and of any other person employed under him, with the sanction of the Commissioners of the Treasury, in the execution of this Act; and the balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the receipt of Her Majesty's Exchequer at Westminster; and the Commissioners of the Treasury may regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the payment of such fees in any cases where they may think it expedient so to do: Provided always, that the fee for registering a design to be applied to any woven fabric mentioned or comprised in classes 7, 9 or 10, shall not exceed the sum of one shilling; that the fee for registering a design to be applied to a paper-hanging shall not exceed the sum of ten shillings; and that the fee to be received by the registrar for giving a certificate relative to the existence or expiration of

Inspection of
registered
designs.

Application of
fees of registra-
tion.

any copyright in any design printed on any woven fabric, yarn, thread, or warp, or printed, embossed, or worked on any paper-hanging, to any person exhibiting a piece end of a registered pattern, with the registration mark thereon, shall not exceed the sum of two shillings and sixpence.

Penalty for
extortion.

XIX. And be it enacted, That if either the registrar or any person employed under him either demand or receive any gratuity or reward, whether in money or otherwise, except the salary or remuneration authorized by the Commissioners of the Treasury, he shall forfeit for every such offence fifty pounds to any person suing for the same by action of debt in the Court of Exchequer at Westminster; and he shall also be liable to be either suspended or dismissed from his office, and rendered incapable of holding any situation in the said office, as the Commissioners of the Treasury see fit.

Interpretation
of Act.

XX. And for the interpretation of this Act, be it enacted, That the following terms of expression, so far as they are not repugnant to the context of this Act, shall be construed as follows: (that is to say), the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender.

Alteration of
Act.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

NOTE.—So much of this Act as relates to the appointment of a registrar of designs, and other officers, as well as the fixing of the salaries for the payment of the same, repealed by 6 & 7 Vict. c. 65, § 7.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A).

DATE OF ACTS.	TITLE.
27 Geo. 3, c. 38. (1787.)	An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
29 Geo. 3, c. 19. (1789.)	An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
34 Geo. 3, c. 23. (1794.)	An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
2 Vict. c. 13. (1839.)	An Act for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics.

SCHEDULE (B).

DATE OF ACT.	TITLE.
2 Vict. c. 17. (1839.)	An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.

SCHEDULE (C).

DATE OF ACTS.	TITLE.
38 Geo. 3, c. 71. (1798.)	An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned.
54 Geo. 3, c. 56. (1814.)	An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts.

6 & 7 VICT. c. 65.

An Act to amend the Laws relating to the Copyright of Designs.

[22nd August, 1843.]

5 & 6 Vict.
c. 100.Commence-
ment of Act.Grant of copy-
right.

Proviso.

38 G. 3, c. 71.

54 G. 3, c. 56.

Conditions of
copyright.

WHEREAS by an Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," there was granted to the proprietor of any new and original design, with the exceptions therein mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described during the respective periods therein mentioned: And whereas it is expedient to extend the protection afforded by the said Act to such designs hereinafter mentioned, not being of an ornamental character, as are not included therein: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, That this Act shall come into operation on the first day of September, One thousand eight hundred and forty-three.

II. And with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be for the whole of such shape or configuration, or only for a part thereof, be it enacted, That the proprietor of such design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere, shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of His late Majesty King George the Third, and intituled respectively "An Act for encouraging the Art of making new models and Casts of Busts, and other things therein mentioned," and "An Act to amend and render more effectual an Act for encouraging the Art of making new Models and casts of Busts, and other things therein mentioned."

III. Provided always, and be it enacted, that no person shall be entitled to the benefit of this Act unless such design have before publication thereof been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such

design every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word "registered," with the date of registration.

IV. And be it enacted, that unless a design applied to any article of manufacture be registered either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word "registered," or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding five pounds nor less than one pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

Penalty for wrongfully using marks denoting a registered design.

V. And be it enacted, that all such articles of manufacture as are commonly known by the name of floor-cloths or oil-cloths shall henceforth be considered as included in class six in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

Floor or oil-cloths included in class six.

VI. And be it enacted, that all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act, relating respectively to the explanation of the term proprietor, to the transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisoes had been particularly repeated and re-enacted in the body of this Act.

Certain provisions of 5 & 6 Vict. c. 100, to apply to this Act.

VII. And be it enacted, that so much of the said first-mentioned Act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this Act as of the said first-mentioned Act, the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the Lords of the said Committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said Committee; and such registrar shall have a seal of office;

Appointment of registrar, &c.

and the Commissioners of Her Majesty's Treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this Act.

Registrar's
duties.

VIII. And be it enacted, that the said registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid, unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible according to the judgment of the said registrar, together with the title of the said design and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the said sheets a blank space on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such parts or part of the said design (if any) as shall not be new or original; and the said registrar shall register all such drawings or prints from time to time as they are received by him for that purpose; and on every such drawing or print he shall affix a number corresponding to the order of succession in the register, and he shall retain one drawing or print which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered, he shall keep a proper index of the titles thereof.

Drawings.

Discretionary
power as to
registry vested
in the registrar.

IX. And be it enacted, that if any design be brought to the said registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said registrar to refuse to register such design otherwise than under the present Act and in the manner hereby provided; and if it shall appear to the said registrar that the design brought to be registered under the said first-mentioned Act or this Act is not intended to be

applied to any article of manufacture, but only to some label, wrapper, or other covering in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said registrar in his discretion wholly to refuse to register such design: Provided always, that the Lords of the said Committee of Privy Council may, on representation made to them by the proprietor of any design so wholly refused to be registered as aforesaid, if they shall see fit, direct the said registrar to register such design, whereupon and in such case the said registrar shall be and is hereby required to register the same accordingly. Proviso.

X. And be it enacted, That every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection except in the presence of such registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, not without paying such fee as aforesaid. Inspection of index of titles of designs, &c.

XI. And, for the interpretation of this Act, be it enacted, That the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows: (that is to say,) the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender. Interpretation of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present session of Parliament. Alteration of Act.

6 & 7 VICT. c. 68.

An Act for regulating Theatres.

[22nd August, 1843.]

WHEREAS it is expedient that the laws now in force for regulating theatres and theatrical performances be repealed and other provisions be enacted in their stead: Be it enacted by the Queen's

most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this same parliament assembled, and by the authority of the same, That an Act passed in the third year of the reign of King James the First, intituled an Act to restrain the abuses of players; and so much of an Act passed in the tenth year of the reign of King George the Second for the more effectual preventing the unlawful playing of interludes within the precincts of the two universities in that part of Great Britain called England, and the places adjacent, as is now in force; and another Act passed in the tenth year of the reign of King George the Second, intituled an Act to explain and amend so much of an Act made in the twelfth year of the reign of Queen Anne, intituled "An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants into one Act of Parliament, and for the more effectual Punishment of such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be sent," as relates to common players or interludes; and another Act passed in the twenty-eighth year of the reign of King George the Third, intituled An Act to enable Justices of the Peace to license theatrical representations occasionally, under the restrictions therein contained, shall be repealed: Provided always, that any licence now in force granted by the Lord Chamberlain, or granted by any justices of the peace under the provisions of the last-recited Act, shall continue in force for the times for which the same were severally granted, or until revoked by the authority by which they were severally granted.

Repeal of
3 Jac. 1, c. 21.
Part of
10 G. 2, c. 19.
10 G. 2, c. 28.
28 G. 3, c. 30.
Proviso as to
licences now in
force.

All theatres
for the per-
formance of
plays must be
licensed.

II. And be it enacted, That, except as aforesaid, it shall not be lawful for any person to have or keep any house or other place of public resort in Great Britain, for the public performance of stage plays, without authority by virtue of letters patent from Her Majesty, her heirs and successors, or predecessors, or without licence from the Lord Chamberlain of Her Majesty's household for the time being, or from the justices of the peace as herein-after provided; and every person who shall offend against this enactment shall be liable to forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding twenty pounds for every day on which such house or place shall have been so kept open by him for the purpose aforesaid, without legal authority.

What licences
shall be
granted by the
Lord Cham-
berlain.

III. And be it enacted, That the authority of the Lord Chamberlain for granting licences shall extend to all theatres (not being patent theatres) within the parliamentary boundaries of the cities of London and Westminster, and of the boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth, and Southwark, and

also within those places where Her Majesty, her heirs and successors, shall, in their royal persons, occasionally reside: Provided always, that, except within the cities and boroughs aforesaid, and the boroughs of New Windsor in the county of Berks, and Brightelmstone in the county of Sussex, licences for theatres may be granted by the justices as herein-after provided, in those places in which Her Majesty, her heirs and successors, shall occasionally reside; but such licences shall not be in force during the residence there of Her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the Lord Chamberlain.

IV. And be it enacted, That for every such licence granted by the Lord Chamberlain, a fee, not exceeding ten shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain. Fee for Lord Chamberlain's licence.

V. And be it enacted, That the justices of the peace within every county, riding, division, liberty, cinque port, city, and borough in Great Britain beyond the limits of the authority of the Lord Chamberlain, in which application shall have been made to them for any such licence as is herein-after mentioned, shall, within twenty-one days next after such application shall have been made to them in writing signed by the party making the same, and countersigned by at least two justices acting in and for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days notice shall be given by their clerk to each of the justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the justices assembled at such special session, and shall be signed and sealed in open court, and afterwards shall be publicly read by the clerk, with the names of the justices subscribing the same. Licences may be granted by justices.

VI. And be it enacted, That for every such licence granted by the justices a fee, not exceeding five shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the justices, shall be paid to the clerk of the said justices. Fee for justices' licence.

VII. And be it enacted, That no such licence for a theatre shall be granted by the Lord Chamberlain or justices to any person except the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted: and To whom licences shall be granted.

the name and place of abode of such manager shall be printed on every play bill announcing any representation at such theatre: and such manager shall become bound himself in such penal sum as the Lord Chamberlain or justices shall require, being in no case more than five hundred pounds, and two sufficient sureties, to be approved by the said Lord Chamberlain or justices, each in such penal sum as the Lord Chamberlain or justices shall require, being in no case more than one hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules, or any of the provisions of this Act.

Rules for the theatres under the control of the Lord Chamberlain.

VIII. And be it enacted, That in case it shall appear to the Lord Chamberlain that any riot or misbehaviour has taken place in any theatre licensed by him, or in any patent theatre, it shall be lawful for him to suspend such licence or to order such patent theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any patent theatre or any theatre licensed by him shall be closed on such public occasions as to the Lord Chamberlain shall seem fit; and while any such licence shall be suspended, or any such order shall be in force, the theatre to which the same applies shall not be entitled to the privilege of any letters patent or licence, but shall be deemed an unlicensed house.

Rules for enforcing order in the theatres licensed by the justices.

IX. And be it enacted, That the said justices of the peace at a special licensing session, or at some adjournment thereof, shall make suitable rules for ensuring order and decency at the several theatres licensed by them within their jurisdiction, and for regulating the times during which they shall severally be allowed to be open, and from time to time, at another special session, of which notice shall be given as aforesaid, may rescind or alter such rules: and it shall be lawful for any one of Her Majesty's principal secretaries of state to rescind or alter any such rules, and also to make such other rules for the like purpose, as to him shall seem fit; and a copy of all rules which shall be in force for the time being shall be annexed to every such licence; and in case any riot or breach of the said rules in any such theatre shall be proved on oath before any two justices usually acting in the jurisdiction where such theatre is situated, it shall be lawful for them to order that the same be closed for such time as to the said justices shall seem fit; and while such order shall be in force the theatre so ordered to be closed shall be deemed an unlicensed house.

Proviso for the universities of Oxford and Cambridge.

X. Provided always, and be it enacted, That no such licence shall be in force within the precincts of either of the Universities of Oxford or Cambridge, or within fourteen miles of the city of

Oxford or town of Cambridge, without the consent of the Chancellor or Vice-Chancellor of each of the said Universities respectively; and that the rules for the management of any theatre which shall be licensed with such consent within the limits aforesaid shall be subject to the approval of the said Chancellor or Vice-Chancellor respectively; and in case of the breach of any of the said rules, or of any condition on which the consent of the Chancellor or Vice-Chancellor to grant any such licence shall have been given it shall be lawful for such Chancellor or Vice-Chancellor respectively to annul the licence, and thereupon such licence shall become void.

XI. And be it enacted, That every person who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage play, in any place not being a patent theatre or duly licensed as a theatre, shall forfeit such sum as shall be awarded by the Court in which or the justices by whom he shall be convicted, not exceeding ten pounds for every day on which he shall so offend. Penalty on persons performing in unlicensed places.

XII. And be it enacted, That one copy of every new stage play and of every new act, scene, or other part added to any old stage play, and of every new prologue or epilogue, and of every new part added to an old prologue or epilogue intended to be produced and acted for hire at any theatre in Great Britain, shall be sent to the Lord Chamberlain of Her Majesty's household for the time being, seven days at least before the first acting or presenting thereof, with an account of the theatre where and the time when the same is intended to be first acted or presented, signed by the master or manager, or one of the master or managers, of such theatre; and during the said seven days no person shall for hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the expiration of the said period of seven days, shall disallow any play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, it shall not be lawful for any person to act or present the same, or cause the same to be acted or presented, contrary to such disallowance. No new plays or additions to old ones to be acted until submitted to the Lord Chamberlain.

XIII. And be it enacted, That it shall be lawful for the Lord Chamberlain to charge such fees for the examination of the plays, prologues, and epilogues, or parts thereof, which shall be sent to him for examination, as to him from time to time shall seem fit, according to a scale which shall be fixed by him, such fee not being in any case more than two guineas, and such fees shall be paid at the time when such plays, prologues, and epilogues, or parts thereof, shall be sent to the Lord Chamberlain; and the said period of seven days shall not begin to run in any case until the said fee Fees to be paid for examination of plays, &c.

shall have been paid to the Lord Chamberlain, or to some officer deputed by him to receive the same.

The Lord Chamberlain may forbid any play.

XIV. And be it enacted, That it shall be lawful for the Lord Chamberlain for the time being, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, anywhere in Great Britain, or in such theatres as he shall specify, and either absolutely or for such time as he shall think fit.

Penalty for acting plays before they are allowed or after they have been disallowed.

XV. And be it enacted, That every person who for hire shall act or present, or cause to be acted or presented, any new stage play, or any act, scene, or part thereof, or any new prologue or epilogue, or any part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every person who for hire shall act or present, or cause to be acted or presented any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, contrary to such prohibition as aforesaid, shall for every such offence forfeit such sum as shall be awarded by the Court in which or the justices by whom he shall be convicted, not exceeding the sum of fifty pounds; and every licence (in case there be any such) by or under which the theatre was opened, in which such offence shall have been committed, shall become absolutely void.

What shall be evidence of acting for hire.

XVI. And be it enacted, That in every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any house, room, or place in which distilled or fermented exciseable liquor shall be sold, every actor therein shall be deemed to be acting for hire.

Proof of licence in certain cases to lie on the party accused.

XVII. And be it enacted, That in any proceedings to be instituted against any person for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for the public performance of stage play the burden of proof that such theatre is duly licensed or authorized shall lie on the party accused, and until the contrary shall be proved such theatre shall be taken to be unlicensed.

Proceedings begun before the passing of this Act may be discontinued.

XVIII. And be it enacted, That after the passing of this Act it shall be lawful for any person against whom any action or information shall have been commenced, for the recovery of any forfeiture or pecuniary penalty incurred under the said Act of the tenth year of the reign of King George the Second, to apply to the court

in which such action or information shall have been commenced, if such court shall be sitting, or if such court shall not be sitting to any judge of either of the superior courts at Westminster, for an order that such action or information shall be discontinued, upon payment of the costs thereof incurred in the time of such application being made, such costs to be taxed according to the practice of such court; and every such court or judge (as the case may be), upon such application, and proof that sufficient notice has been given to the plaintiff or informer, or to his attorney, of the application, shall make such order as aforesaid; and upon the making such order, and payment or tender of such costs as aforesaid, such action or information shall be forthwith discontinued.

XIX. And be it enacted, That all the pecuniary penalties imposed by this Act for offences committed in England may be recovered in any of her Majesty's courts of record at Westminster, and for offences committed in Scotland by action or summary complaint before the Court of Session or justiciary there, or for offences committed in any part of Great Britain in a summary way before two justices of the peace for any county, riding, division, liberty, city, or borough where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender, and in default of payment of such penalty together with the costs, the same may be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be above the penalty, costs, and charge of distress; and for want of sufficient distress the offender may be imprisoned in the common gaol or house of correction of any such county, riding, division, liberty, city, or borough for any time not exceeding six calendar months. Penalties how to be recoverable.

XX. And be it enacted, That it shall be lawful for any person who shall think himself aggrieved by any order of such justices of the peace to appeal therefrom to the next general or quarter session of the peace to be holden for the said county, riding, division, liberty, city, or borough, whose order therein shall be final. Appeal.

XXI. And be it enacted, That the said penalties for any offence against this Act shall be paid and applied in the first instance toward defraying the expenses incurred by the prosecutor, and the residue thereof (if any) shall be paid to the use of Her Majesty, her heirs and successors. Appropriation of penalties.

XXII. Provided always, and be it enacted, That no person shall be liable to be prosecuted for any offence against this Act unless such prosecution shall be commenced within six calendar months after the offence committed. Limitation of actions.

Interpretation
of Act.

XXIII. And be it enacted, That in this Act the word "stage-play" shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof: provided always, that nothing herein contained shall be construed to apply to any theatrical representation in any booth or show which by the justices of the peace, or other persons having authority in that behalf, shall be allowed in any lawful fair, feast, or customary meeting of the like kind.

Limits of the
Act.

XXIV. And be it enacted, That this Act shall extend only to *Great Britain*.

Act may be
amended this
session.

XXV. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

7 & 8 VICT. c. 12.

An Act to amend the Law relating to International Copyright.

[10th May, 1844.]

1 & 2 Vict.
c. 59.

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, intituled "An Act for securing to Authors in certain Cases the Benefit of international Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The International Copyright Act"), Her Majesty was empowered by Order in Council to direct that the authors of books which should after a future time, to be specified in such Order in Council, be published in any foreign country, to be specified in such Order in Council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as Her Majesty should by such Order in Council direct, not exceeding the term which authors, being British subjects, were then (that is to say, at the time of passing the said Act), entitled to in respect of books first published in the United Kingdom: and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such Order in Council should extend: And whereas an Act was passed in the session of Parliament held in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to amend the Law of Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The Copyright Amendment Act") repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their repre-

5 & 6 Vict.
c. 45.

sentatives the copyright of books: And whereas an Act was passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled: "An Act to amend the Laws relating to dramatic literary Pro- 3 & 4 W. 4, perty" (and which Act is hereinafter, for the sake of perspicuity, c. 15. designated as "The dramatic literary Property Act"), whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which should be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And whereas by the said "Copyright Amendment Act" the provisions of the said "Dramatic literary Property Act" and of the said "Copyright Amendment Act" were made applicable to musical compositions; and it was thereby also enacted, that the sole liberty of representing or performing, or causing or permitting to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, should endure and be the property of the author thereof and his assigns for the term in the said "Copyright Amendment Act" provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition: And whereas under or by virtue of the four several Acts next hereinafter mentioned, (that is to say,) an Act passed in the eighth year of the reign of His late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, 8 G. 2, c. 13. engraving, and etching historical and other Prints by vesting the Properties thereof in the Inventors or Engravers during the Time therein mentioned;" an Act passed in the seventh year of His late Majesty King George the Third, intituled "An Act to amend and 7 G. 3, c. 38. render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of designing, engraving, and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints;" an Act passed in the seventeenth year of the reign of His late Majesty King George the Third, intituled "An Act for 17 G. 3, c. 57. more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases;" and an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty

6 & 7 W. 4,
c. 59.

King William the Fourth, intituled "An Act to extend the Protection of Copyright in Prints and Engravings to Ireland;" (and which said four several Acts are hereinafter, for the sake of perspicuity, designated as "The Engraving Copyright Acts;") every person who invents or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draftsman, is entitled to the copyright of such print for the term of twenty-eight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: And whereas under and by virtue of an Act passed in the thirty-eighth year of the reign of His late Majesty King George

38 G. 3, c. 71.

the Third, intituled "An Act for encouraging the Art of making, new Models and Casts of Busts and other Things therein mentioned;" and of an Act passed in the fifty-fourth year of the reign

54 G. 3, c. 56.

of His late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act of His present Majesty, for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts," (and which said Acts are, for the sake of perspicuity, hereinafter designated as "The Sculpture Copyright Acts,") every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso-relievo, representing any of the matters aforesaid or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided that the name of the proprietor, with the

date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And whereas the powers vested in Her Majesty by the said "International Copyright Act" are insufficient to enable Her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said "Copyright Amendment Act" with respect to authors of books first published in the British dominions; and the said "International Copyright Act" does not empower Her Majesty to confer any exclusive right of representing or performing dramatic pieces or musical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first published abroad; and it is expedient to invest increased powers in Her Majesty in this respect, and for that purpose to repeal the said "International Copyright Act," and to give such other powers to Her Majesty, and to make such further provisions, as are hereinafter contained: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said recited Act herein designated as the "International Copyright Act" shall be and the same is hereby repealed. Repeal of International Copyright Act.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that, as respects all or any particular class or classes of the following works, (namely,) books, prints, articles of sculpture, and other works of art, to be defined in such order, which shall after a future time, to be specified in such order, be first published in any foreign country to be named in such order, the authors, inventors, designers, engravers, and makers thereof respectively, their respective executors, administrators, and assigns, shall have the privilege of copyright therein during such period or respective periods as shall be defined in such order, not exceeding however, as to any of the above-mentioned works, the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom may be then entitled to under the hereinbefore recited Acts respectively, or under any Acts which may hereafter be passed in that behalf. Her Majesty, by Order in Council, may direct that authors, &c., of works first published in foreign countries shall have copyright therein within Her Majesty's dominions.

III. And be it enacted, That in case any such order shall apply to books, all and singular the enactments of the said "Copyright Amendment Act," and of any other Act for the time being in force with relation to the copyright in books first published in this country, shall, from and after the time so to be specified in that If the order applies to books, the copyright law as to books first published in

this country shall apply to the books to which the order relates, with certain exceptions.

behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained, apply to and be in force in respect of the books to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such books were first published in the United Kingdom, save and except such of the said enactments, or such parts thereof, as shall be excepted in such order, and save and except such of the said enactments as relate to the delivery of copies of books at the British Museum, and to or for the use of the other libraries mentioned in the said "Copyright Amendment Act."

If the order applies to prints, sculptures, &c., the copyright law as to prints or sculptures first published in this country shall apply to the prints, sculptures, &c., to which such order relates.

IV. And be it enacted, That in case any such order shall apply to prints, articles of sculpture, or to any such other works of art as aforesaid, all and singular the enactments of the said "Engraving Copyright Acts," and the said "Sculpture Copyright Acts," or of any other Act for the time being in force with relation to the copyright in prints or articles of sculpture first published in this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Her Majesty may, by Order in Council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have similar rights in the British dominions.

V. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last-mentioned order the enactments of the said "Dramatic literary Property Act," and of the said "Copyright Amendment Act," and of any other Act for the time being in force with relation to the liberty of publicly

representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical compositions to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

VI. Provided always, and be it enacted, That no author of any book, dramatic piece or musical composition, or his executors, administrators, or assigns, and no inventor, designer, or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each such Order in Council, such book, dramatic piece, musical composition, print, article of sculpture, or other work of art, shall have been so registered, and such copy thereof shall have been so delivered as hereinafter is mentioned; (that is to say,) as regards such book, and also such dramatic piece or musical composition, (in the event of the same having been printed,) the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be, in the foreign country named in the Order in Council under which the benefits of this Act shall be claimed, shall be entered in the register book of the Company of Stationers in London, and one printed copy of the whole of such book, and of such dramatic piece or musical composition, in the event of the same having been printed, and of every volume thereof, upon the best paper upon which the largest number or impression of the book, dramatic piece, or musical composition shall have been printed for sale, together with all maps and prints relating thereto, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards dramatic pieces and musical compositions in manuscript, the title to the same, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the right of representing or performing the same, and the time and place of the first representation or performance thereof in the country named in the Order in Council under which the benefit of the Act shall be claimed, shall be entered in the said register book of the said Company of

Particulars to be observed as to registry and to delivery of copies.

Stationers in London; and as regards prints, the title thereof, the name and place of abode of the inventor, designer, or engraver thereof, the name of the proprietor of the copyright therein, and the time and place of the first publication thereof in the foreign country named in the Order in Council under which the benefits of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London, and a copy of such print, upon the best paper upon which the largest number of impressions of the print shall have been printed for sale, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards any such article of sculpture or any such other work of art as aforesaid, a descriptive title thereof, the name and place of abode of the maker thereof, the name of the proprietor of the copyright therein, and the time and place of its first publication in the foreign country named in the Order in Council under which the benefit of this Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and the officer of the said Company of Stationers receiving such copies so to be delivered as aforesaid shall give a receipt in writing for the same, and such delivery shall to all intents and purposes be a sufficient delivery under the provisions of this Act.

In case of books published anonymously, the name of the publisher to be sufficient.

VII. Provided always, and be it enacted, That if a book be published anonymously, it shall be sufficient to insert in the entry thereof in such register book the name and place of abode of the first publisher thereof, instead of the name and place of abode of the author thereof, together with a declaration that such entry is made either on behalf of the author or on behalf of such first publisher, as the case may require.

The provisions of the Copyright Amendment Act as regards entries in the register book of the Company of Stationers, &c., to apply to entries under this Act.

VIII. And be it enacted, That the several enactments in the said "Copyright Amendment Act" contained with relation to keeping the said register book, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the applications to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the books, dramatic pieces, and musical compositions, prints, articles of sculpture, and other works of art, to which any Order in Council issued in pursuance of this Act shall extend, and to the entries and assignments of copyright and proprietorship therein, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said "Copyright Amendment Act" may be varied

to meet the circumstance of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

IX. And be it enacted, That every entry made in pursuance of this Act of a first publication shall be *primâ facie* proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the court or of the judge taking cognizance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

As to expunging or varying entry grounded in wrongful first publication.

X. And be it enacted, That all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or

Copies of books wherein copyright is subsisting under this Act printed in foreign countries other than those wherein the book was first published prohibited to be imported.

unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said "Copyright Amendment Act" with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

Officer of Stationers' Company to deposit books, &c., in the British Museum.

XI. And be it enacted, That the said officer of the said Company of Stationers shall receive at the hall of the said company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving such book, volume, or print, shall deposit the same in the library of the British Museum.

Second or subsequent editions.

XII. Provided always, and be it enacted, That it shall not be requisite to deliver to the said officer of the said Stationers' Company any printed copy of the second or of any subsequent edition of any book or books so delivered as aforesaid, unless the same shall contain additions or alterations.

Orders in Council may specify different periods for different foreign countries and for different classes of works.

XIII. And be it enacted, That the respective terms to be specified by such Orders in Council respectively for the continuance of the privilege to be granted in respect of works to be first published in foreign countries may be different for works first published in different foreign countries and for different classes of such works; and that the times to be prescribed for the entries to be made in the register book of the Stationers' Company, and for the deliveries of the books and other articles to the said officer of the Stationers' Company, as hereinbefore is mentioned, may be different for different foreign countries and for different classes of books or other articles.

No Order in Council to have any effect unless it states that reciprocal protection is secured.

XIV. Provided always, and be it enacted, That no such order in Council shall have any effect unless it shall be therein stated, as the ground for issuing the same, that due protection has been secured by the foreign power so named in such Order in Council for the benefit of parties interested in works first published in the dominions of Her Majesty similar to those comprised in such order.

Orders in Council to be published in Gazette, and to have same effect as this Act.

XV. And be it enacted, That every Order in Council to be made under the authority of this Act shall as soon as may be after the making thereof by Her Majesty in Council be published in the *London Gazette*, and from the time of such publication shall have the same effect as if every part thereof were included in this Act.

Orders in Council to be laid before Parliament.

XVI. And be it enacted, That a copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if

Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

XVII. And be it enacted, That it shall be lawful for Her Majesty Orders in Council by an Order in Council from time to time to revoke or alter any Order in Council previously made under the authority of this Act, ^{cil may be} ^{revoked.} but nevertheless without prejudice to any rights acquired previously to such revocation or alteration.

XVIII. Provided always, and be it enacted, That nothing in ^{Translations.} this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book the author whereof and his assigns may be entitled to the benefit of this Act (a).

XIX. And be it enacted, That neither the author of any book, ^{Authors of} nor the author or composer of any dramatic piece or musical com- ^{works first} position, nor the inventor, designer, or engraver of any print, nor ^{published in} the maker of any article of sculpture, or of such other work of art ^{foreign coun-} as aforesaid, which shall after the passing of this Act be first pub- ^{tries not en-} lished out of Her Majesty's dominions, shall have any copyright ^{titled to copy-} therein respectively, or any exclusive right to the public represen- ^{right except} tation or performance thereof, otherwise than such (if any) as he ^{under this Act.} may become entitled to under this Act.

XX. And be it enacted, That in the construction of this Act the ^{Interpretation} word "book" shall be construed to include "volume," "pamphlet," ^{clause.} "sheet of letter-press," "sheet of music," "map," "chart," or "plan"; and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing" shall include engraving and any other method of multiplying copies; and the expression "Her Majesty" shall include the heirs and successors of Her Majesty; and the expressions "Order of Her Majesty in Council," "Order in Council," and "Order," shall respectively mean Order of Her Majesty acting by and with the advice of Her Majesty's most honourable Privy Council; and the expression "officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

(a) This section is repealed so far as it is inconsistent with the provisions contained in 15 & 16 Vict. c. 12.

Act may be
repealed this
session.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

7 & 8 VICT. c. 73 (1844).

An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings.

Repealed by 9 & 10 Vict. c. 58, s. 1.

8 & 9 VICT. c. 93 (1845).

An Act to regulate the Trade of British Possessions abroad.

Repealed by 16 & 17 Vict. c. 100, s. 358.

9 & 10 VICT. c. 58 (1846).

An Act to amend an Act of the seventh and eighth Years of Her present Majesty for reducing, under certain Circumstances, the Duties payable upon Books and Engravings.

Repealed by 24 & 25 Vict. c. 101.

10 & 11 VICT. c. 95.

An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom.

[22nd July, 1847.]

5 & 6 Vict.
c. 45.

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of Her present Majesty, intituled "An Act to amend the Law of Copyright," it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: And whereas by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of

Her present Majesty, intituled "An Act to regulate the trade of 8 & 9 Vict. the British possessions abroad," books wherein the copyright is ^{c. 93.} subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: And whereas by the said last-recited Act it is enacted, that all laws, bye-laws, usages, or customs in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to the said Act or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever: Now be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case the legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner, to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her royal approval of such Act or ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or ordinance continue in force within such colony the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and thereupon such Act or ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council, anything in the said last-recited Act or in any other Act to the contrary notwithstanding.

Her Majesty may suspend in certain cases the prohibition against the admission of pirated books into the colonies in certain cases.

II. And be it enacted, That every such Order in Council shall, within one week after the issuing thereof, be published in the *London Gazette*, and that a copy thereof, and of every such colonial Act or ordinance so approved as aforesaid by Her Majesty, shall be laid before both Houses of Parliament within six weeks after the issuing of such order, if Parliament be then sitting, or if Parliament

Orders in Council to be published in *Gazette*.

Orders in Council and the Colonial Acts or ordinances

to be laid
before Parlia-
ment.
Act may be
amended, &c.

be not then sitting, then within six weeks after the opening of the next session of Parliament.

III. And be it enacted, This Act may be amended or repealed by any Act to be passed in the present session of Parliament.

13 & 14 VICT. c. 104.

An Act to extend and amend the Acts relating to the Copyright of Designs.

[14th August, 1850.]

WHEREAS it is expedient to extend and amend the Acts relating to the copyright of designs: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Certain designs
may be regis-
tered pro-
visionally for
one year.

I. That the registrar of designs, upon application by or on behalf of the proprietor of any design, not previously published within the United Kingdom of Great Britain and Ireland or elsewhere, and which may be registered under the Designs Act, 1842, or under the Designs Act, 1843, for the provisional registration of such design under this Act, and upon being furnished with such copy, drawing, print, or description in writing or in print as in the judgment of the said registrar shall be sufficient to identify the particular design in respect of which such registration is desired and the name of the person claiming to be proprietor, together with his place of abode or business, or other place of address, or the style or title of the firm under which he may be trading, shall register such design in such manner and form as shall from time to time be prescribed or approved by the Board of Trade; and any design so registered shall be deemed "provisionally registered," and the registration thereof shall continue in force for the term of one year from the time of the same being registered as aforesaid; and the said registrar shall certify, under his hand and seal of office, in such form as the said board shall direct or approve, that the design has been provisionally registered, the date of such registration, and the name of the registered proprietor, together with his place of abode or business, or other place of address.

Benefits con-
ferred by pro-
visional regis-
tration.

II. That the proprietor of any design which shall have been provisionally registered shall, during the continuance of such registration, have the sole right and property in such design; and the penalties and provisions of the said Designs Act, 1842, for preventing the piracy of designs, shall extend to the acts, matters, and things next hereinafter enumerated, as fully as if those penalties

and provisions had been re-enacted in this Act, and expressly extended to such acts, matters, and things respectively; that is to say,

1. To the application of any provisionally registered design, or any fraudulent imitation thereof, to any articles of manufacture or to any substance:
2. To the publication, sale, or exposure for sale of any article of manufacture or any substance to which any provisionally registered design shall have been applied.

III. That during the continuance of such provisional registration neither such registration nor the exhibition or exposure of any design provisionally registered, or of any article to which any such design may have been or be intended to be applied, in any place, whether public or private, in which articles are not sold or exposed or exhibited for sale, and to which the public are not admitted gratuitously, or in any place which shall have been previously certified by the Board of Trade to be a place of public exhibition within the meaning of this Act, nor the publication of any account or description of any provisionally registered design exhibited or exposed or intended to be exhibited or exposed in any such place of exhibition or exposure in any catalogue, paper, newspaper, periodical, or otherwise, shall prevent the proprietor thereof from registering any such design under the said Designs Acts at any time during the continuance of the provisional registration, in the same manner and as fully and effectually as if no such registration, exhibition, exposure, or publication had been made; provided that every article to which any such design shall be applied, and which shall be exhibited or exposed by or with the licence or consent of the proprietor of such design, shall have thereon or attached thereto the words "provisionally registered," with the date of registration.

IV. That if during the continuance of such provisional registration the proprietor of any design provisionally registered shall sell, expose, or offer for sale any article, substance, or thing to which any such design has been applied, such provisional registration shall be deemed to have been null and void immediately before any such sale, offer, or exposure shall have been first made; but nothing herein contained shall be construed to hinder or prevent such proprietor from selling or transferring the right and property in any such design.

V. That the Board of Trade may by order in writing with respect to any particular class of designs, or any particular design, extend the period for which any design may be provisionally registered under this Act, for such term not exceeding the additional

The exhibition of provisionally registered designs in certain places not to defeat copyright, &c.

Sale of articles to which provisionally registered designs, &c., have been applied to defeat copyright, but design itself may be sold.

Extension of period of provisional registration by Board of Trade.

term of six months as to the said board may seem fit; and whenever any such order shall be made, the same shall be registered in the office for the registration of designs, and during the extended term the protection and benefits conferred by this Act in case of provisional registration shall continue as fully as if the original term of one year had not expired.

Registration of
sculpture,
models, &c.

VI. That the registrar of designs, upon application by or on behalf of the proprietor of any sculpture, model, copy, or cast within the protection of the Sculpture Copyright Acts, and upon being furnished with such copy, drawing, print, or description, in writing or in print, as in the judgment of the said registrar shall be sufficient to identify the particular sculpture, model, copy, or cast in respect of which registration is desired, and the name of the person claiming to be proprietor, together with his place of abode or business or other place of address, or the name, style, or title of the firm under which he may be trading, shall register such sculpture, model, copy, or cast in such manner and form as shall from time to time be prescribed or approved by the Board of Trade for the whole or any part of the term during which copyright in such sculpture, model, copy, or cast may or shall exist under the Sculpture Copyright Acts; and whenever any such registration shall be made, the said registrar shall certify under his hand and seal of office, in such form as the said board shall direct or approve, the fact of such registration, and the date of the same, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, together with his place of abode or business or other place of address.

Benefits conferred by registration of
sculpture, &c.

VII. That if any person shall, during the continuance of the copyright in any sculpture, model, copy, or cast which shall have been so registered as aforesaid, make, import, or cause to be made, imported, exposed for sale, or otherwise disposed of, any pirated copy or pirated cast of any such sculpture, model, copy, or cast, in such manner and under such circumstances as would entitle the proprietor to a special action on the case under the Sculpture Copyright Acts, the person so offending shall forfeit for every such offence a sum not less than five pounds and not exceeding thirty pounds to the proprietor of the sculpture, model, copy, or cast whereof the copyright shall have been infringed; and for the recovery of any such penalty the proprietor of the sculpture, model, copy, or cast which shall have been so pirated shall have and be entitled to the same remedies as are provided for the recovery of penalties incurred under the Designs Act, 1842: Provided always, that the proprietor of any sculpture, model, copy, or cast which shall be registered under this Act, shall not be entitled to the benefit of this Act, unless every copy or cast of such sculpture, model, copy,

or cast which shall be published by him after such registration shall be marked with the word "registered," and with the date of registration.

VIII. That designs for the ornamenting of ivory, bone, papier maché, and other solid substances not already comprised in the classes numbered 1, 2, and 3 in the Designs Act, 1842, shall be deemed and taken to be comprised within the class numbered 4 in that Act, and such designs shall be so registered accordingly.

Designs for ornamenting ivory, &c., may be registered under Designs Act, 1842, for three years. Board of Trade may extend copyright in ornamental designs.

IX. That the Board of Trade may from time to time order that the copyright of any class of designs or any particular design registered or which may be registered under the Designs Act, 1842, may be extended for such term, not exceeding the additional term of three years, as the said board may think fit, and the said board shall have power to revoke or alter any such order as may from time to time appear necessary; and whenever any order shall be made by the said board under this provision, the same shall be registered in the office for the registration of designs; and during the extended term the protection and benefits conferred by the said Designs Acts shall continue as fully as if the original term had not expired.

X. That the Board of Trade may from time to time make, alter, and revoke rules and regulations with respect to the mode of registration, and the documents and other matters and particulars to be furnished by persons affecting registration and provisional registration under the said Acts and this Act: Provided always, that all such rules and regulations shall be published in the *London Gazette*, and shall forthwith upon the issuing thereof be laid before Parliament, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the then next session; and such rules and regulations, or any of them, shall be published or notified by the registrar of designs, in such other manner as the Board of Trade shall think fit to direct.

Regulations for the registration of designs may be made by Board of Trade.

XI. That if in any case in which the registration of a design is required to be made under either of the said Designs Acts it shall appear to the registrar that copies, drawings or prints as required by those Acts cannot be furnished, or that it is unreasonable or unnecessary to require the same, the said registrar may dispense with such copies, drawings, or prints, and may allow in lieu thereof such specification or description in writing or in print as may be sufficient to identify and render intelligible the design in respect of which registration is desired; and whenever registration shall be so made in the absence of such copies, drawings, or prints, the registration shall be as valid and effectual to all intents and purposes as if such copies, drawings, or prints had been furnished.

Registrar of designs may dispense with drawings, &c., in certain cases.

XII. That in order to prevent the frequent and unnecessary Public books

and documents in the Designs Office not to be removed without judge's order. removal of the public books and documents in the office for the registration of designs, no book or document in the said office shall be removed for the purpose of being produced in any court or before any justice of the peace, without a special order of a judge of the Court of Chancery, or of one of Her Majesty's Superior Courts of Law, first had and obtained by the party who shall desire the production of the same.

Judges may order copies of documents to be furnished to be given in evidence. XIII. That if application shall be made to a judge of any of Her Majesty's Courts of Law at Westminster by any person desiring to obtain a copy of any registration, entry, drawing, print, or document, of which such person is not entitled as of right to have a copy, for the purpose of being used in evidence in any cause, or otherwise howsoever, and if such judge shall be satisfied that such copy is *bonâ fide* intended for such purpose as aforesaid, such judge shall order the registrar of designs to deliver such copy to the party applying, and the registrar of designs shall, upon payment for the same of such fee or fees as may be fixed according to the provisions of the said Designs Act in this behalf, deliver such copy accordingly.

Copies of documents delivered by the registrar to be sealed, and to be evidence. XIV. That every copy of any registration, entry, drawing, print, or document delivered by the registrar of designs to any person requiring the same shall be signed by the said registrar, and sealed with his seal of office; and every document sealed with the said seal purporting to be a copy of any registration, entry, drawing, print, or document shall be deemed to be a true copy of such registration, entry, drawing, print, or document, and shall, without further proof, be received in evidence before all courts in like manner and to the same extent and effect as the original book, registration, entry, drawing, print, or document would or might be received if tendered in evidence, as well for the purpose of proving the contents, purport, and effect of such book, registration, entry, drawing, print, or document, as also proving the same to be a book, registration, entry, drawing, print, or document of or belonging to the said office, and in the custody of the registrar of designs.

Certain provisions of Designs Act, 1842 and 1843, extended to this Act. XV. That the several provisions contained in the said Designs Acts (so far as they are not repugnant to the provisions of this Act) relating to the transfer of designs, to cancelling and amending registration, to the refusal of registration in certain cases, to the mode of recovering penalties, to the awarding and recovery of costs, to actions for damages, to the limitation of actions, to the certificate of registration, to penalties for wrongfully using marks, to the fixing and application of fees for registration, and to the penalty for extortion, shall apply to the registration, provisional registration, and transfer of designs, sculptures, models, copies, and casts, and

to the designs, sculptures, models, copies, and casts entitled to protection under this Act, and to matters under this Act, as fully and effectually as if those provisions had been re-enacted in this Act with respect to designs, sculptures, models, copies, and casts registered and provisionally registered under this Act; and the forms contained in the Designs Act, 1842, may for the purposes of this Act be varied so as to meet the circumstances of the case.

XVI. That in the interpretation of this Act the following terms and expressions shall have the meanings hereinafter assigned to them, unless such meanings shall be repugnant to or inconsistent with the context or subject matter : that is to say, Interpretation
of terms.

The expression " Designs Act, 1842," shall mean an Act passed in the sixth year of the reign of Her present Majesty intituled " An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture : "

The expression " Designs Act, 1843," shall mean an Act passed in the seventh year of Her present Majesty, intituled " An Act to amend the Laws relating to the Copyright of Designs : "

The expression " Sculpture Copyright Acts " shall mean two Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of King George the Third, and intituled respectively " An Act for encouraging the Art of making new Models and Casts of Busts and other things herein mentioned," and " An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned : "

The expression " the Board of Trade " shall mean the Lords of the Committee of Privy Council for the consideration of all matters of trade and plantations :

The expression " Registrar of Designs " shall mean the registrar or assistant registrar of designs for articles of manufacture :

The expression " Proprietor " shall be construed according to the interpretation of that word in the said Designs Act, 1842 :

And words in the singular number shall include the plural, and words applicable to males shall include females.

XVII. That in citing this Act in other Acts of Parliament, and in any instrument, document, or proceeding, it shall be sufficient to use the words and figures following, that is to say, " The Designs Act, 1850." Short title.

14 VICT. c. 8 (1851).

An Act to extend the Provisions of the " Designs Act, 1850," and to give Protection from Piracy to Persons exhibiting new Invention in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

Spent.

15 & 16 VICT. c. 12.

An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright ; to extend and explain the International Copyright Acts ; and to explain the Acts relating to Copyright in Engravings.

[28th May, 1852.]

7 & 8 Vict.
c. 12.

WHEREAS an Act was passed in the seventh year of the reign of Her present Majesty, intituled " An Act to amend the Law relating to International Copyright," hereinafter called " The International Copyright Act : " And whereas a convention has lately been concluded between Her Majesty and the French republic, for extending in each country the enjoyment of copyright in works of literature and the fine arts first published in the other, and for certain reductions of duties now levied on books, prints, and musical works published in France : And whereas certain of the stipulations on the part of Her Majesty contained in the said treaty require the authority of Parliament : And whereas it is expedient that such authority should be given, and that Her Majesty should be enabled to make similar stipulations in any treaty on the subject of copyright which may hereafter be concluded with any foreign power : Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Translations.

Partial repeal
of 7 & 8 Vict.
c. 12, § 18.

Her Majesty
may by Order
in Council
direct that the
authors of
books pub-
lished in

I. The eighteenth section of the said Act of the seventh year of Her present Majesty, chapter twelve, shall be repealed, so far as the same is inconsistent with the provisions hereinafter contained.

II. Her Majesty may, by Order in Council, direct that the authors of books which are, after a future time, to be specified in such order, published in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions hereinafter contained or referred to, be empowered to prevent the publication in the British dominions of any translations

of such books not authorized by them, for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorized translations of such books hereinafter mentioned are respectively first published, and in the case of books published in parts, not extending as to each part beyond the expiration of five years from the time at which the authorized translation of such part is first published.

foreign countries may for a limited time prevent unauthorized translations.

III. Subject to any provisions or qualifications contained in such order, and to the provisions herein contained or referred to, the laws and enactments for the time being in force for the purpose of preventing the infringement of copyright in books published in the British dominions shall be applied for the purpose of preventing the publication of translations of the books to which such order extends which are not sanctioned by the authors of such books, except only such parts of the said enactment as relate to the delivery of copies of books for the use of the British Museum, and for the use of the other libraries therein referred to.

Thereupon the law of copyright shall extend to prevent such translations.

IV. Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time, to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions hereinafter mentioned or referred to, be empowered to prevent the representation in the British dominions of any translation of such dramatic pieces not authorized by them for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorized translations of such dramatic pieces hereinafter mentioned are first published or first publicly represented.

Her Majesty may by Order in Council direct that the authors of dramatic works represented in foreign countries may for a limited time prevent unauthorized translations.

V. Subject to any provisions or qualifications contained in such last-mentioned order, and to the provisions hereinafter contained or referred to, the laws and enactments for the time being in force for ensuring to the author of any dramatic piece first publicly represented in the British dominions the sole liberty of representing the same shall be applied for the purpose of preventing the representation of any translations of the dramatic pieces to which such last-mentioned order extends, which are not sanctioned by the authors thereof.

Thereupon the law for protecting the representation of such pieces shall extend to prevent unauthorized translations.

VI. Nothing herein contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country (a).

Adaptations, &c., of dramatic pieces to the English stage not prevented.

VII. Notwithstanding anything in the said International Copyright Act or in this Act contained, any article of political discussion which has been published in any newspaper or periodical in a foreign country may, if the source from which the same is taken be

All articles in newspapers, &c., relating to politics may be

(a) See 38 Vict. c. 12, *post*, p. 706.

republished or translated; and also all similar articles on any subject, unless the author has notified his intention to reserve the right. acknowledged, be republished or translated in any newspaper or periodical in this country; and any article relating to any other subject which has been so published as aforesaid may, if the source from which the same is taken be acknowledged, be republished or translated in like manner, unless the author has signified his intention of preserving the copyright therein, and the right of translating the same in some conspicuous part of the newspaper or periodical in which the same was first published, in which case the same shall, without the formalities required by the next following section, receive the same protection as is by virtue of the International Copyright Act or this Act extended to books.

No author to be entitled to benefit of this Act without complying with the requisitions herein specified.

VIII. No author, or his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council issued in pursuance thereof, in respect of the translation of any book or dramatic piece, if the following requisitions are not complied with: (that is to say,)

1. The original work from which the translation is to be made must be registered and a copy thereof deposited in the United Kingdom in the manner required for original works by the said International Copyright Act, within three calendar months of its first publication in the foreign country.
2. The author must notify on the title-page of the original work, or if it is published in parts, on the title-page of the first part, or if there is no title-page, on some conspicuous part of the work, that it is his intention to reserve the right of translating it:
3. The translation sanctioned by the author, or a part thereof, must be published, either in the country mentioned in the Order in Council by virtue of which it is to be protected or in the British dominions, not later than one year after the registration and deposit in the United Kingdom of the original work, and the whole of such translation must be published within three years of such registration and deposit:
4. Such translation must be registered and a copy thereof deposited in the United Kingdom within a time to be mentioned in that behalf in the order by which it is protected, and in the manner provided by the said International Copyright Act for the registration and deposit of original works:
5. In the case of books published in parts, each part of the original work must be registered and deposited in this country in the manner required by the said International Copy-

right within three months after the first publication thereof in the foreign country :

6. In the case of dramatic pieces the translation sanctioned by the author must be published within three calendar months of the registration of the original work :
7. The above requisitions shall apply to articles originally published in newspapers or periodicals if the same be afterwards published in a separate form, but shall not apply to such articles as originally published.

IX. All copies of any works of literature or art wherein there is any subsisting copyright by virtue of the International Copyright Act and this Act, or of any Order in Council made in pursuance of such Acts or either of them, and which are printed, reprinted, or made in any foreign country except that in which such work shall be first published, and all unauthorized translations of any book or dramatic piece the publication or public representation in the British dominions of translations whereof not authorized as in this Act mentioned shall for the time being be prevented under any Order in Council made in pursuance of this Act, are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright of such work or of such book or piece, or his agent authorized in writing ; and the provisions of the Act of the sixth year of Her Majesty "to amend the Law of Copyright," for the forfeiture, seizure, and destruction of any printed book first published in the United Kingdom wherein there shall be copyright, and reprinted in any country out of the British dominions and imported into any part of the British dominions by any person not being the proprietor of the copyright, or a person authorized by such proprietor, shall extend and be applicable to all copies of any works of literature and art, and to all translations the importation whereof into any part of the British dominions is prohibited under this Act.

Pirated copies prohibited to be imported except with consent of proprietor.

Provisions of 5 & 6 Vict. c. 45, as to forfeiture, &c., of pirated works, &c., to extend to works prohibited to be imported under this Act.

X. The provisions hereinbefore contained shall be incorporated with the International Copyright Act, and shall be read and construed therewith as one Act.

Foregoing provisions and 7 & 8 Vict. c. 12, to be read as one Act.

XI. And whereas Her Majesty has already, by Order in Council under the said International Copyright Act, given effect to certain stipulations contained in the said convention with the French Republic ; and it is expedient that the remainder of the stipulations on the part of Her Majesty in the said convention contained should take effect from the passing of this Act without any further Order in Council : During the continuance of the said convention, and so long as the Order in Council already made under the said Inter-

French translations to be protected as hereinbefore mentioned, without further Order in Council.

national Copyright Act remains in force, the provisions hereinbefore contained shall apply to the said convention, and to translations of books and dramatic pieces which are, after the passing of this Act, published or represented in France, in the same manner as if Her Majesty had issued Her Order in Council in pursuance of this Act for giving effect to such convention, and had therein directed that such translations should be protected as hereinbefore mentioned for a period of five years from the date of the first publication or public representation thereof respectively, and as if a period of three months from the publication of such translation were the time mentioned in such Order as the time within which the same must be registered and a copy thereof deposited in the United Kingdom.

*Reduction of
Duties.*

Recital of
9 & 10 Vict.
c. 58.

XII. And whereas an Act was passed in the tenth year of Her present Majesty, intituled "An Act to amend an Act of the seventh and eighth Years of Her present Majesty, for reducing under certain Circumstances, the Duties payable upon Books and Engravings:" And whereas by the said convention with the French Republic it was stipulated that the duties on books, prints, and drawings published in the territories of the French Republic should be reduced to the amount specified in the schedule to the said Act of the tenth year of Her present Majesty, chapter fifty-eight: And whereas Her Majesty has, in pursuance of the said convention, and in exercise of the powers given by the said Act, by Order in Council declared that such duties shall be reduced accordingly: And whereas by the said convention it was further stipulated that the said rates of duty should not be raised during the continuance of the said convention; and that if during the continuance of the said convention any reduction of those rates should be made in favour of books, prints, or drawings published in any other country, such reduction shall be at the same time extended to similar articles published in France: And whereas doubts are entertained whether such last-mentioned stipulations can be carried into effect without the authority of Parliament: Be it enacted, That the said rates of duty so reduced as aforesaid shall not be raised during the continuance of the said convention; and that if during the continuance of the said convention any further reduction of such rates is made in favour of books, prints, or drawings published in any other foreign country, Her Majesty may, by Order in Council, declare that such reduction shall be extended to similar articles published in France; such order to be made and published in the same manner and to be subject to the same provisions as orders made in pursuance of the said Act of the tenth year of Her present Majesty, chapter fifty-eight.

XIII. And whereas doubts have arisen as to the construction of the schedule of the Act of the tenth year of Her present Majesty, chapter fifty-eight:

For removal
of doubts as to

It is hereby declared, That for the purposes of the said Act every

Rates of duty
not to be raised
during contin-
uance of treaty,
and if further
reduction is
made for other
countries it
may be ex-
tended to
France.

work published in the country of export, of which part has been originally produced in the United Kingdom, shall be deemed to be and be subject to the duty payable on "Works originally produced in the United Kingdom, and published in the country of export," although it contains also original matter not produced in the United Kingdom, unless it shall be proved to the satisfaction of the Commissioners of Her Majesty's Customs by the importer, consignee or other person entering the same that such original matter is at least equal to the part of the work produced in the United Kingdom, in which case the work shall be subject only to the duty on "Works not originally produced in the United Kingdom."

XIV. And whereas by the four several Acts of Parliament following; (that is to say,) an Act of the eighth year of the reign of King George the Second, chapter thirteen; an Act of the seventh year of the reign of King George the Third, chapter thirty-eight: an Act of the seventeenth year of the reign of King George the Third, chapter fifty-seven: and an Act of the seventh year of King William the Fourth, chapter fifty-nine, provision is made for securing to every person who invents, or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention, causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and to every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked any print taken from any picture, drawing, model, or sculpture, notwithstanding such print has not been graven or drawn from his own original design, certain copyrights therein defined: And whereas doubts are entertained whether the provisions of the said Acts extend to lithographs and certain other impressions, and it is expedient to remove such doubts:

It is hereby declared, That the provisions of the said Acts are intended to include prints taken by lithography, or any other mechanical process by which prints or impressions of drawings or designs are capable of being multiplied indefinitely, and the said Acts shall be construed accordingly.

construction of
schedule to
9 & 10 Vict.
c. 58.

*Lithographs,
&c.*

Recital of
8 G. 2, c. 13.
7 G. 3, c. 38.
17 G. 3, c. 57.
6 & 7 W. 4,
c. 59.

For removal of
doubts as to
the provisions
of the said Acts
including
lithographs,
prints, &c.

16 & 17 VICT. c. 107 (1853).

An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to the Trade and Navigation and the British Possessions.

Sects. 44, 46, and 160, repealed 39 & 40 Vict. c. 36.

18 & 19 VICT. c. 96 (1855).

An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster.

Sec. 39 and 40 repealed 39 & 40 Vict. c. 36.

21 & 22 VICT. c. 70.

An Act to amend the Act of the fifth and sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

[2nd August, 1858.]

5 & 6 Vict.
c. 100.

WHEREAS by an Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," hereinafter called "The Copyright of Designs Act, 1842," there was granted to the proprietor of any new and original design in respect of the application of any such design to ornamenting any article of manufacture contained in the tenth class therein mentioned, with the exceptions therein mentioned, the sole right to apply the same to any articles of manufacture, or any such substances as therein mentioned, for the term of nine calendar months, to be computed from the time of such design being registered according to the said Act: And whereas it is expedient that the term of copyright, in respect of the application of designs to the ornamenting of articles of manufacture comprised in the said tenth class, should be extended, and that some of the provisions of the said Act should be altered, and that further provision should be made for the prevention of piracy, and for the protection of copyright in designs under the Acts in the schedule hereto annexed, and hereinafter called "The Copyright of Designs Acts:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows: that is to say,

Short title.

I. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Copyright of Designs Act, 1858."

Copyright of
Designs Acts
and this Act to
be as one.

II. The said Copyright of Designs Acts and this Act shall be construed together as one Act.

III. In respect of the application of any new and original design for ornamenting any article of manufacture contained in the tenth class mentioned in "The Copyright of Designs Acts, 1842," the term of copyright shall be three years, to be computed from the time of such design being registered, in pursuance of the provisions of "The Copyright of Designs Acts," and of this Act: Provided nevertheless, that the term of such copyright shall expire on the thirty-first of December, in the second year after the year in which such design was registered, whatever may be the day of such registration.

Extension of term of copyright as to the tenth class mentioned in 5 & 6 Vict. c. 100.

IV. Nothing in the fourth section of "The Copyright of Designs Act, 1842," shall extend or be construed to extend to deprive the proprietor of any new and original design applied to ornamenting any article of manufacture contained in the said tenth class of the benefits of "The Copyright of Designs Acts" or of this Act: Provided there shall have been printed on such articles at each end of the original piece thereof the name and address of such proprietor, and the word "Registered," together with the years for which such design was registered.

Copyright not to be prejudiced if articles marked.

V. And be it declared, That the registration of any pattern or portion of an article of manufacture to which a design is applied, instead or in lieu of a copy, drawing, print, specification, or description in writing, shall be as valid and effectual to all intents and purposes as if such copy, drawing, print, specification, or description in writing had been furnished to the registrar under "The Copyright of Designs Acts."

Pattern may be registered.

VI. The proprietor of such extended copyright shall, on application by or on behalf of any person producing or vending any article of manufacture so marked, give the number and the date of the registration of any article of manufacture so marked; and any proprietor so applied to who shall not give the number and date of such registration shall be subject to a penalty of ten pounds, to be recovered by the applicant, with full cost of suit, in any court of competent jurisdiction.

Proprietor to give the number and date of registration.

VII. Any person who shall wilfully apply any mark of registration to any article of manufacture in respect whereof the application of the design thereto shall not have been registered, or after the term of copyright shall have expired, or who shall, during the term of copyright, without the authority of the proprietor of any registered design, wilfully apply the mark printed on the piece of any article of manufacture, or who shall knowingly sell or issue any article of manufacture to which such mark has been wilfully and without due authority applied, shall be subject to a penalty of ten pounds, to be recovered by the proprietor of such design, with full costs of suit, in any court of competent jurisdiction.

Penalty on issuing articles not so marked.

Proceedings for prevention of piracy may be instituted in the County Courts.

VIII. Notwithstanding anything in "The Copyright of Designs Acts," it shall be lawful for the proprietor of copyright in any design under the "Copyright of Designs Acts" or this Act, to institute proceedings in the county court of the district within which the piracy is alleged to have been committed, for the recovery of damages which he may have sustained by reason of such piracy: Provided always, that in any such proceedings the plaintiff shall deliver with his plaint a statement of particulars as to the date and title or other description of the registration whereof the copyright is alleged to be pirated, and as to the alleged piracy; and the defendant, if he intends at the trial to rely as a defence on any objection to such copyright, or to the title of the proprietor therein, shall give notice in the manner provided in the seventy-sixth section of the Act of the ninth and tenth Victoria, chapter ninety-five, of his intention to rely on such special defence, and shall state in such notice the date of publication and other particulars of any designs whereof prior publication is alleged, or of any objection to such copyright, or to the title of the proprietor to such copyright; and it shall be lawful for the judge of the county court, at the instance of the defendant or plaintiff respectively, to require any statement or notice so delivered by the plaintiff or of the defendant respectively to be amended in such a manner as the said judge may think fit.

The proceedings of County Courts Acts applicable to proceedings for designs.

IX. The provisions of an Act of the ninth and tenth Victoria, chapter ninety-five, and of the twelfth and thirteenth Victoria, chapter one hundred, as to proceedings in any plaint, and as to appeal, and as to writs of prohibition, shall, so far as they are not inconsistent with or repugnant to the provisions of this Act, be applicable to any proceedings for piracy of copyright of designs under the said Copyright of Designs Acts or this Act.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

5 & 6 Vict. c. 100. [10 Aug. 1842.]	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. [22 Aug. 1843.]	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104. [14 Aug. 1850.]	An Act to extend and amend the Acts relating to the Copyright of Designs.
14 Vict. c. 8. [11 April, 1851.]	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

24 & 25 VICT. c. 73.

An Act to amend the Law relating to the Copyright of Designs.

[6th August, 1861.]

WHEREAS by an Act passed in the session holden in the fifth and sixth years of the reign of Her present Majesty, chapter one hundred, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," it was enacted, that the proprietor of every such design as therein mentioned, not previously published either within the United Kingdom of Great Britain and Ireland or elsewhere, should have the sole right to apply the same to any articles of manufacture, or to any such substances as therein mentioned, provided the same were done within the United Kingdom of Great Britain and Ireland, for the respective terms therein mentioned, and should have such copyright in such designs as therein provided: And whereas divers Acts have since been passed extending or amending the said recited Acts: And whereas it is expedient that the provisions of the said recited Act, and of all Acts extending or amending the same should apply to designs, and to the application of such designs, within the meaning of the said Acts, whether such application be effected within the United Kingdom or elsewhere: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the words "provided the same be done within the United Kingdom of Great Britain and Ireland" had not been contained in the said recited Act; and the said recited Act, and all Acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere and whether the inventor or proprietor of such design be or be not a subject of Her Majesty.

5 & 6 Vict.
c. 100, and
other Acts re-
lating to copy-
right of de-
signs extended.

2. That the said several Acts shall not be construed to apply to the subjects of Her Majesty only.

Application of
Acts.

25 & 26 VICT. c. 68.

An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.

[29th July, 1862.]

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs have no copyright in such their works,

and it is expedient that the law should in that respect be amended :
Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Copyright in
works here-
after made or
sold to vest in
the author for
his life and for
seven years
after his death.

I. The author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, and photograph which shall be or shall have been made either in the British dominions or elsewhere, and which shall not have been sold or disposed of before the commencement of this Act, and his assigns shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph, and the negative thereof, by any means and of any size, for the term of the natural life of such author and seven years after his death ; provided that when any painting or drawing, or the negative of any photograph, shall for the first time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration, the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by agreement in writing signed, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made or executed ; nor shall the vendee or assignee thereof be entitled to any such copyright, unless, at or before the time of such sale or disposition, an agreement in writing, signed by the person so selling or disposing of the same, or by his agent duly authorized, shall have been made to that effect.

Copyright not
to prevent the
representation
of the same
subjects in
other works.

II. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

Assignments,
licences, &c.,
to be in
writing.

III. All copyright under this Act shall be deemed personal or moveable estate, and shall be assignable at law, and every assignment thereof, and every licence to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

Register of
proprietors of

IV. There shall be kept at the hall of the Stationers' Company, by the officer appointed by the said company for the purposes of

the Act passed in the sixth year of Her present Majesty, intituled "An Act to amend the Law of Copyright," a book or books intituled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a memorandum of every copyright to which any person shall be entitled under this Act, and also of every subsequent assignment of any such copyright; and such memorandum shall contain a statement of the date of such agreement or assignment, and of the names of the parties thereto, and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof, and of the name and place of abode of the author of the work in which there shall be such copyright, together with a short description of the nature and subject of such work, and in addition thereto, if the person registering shall so desire, a sketch, outline, or photograph of the said work; and no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration, and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration.

V. The several enactments in the said Act of the sixth year of Her present Majesty contained, with relation to keeping the register book thereby required, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the application to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the book or books to be kept by virtue of this Act, and to the entries and assignments of copyright and proprietorship therein under this Act, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Act of the sixth year of Her present Majesty may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

VI. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution, any such work or the design thereof,

copyright in
paintings,
drawings, and
photographs
to be kept at
Stationers'
Hall as in 5 &
6 Vict. c. 45.

Certain enact-
ments of 5 & 6
Vict. c. 45, to
apply to the
books to be
kept under
this Act.

Penalties on
infringement
of copyright.

or knowing that any such repetition, copy, or other imitation has been unlawfully made shall import into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, exhibition or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

Penalties on
fraudulent
productions
and sales.

VII. No person shall do or cause to be done any or either of the following acts: that is to say,

First, no person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any painting, drawing, or photograph, or the negative thereof, any name, initials, or monogram:

Secondly, no person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, exhibition or distribution, any painting, drawing, or photograph, or negative of a photograph, having thereon the name, initials, or monogram of a person who did not execute or make such work:

Thirdly, no person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing, or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken:

Fourthly, where the author or maker of any painting, drawing, or photograph, or negative of a photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration shall afterwards be made therein by any other person, by addition or otherwise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish or offer for sale, such work or any copies of such work so altered, as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker:

Penalties.

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding ten pounds, or not

exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale; and all such copies, engravings, imitations, or altered works shall be forfeited to the person, or the assigns or legal representatives of the person, whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the penalties imposed by this section shall not be incurred unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed.

VIII. All pecuniary penalties which shall be incurred, and all such unlawful copies, imitations, and all other effects and things as shall have been forfeited by offenders, pursuant to this Act, and pursuant to any Act for the protection of copyright engravings, may be recovered by the person hereinbefore and in any such Act as aforesaid empowered to recover the same respectively, and hereinafter called the complainant or the complainer, as follows:

Recovery of
pecuniary
penalties:

In England and Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction where the party offending resides: In England and Ireland;

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending, or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable to the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the sheriff, in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses, and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by avocation, suspension, reduction, or otherwise. In Scotland.

IX. In any action in any of Her Majesty's superior Courts of Record at Westminster and in Dublin for the infringement of any

Superior Courts
of Record in

which any action is pending may make an order for an injunction, inspection, or account.

such copyright as aforesaid, it shall be lawful for the court in which such action is pending, if the court be then sitting, or if the court be not sitting then for a judge of such court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account and the proceedings therein respectively, as to such court or judge may seem fit.

Importation of pirated works prohibited.

X. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein or in the design whereof there shall be subsisting copyright under this Act, and all repetitions, copies, and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which, contrary to the provisions of this Act, shall have been made in any foreign state, or in any part of the British dominions, are hereby absolutely prohibited to be imported into any part of the United Kingdom, except by or with the consent of the proprietor of the copyright thereof, or his agent authorized in writing; and if the proprietor of any such copyright, or his agent, shall declare that any goods imported are repetitions, copies, or imitations of any such painting, drawing, or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by the officers of Her Majesty's Customs.

Application in such cases of Customs Acts.

Saving of right to bring action for damages.

XI. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for sale, hire, exhibition, or distribution, any such work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations, and negatives of photographs, or may recover damages for the

retention or conversion thereof: Provided that nothing herein contained, nor any proceeding, conviction, or judgment, for any act hereby forbidden, shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in Equity.

XII. This Act shall be considered as including the provisions of the Act passed in the session of Parliament held in the seventh and eighth years of Her present Majesty, intituled "An Act to amend the Law relating to International Copyright," in the same manner as if such provisions were part of this Act.

Provisions of
7 & 8 Vict.
c. 12, to be
considered as
included in
this Act.

32 & 33 VICT. c. 24.

An Act to repeal certain Enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms.

[12th July, 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act: and this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed.

Acts and parts
of Acts in first
schedule re-
pealed, except
as in second
schedule.

2. This Act may be cited as "The Newspapers, Printers, and Reading Rooms Repeal Act, 1869."

FIRST SCHEDULE.

DATE OF ACT.	TITLE OF ACT, AND PART REPEALED.
36 Geo. 3, c. 8.	An Act for the more effectually preventing seditious meetings and assemblies.
39 Geo. 3, c. 79, in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices — — } In part, namely,—sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections.
51 Geo. 3, c. 65.	An Act to explain and amend an Act passed in the thirty-ninth year of His Majesty's reign, intituled "An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices," so far as respects certain penalties on printers and publishers.
55 Geo. 3, c. 101, in part.	An Act to regulate the collection of stamp duties and matters in respect of which licences may be granted by the Commissioner of Stamps in Ireland — — } In part, namely,—section thirteen.
60 Geo. 3 & 1 Geo. 4, c. 9.	An Act to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels.
11 Geo. 4 & 1 Will. 4, c. 73.	An Act to repeal so much of an Act of the sixtieth year of His late Majesty King George the Third, for the more effectual prevention and punishment of blasphemous and seditious libels, as relates to the sentence of banishment for the second offence, and to provide some further remedy against the abuse of publishing libels.
6 & 7 Will. 4, c. 76, in part.	An Act to reduce the duties on newspapers and to amend the laws relating to the duties on newspapers and advertisements — — } In part, namely,—Except sections one to four (both inclusive), sections thirty-four and thirty-five, and the schedule.
2 & 3 Vict. c. 12.	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.

DATE OF ACT.	TITLE OF ACT, AND PART REPEALED.	
5 & 6 Vict. c. 82, in part.	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the tenth day of October, One thousand eight hundred and forty-five - -	In part, namely,— The following words in section twenty: “and also licence to any person to keep any printing presses and types for printing in Ireland.”
9 & 10 Vict. c. 33, in part.	An Act to amend the laws relating to corresponding societies and the licensing of lecture rooms - -	In part, namely,— So far as it relates to any proceedings under the enactments repealed by this schedule.
16 & 17 Vict. c. 59, in part.	An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland. -	In part, namely,— So much of section twenty as makes perpetual the provisions of 5 & 6 Vict. c. 82, repealed by this Act.

SECOND SCHEDULE.

The enactments in this Schedule, with the exception of sect. 19 of 6 & 7 Will. 4, c. 76, do not apply to Ireland.

39 Geo. 3, c. 79. Section 28.

Nothing in this Act contained shall extend or be construed to extend to any papers printed by the authority and for the use of either House of Parliament. Not to extend to papers printed by authority of Parliament.

Section 29.

Every person who shall print any paper for hire, reward, gain, or profit, shall carefully preserve and keep one copy (at least) of every paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any paper for hire, reward, gain, or profit who shall omit or neglect to write, or cause to be written or printed as aforesaid, the name and place of his or her employer on one of such printed papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and shew the same to any justice of the peace who within the said space of six calendar months shall require to see the same, shall for every such omission, neglect, or refusal forfeit and lose the sum of twenty pounds. Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer. Penalty of 20*l*. for neglect or refusing to produce the copy within six months.

SECOND SCHEDULE—*continued*.

Section 31.

Not to extend to impressions of engravings or the printing names and addresses. Nothing herein contained shall extend to the impression of any engraving, or to the printing by letter-press of the name, or the name and address, or business or profession, of any person, and the articles in which he deals, or to any papers for the sale of estates or goods by auction or otherwise.

Section 34.

Prosecutions to be commenced within three months after penalty is incurred. No person shall be prosecuted or sued for any penalty imposed by this Act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Part of Section 35.

Recovery of penalties. And any pecuniary penalty imposed by this Act, and not exceeding the sum of twenty pounds, shall and may be recovered before any justice or justices of the peace for the county, stewardry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way.

Section 36.

Application of penalties. All pecuniary penalties hereinbefore imposed by this Act shall, when recovered in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned; that is to say, one moiety thereof to the informer before any justice, and the other moiety thereof to His Majesty, his heirs and successors.

51 Geo. 3, c. 65. Section 3.

Name and residence of printers not required to be put to bank notes, bills, &c., or to any paper printed by authority of any public board or public office. Nothing in the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, or in this Act contained, shall extend or be construed to extend to require the name and residence of the printer to be printed upon any bank note, or bank post bill of the Governor and Company of the Bank of England, upon any bill of exchange, or promissory note, or upon any bond or other security for payment of money, or upon any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or upon any transfer or assignment of any public stocks, funds, or other securities, or upon any transfer or assignment of the stocks of any public corporation or company authorized or sanctioned by Act of Parliament, or upon any dividend warrant of or for any such public or other stocks, funds, or securities, or upon any receipt for money or goods, or upon any proceeding in any court of law or equity, or in any inferior court, warrant, order, or other papers printed by the authority of any public board or public officer in the execution of the duties of their respective offices, notwithstanding the whole or any part of the said several securities, instruments, proceedings, matters, and things aforesaid shall have been or shall be printed.

SECOND SCHEDULE—*continued*.

6 & 7 Will. 4, c. 76. Section 19.

If any person shall file any bill in any court for the discovery of the Discovery of name of any person concerned as printer, publisher, or proprietor of any proprietors, newspaper, or of any matters relative to the printing or publishing of any printers, or newspaper, in order the more effectually to bring or carry on any suit or publishers of action for damages alleged to have been sustained by reason of any slan- newspapers may be en- derous or libellous matter contained in any such newspaper respecting forced by bill, such person, it shall not be lawful for the defendant to plead or demur to &c. such bill, but such defendant shall be compellable to make the discovery required: Provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in that proceeding for which the discovery is made.

2 & 3 Vict. c. 12, Section 2.

Every person who shall print any paper or book whatsoever which shall Penalty upon be meant to be published or dispersed, and who shall not print upon the printers for not front of every such paper, if the same shall be printed on one side only, or printing their upon the first or last leaf of every paper or book which shall consist of name and resi- more than one leaf, in legible characters, his or her name and usual place dence on every of abode or business, and every person who shall publish or disperse, or paper or book, assist in publishing or dispersing, any printed paper or book on which the publishing the name and place of abode of the person printing the same shall not be same. printed as aforesaid, shall for every copy of such paper so printed by him or her forfeit a sum not more than five pounds: Provided always, that nothing herein contained shall be construed to impose any penalty upon any person for printing any paper excepted out of the operation of the said Act of the thirty-ninth year of King George the Third chapter seventy-nine, either in the said Act or by any Act made for the amendment thereof.

Section 3.

In the case of books or papers printed at the University Press of Oxford As to books or or the Pitt Press of Cambridge, the printer, instead of printing his name papers printed thereon, shall print the following words: "Printed at the University at the Univer- Press, Oxford," or "The Pitt Press, Cambridge," as the case may be. sity presses.

Section 4.

Provided always, that it shall not be lawful for any person or persons No actions for whatsoever to commence, prosecute, enter, or file, or cause or procure to be penalties to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or infor- commenced mation in any of Her Majesty's courts, or before any justice or justices of except in the the peace, against any person or persons for the recovery of any fine, Attorney or penalty, or forfeiture made or incurred or which may hereafter be incurred Solicitor under the provisions of this Act, unless the same be commenced, prosecuted, General in entered, or filed in the name of Her Majesty's Attorney-General of England or the Solicitor-General in that part of Great Britain called England, or Her Queen's Ad- Majesty's Advocate for Scotland (as the case may be respectively); and if vocate in any action, bill, plaint, or information shall be commenced, prosecuted, or Scotland.

SECOND SCHEDULE—*continued*.

filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void to all intents and purposes.

9 & 10 Vict. c. 33. Section 1.

Proceedings shall not be commenced unless in the name of the law officers of the Crown.

It shall not be lawful for any person or persons to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts or before any justice or justices of the peace, against any person or persons for the recovery of any fine which may hereafter be incurred under the provisions of the Act of the thirty-ninth year of King George the Third, chapter seventy-nine, set out in this Act, unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney-General or Solicitor-General in England or Her Majesty's Advocate in Scotland; and every action, bill, plaint, or information which shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

38 VICT. c. 12.

An Act to amend the Law relating to International Copyright.

[13th May, 1875].

WHEREAS by an Act passed in the fifteenth year of the reign of Her present Majesty, chapter 12, intituled "An Act to enable Her Majesty to carry into effect a convention with France on the subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to copyright in engravings," it is enacted that "Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions therein-aftermentioned or referred to, be empowered to prevent the representation in the British Dominions of any translation of such dramatic pieces not authorized by them for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorized translations of such dramatic pieces are first published and publicly represented:" And whereas by the same Act it is further enacted, "that, subject to any provisions or qualifications contained in such order, and to the provisions in the said Acts contained or referred to, the law and enactments for the time being in force for ensuring to the author of any dramatic

piece, first publicly represented in the British Dominions the sole liberty of representing the same shall be applied for the purposes of preventing the representation of any translations of the dramatic pieces to which such order extends, which are not sanctioned by the authors thereof:" And whereas by the sixth section of the said Act it is provided that "nothing in the said act contained shall be so construed as to prevent fair imitations or adaptation to the English stage of any dramatic piece or musical composition published in any foreign country:"

And whereas it is expedient to alter or amend the last mentioned provisions under certain circumstances:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: viz.,

1. In any case in which, by virtue of the enactments hereinbefore recited, any Order in Council has been or may hereafter be made for the purpose of extending protection to the translations of dramatic pieces first publicly represented in any foreign country, it shall be lawful for Her Majesty by Order in Council to direct that the sixth section of the said Act shall not apply to the dramatic pieces to which protection is so extended; and thereupon the said recited Act shall take effect with respect to such dramatic pieces, and to the translations thereof as if the said sixth section of the said Acts were hereby repealed.

Section 6 of recited Act not to apply to dramatic pieces in certain cases.

38 & 39 VICT. C. 53.

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright. [2nd August, 1875.]

WHEREAS by an Order of Her Majesty in Council, dated the 7th day of July 1868, it was ordered that all prohibitions contained in Acts in the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada:

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled "An Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon:

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as The Canada Copyright Act, 1875.

Definition of terms.

2. In the construction of this Act the words "book" and "copyright," shall have respectively the same meaning as in the Act of the fifth and sixth years of Her Majesty's reign, chapter forty-five, intituled "An Act to amend the Law of Copyright."

Her Majesty may assent to the Bill in schedule.

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill as contained in the schedule to this Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding.

Colonial re-prints not to be imported into United Kingdom.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person not being the owner, in the United Kingdom, of the copyright in such book, or some person authorised by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British Dominions.

Order in Council of 7th July, 1868, to continue in force subject to this Act.

5. The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.

SCHEDULE.

[38 & 39 VICT. C. 53].

An Act respecting Copyrights.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Minister of Agriculture shall cause to be kept in his office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act: such regulations and forms, being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed and accepted by the said Minister of Agriculture shall be held valid so far as relates to all official proceedings under this Act.

3. If any person prints or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any court of competent jurisdiction.

4. Any person domiciled in Canada, or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific, or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in a manner herein-after directed:

(2.) The condition for obtaining such copyright shall be that the said literary, scientific, or artistic works be printed and published, or reprinted or republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time or contemporaneously with or subsequently to publication or production elsewhere; provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.

(3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistic work shall be the legitimate subject of such registration or copyright.

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors when the work has been originally composed

and made by more than one person, be still living, or being dead has left a widow or a child or children living, the same exclusive right shall be continued to such author, or, if dead, then to such widow and child or children (as the case may be) for the further term of fourteen years; but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright.

6. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal cause a copy of the record thereof to be published once in the "Canada Gazette."

7. No person shall be entitled to the benefit of this Act unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made from time to time as hereinbefore provided.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

9. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving, or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings, or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the year _____, by A.B., in the office of the Minister of Agriculture." But as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

10. Pending the publication or republication in Canada of a literary, scientific, or artistic work, the author, or his legal representatives or assigns, may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada, the said title or designation to be registered in an interim copyright register in the said office, to secure to the author aforesaid, or his legal representatives or assigns, the exclusive rights recognised by this Act, previous to publication or republication in Canada: the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once in the "Canada Gazette."

(3.) A literary work intended to be published in pamphlet or book form,

but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875;" but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act.

- (4.) The importation of newspapers and magazines published in foreign countries, and containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists, shall not be prohibited.

11. If any other person after the interim registration of the title of any book according to this Act within the term herein limited, or after the copyright is secured, and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published, or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof first had and obtained by assignment, or knowing the same to be so printed or imported publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed for sale, contrary to the intent of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine: of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any court of competent jurisdiction.

12. If any person after the recording of any painting, drawing, statue, or other work of art within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made, or sold, in whole or in part, copies of the said works of art without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed, or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

13. If any person, after the recording of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches, or works, sells or copies, or causes to be engraved, etched, or copied, made or sold, either in the whole or by varying, adding to, or diminishing the main design with intent to evade the law, or prints, or reprints, or imports

for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph, or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published or exposed for sale contrary to the true intent and meaning of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

14. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

15. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada under any Canadian or Provincial Act, shall, upon being printed and published or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom, any person who may have previous to the date of entry of such work upon the registers of copyright imported any foreign reprints, shall have the privilege of disposing of such reprints by sale or otherwise; the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction.

16. Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

17. If any person, not having legally acquired the copyright of a literary, scientific, or artistic work, inserts in any copy thereof printed, produced, reproduced, or imported, or impresses on any such copy that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, every person so offending shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

(2.) If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish or reprint and republish the same within the time prescribed, he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

18. The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate, and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee herein-after provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with the certificate of registration, to the party depositing it.

19. In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced, maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

21. All copies or extracts certified from the officer of the Minister of Agriculture shall be received in evidence without further proof, and without production of the originals.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies, and the royalty to be paid on each to the copyright owner.

23. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright may be made in the name of the author or of his legal representative by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanor, and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction.

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully

produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly.

25. If a book be published anonymously it shall be sufficient to enter it in the [name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books unless the same shall contain very important alterations or additions.

27. No act or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes herein-after mentioned shall be entertained; that is to say,

	Dol.	c.
On registering a copyright	1	00
On registering an interim copyright	0	50
On registering a temporary copyright	0	50
On recording an assignment	1	00
On certified copy of registration	0	50
On registering any decision of a court of justice, for every folio	0	50

On office copies of documents not above mentioned, the following charges shall be made:

	Dol.	c.
For every single or first folio certified copy	0	50
For every subsequent one hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred).	0	25

(2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture, or by any person employed by him in pursuance of this Act.

(3.) All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person, and no fee exacted by this Act, once paid, shall be returned to the person who paid it.

28. "The Copyright Act of 1868," being the Act thirty-first Victoria, chapter fifty-four, and all other Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

29. All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or

forfeitures already incurred may be continued and completed as if such Acts were not repealed.

30. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

38 & 39 VICT. c. 93.

An Act to Amend the Copyright of Designs Act. [13th August, 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, which day is in this Act referred to as the commencement of this Act. Commence-ment of Act.

2. On and after the commencement of this Act all powers, duties, and authorities vested in, imposed on, or to be exercised by the Board of Trade under the Acts mentioned in the Schedule to this Act shall be transferred to, vested in, and imposed on the Commissioners of Patents for Inventions, and the said Acts shall be construed as if the said Commissioners of Patents were throughout substituted for the Board of Trade or the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations. Transfer to commissioners of patents of powers and duties of Board of Trade under Copyright of Designs Acts.

3. The said Commissioners of Patents may from time to time make, and when made, revoke and alter, general rules for regulating registration under the Acts mentioned in the Schedule hereto, and this Act, and on and after the commencement of this Act any discretion or power vested in the registrar under the said Acts shall be subject to the control of the Commissioners of Patents and shall be exercised by him in such manner and with such limitations and restrictions (if any) as may be prescribed by the said general rules, and any provisions contained in the said Act as to the copies, drawings, prints, descriptions, information, matters, and particulars to be furnished to the registrar, and generally as to any Act or thing to be done by the registrar, may be modified by such general rules in such manner as the Commissioners of Patents may think Expedient. Power for commissioners to make general rules.

General rules made in pursuance of this section shall be laid before parliament within one month after they are made if Parliament be then sitting, or if not, within one month after the commencement of the then next session; and if either House of Parliament resolve within one month after such rules have been laid before such House that any of such rules ought not to continue in force, any rule in

respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

Transfer of duties of registrar to officers of Commissioners of Patents.

The office of registrar under the Acts mentioned in the Schedule to this Act shall cease to exist as a separate paid office, and the Commissioners may from time to time make arrangements as to the mode in which and the person or persons by whom the duties of registrar and other duties under the said Acts are to be performed and may from time to time delegate to any such person or persons all or any of the duties of the registrar, and any person or persons to whom such duties may be delegated shall, in so far as delegation extends, be deemed to be the registrar within the meaning of the said Acts.

Any arrangement or delegation of duties to the clerk or other officer of the Commissioners of Patents made by the Board of Trade shall be as valid as it would have been if this Act had been passed at the date of such arrangement or delegation and the same had been made by the Commissioners of Patents.

Short title of Acts.

5. Each of the Acts mentioned in the Schedule to this Act may be cited as the Copyright of Designs Act of the year in which it was passed, and the said Acts may, together with this Act, be cited as the Copyright of Designs Act 1842 to 1875, and this Act may be cited as the Copyright of Designs Act, 1875.

SESSION AND CHAPTER.	TITLE.
5 & 6 Vict. c. 100.	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65.	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104.	An Act to extend and amend the Acts relating to the Copyright of Designs.
21 & 22 Vict. c. 70.	An Act to amend the Act of the 5th and 6th year of Her present Majesty to consolidate and amend the Law relating to the Copyright of Designs for ornamenting Articles of Manufacture.
24 & 25 Vict. c. 73.	An Act to amend the Law relating to the Copyright of Designs.

39 & 40 VICT. c. 36.

[24th July 1876.]

"The Customs Consolidation Act, 1876."

42. The goods enumerated and described in the following table of prohibitions and restrictions incurred are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

Prohibitions and restrictions.

*A Table of Prohibitions and Restrictions inwards.**Goods prohibited to be imported.*

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

Table of prohibitions and restrictions.

The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of customs or a justice of the peace, that the contents of such notice are true.

List of prohibited books to be exposed at Custom House.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said commissioners shall expunge such book from the list, or

Persons complaining of prohibition of books in Copyright lists may appeal to a Judge in Chambers.

retain the same therein, according to the tenor of such order; and in case such books shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such judge may proceed *ex parte* to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice or obtaining such order, or making such false declaration.

As to the Channel Islands and other Possessions.

Foreign re-
prints of books
under copy-
right pro-
hibited.

152. Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British Possessions abroad: provided always, that no such books shall be prohibited to be imported as aforesaid, unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said commissioners shall cause to be made and transmitted to the several ports in the British Possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in her by 10 & 11 Vict. c. 95, intituled "An Act to amend the Law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom," to suspend in certain cases such prohibition.

APPENDIX (B).

REVISED STATUTE OF THE UNITED STATES BEING THE ACT OF JULY 8TH, 1870, AS CONTAINED IN THE REVISED STATUTES, SECOND EDITION, 1878.

Copyrights to be under charge of Librarian of Congress.

4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the joint committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Seal of Office.

4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

Bond of Librarian.

4950. The Librarian of Congress shall give a bond, with sureties to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Annual Report.

4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

What Publications may be entered for Copyright.

4952. Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print,

or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatise or to translate their own works.

Terms of Copyright.

4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Continuance of Term.

4954. The author, inventor, or designer, if he be still living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

Assignment of Copyrights and recording.

4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Deposit of Title and published Copies.

4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, district of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also,

within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright, book or other article, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same.

Book of Entry and attested Copy.

4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book (map, chart, or otherwise, as the case may be, or description of the article), the title or description of which is in the following words, to wit (here insert the title or description); the right whereof he claims as author, (originator, or proprietor as the case may be), in conformity with the laws of the United States respecting copyrights. C. D., Librarian of the Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

Fees.

4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:—

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words.

All fees so received shall be paid into the Treasury of the United States.

Copies of Copyright Works to be furnished to Librarian of Congress.

4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, District of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued or description or photograph of such article as hereinbefore required,

and a copy of every subsequent edition wherein any substantial changes shall be made.

Penalty for omission.

4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Postmaster to give Receipts.

4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Publication of Notice of Entry for Copyright prescribed.

4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted the following words: "Entered according to the Act of Congress in the year , by A. B., in the office of the Librarian of Congress at Washington."

Penalty for false Publication of Notice of Entry.

4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one half for the person who shall sue for such penalty, and one half to the use of the United States.

Damages for violation of Copyright of Books.

4964. Every person who after the recording of the title of any book as provided by this chapter shall, within the term limited, and

without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

For violating Copyright of Maps, Charts, Prints, &c.

4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied, or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one half thereof to the proprietor and the other half to the use of the United States.

For violating Copyright of Dramatic Compositions.

4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

Damages for printing or publishing any Manuscript without consent of Author, &c.

4967. Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first

obtained, if such author or proprietor is a citizen of the United States, or resident therein, shall be liable to the author or proprietor for all damages occasioned by such injury.

Limitation of Action in Copyright Cases.

4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

Defences to Action in Copyright Cases.

4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Injunctions in Copyright Cases.

4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Aliens and Non-Residents not Privileged.

4971. Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

ACT OF JUNE 18, 1874.

(18 U.S. St. at L. 78.)

An Act to amend the Law relating to Patents, Trade-marks and Copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if, it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary or model, or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion

thereof or of the substance on which the same shall be mounted, the following words, viz.: "Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington;" or at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus: "Copyright 18 , by A. B."

Fees for recording and certifying Assignments of Copyright.

2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

Restrictions on application of Words "Engraving," "Cut," and "Print."

3. That in the construction of this Act, the words "engraving," "cut," and "print," shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

Repeal of inconsistent Laws.

4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

5. That this Act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

OFFICIAL REGULATIONS.

DIRECTIONS for securing COPYRIGHTS under the REVISED ACT of CONGRESS which took effect 1st August, 1874.

Printed Title for Entry before Publication.

1. A printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which copyright is desired, must be sent by mail or otherwise, prepaid, addressed—

LIBRARIAN OF CONGRESS,
Washington, D. C.

This must be done before publication of the book or other article.

Copyright Fees.

2. A fee of 50 cents, for recording the title of each book or other article, must be enclosed with the title as above, and 50 cents in addition (or one dollar in all) for each certificate of copyright under seal of the Librarian of Congress, which will be transmitted by return mail.

What is required to perfect Copyright.—Penalty.

3. Within ten days after publication of each book or other article, two complete copies of the best edition issued must be sent, to perfect the copyright, with the address—

LIBRARIAN OF CONGRESS,
Washington, D. C.

It is optional with those sending books and other articles to perfect copyright to send them by mail or express, but in either case the charges are to be prepaid by the senders. Without the deposit of copies above required the copyright is void, and a penalty of 25 dollars is incurred. No copy is required to be deposited elsewhere.

Notice of Copyright to be given by Imprint.

4. No copyright is valid unless notice is given by inserting in every copy published, on the title page or the page following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as a work of the fine arts, by inscribing upon some portion thereof, or on the substance on which the same is mounted, the following words, viz.: "*Entered according to Act of Congress, in the year* , *by* , *in the office of the Librarian of Congress at Washington;*" or, at the option of the person entering the copyright, the words "*Copyright, 18* , *by* ."

The law imposes a penalty of 100 dollars upon any person who has not obtained copyright who shall insert the notice "*Entered according to Act of Congress,*" or "*Copyright,*" &c., or words of the same import, in or upon any book or other article.

Translations, &c.

5. Any author may reserve the right to translate or to dramatise his own work. In this case notice should be given by printing the words "*Right of translation reserved*," or "*All rights reserved*," below the notice of copyright entry, and notifying the Librarian of Congress of such reservation, to be entered upon the record.

Duration of Copyright.—Renewals.

6. Each copyright secures the exclusive right of publishing the book or article copyrighted for the term of 28 years. At the end of that time the author or designer, or his widow or children, may secure a renewal for the further term of 14 years, making 42 years in all. Applications for renewal must be accompanied by explicit statement of ownership in the case of the author, or of relationship in the case of his heirs, and must state definitely the date and place of entry of the original copyright.

Time of Publication.

7. The time within which any work copyrighted may be issued from the press is not limited by any law or regulation, but depends upon the discretion of the proprietor. A copyright may be secured for a projected work as well as for a completed one.

Assignments.

8. Any copyright is assignable in law by any instrument of writing, but such assignment must be recorded in the office of the Librarian of Congress within 60 days from its date. The fee for this record and certificate is one dollar, and for a certified copy of any record of assignment, one dollar.

Copies, or Duplicate Certificates.

9. A copy of the record (or duplicate certificate) of any copyright entry will be furnished under seal, at the rate of 50 cents each.

Serials or separate Publications to be copyrighted separately.

10. In the case of books published in more than one volume, or of periodicals published in numbers, or of engravings, photographs, or other articles published with variations, a copyright is to be taken out for each volume or part of a book, or number of a periodical, or variety, as to size, title, or inscription, of any other article.

Copyrights for Works of Art.

11. To secure a copyright for a painting, statue, or model or design intended to be perfected as a work of the fine arts, so as to prevent infringement by copying, engraving, or vending such design, a definite description must accompany the application for copyright, and a photograph of the same, at least of "cabinet size," must be mailed to the Librarian of Congress within 10 days from the completion of the work.

No Labels copyright.

12. Copyrights cannot be granted upon trade-marks, or labels intended to be used with any article of manufacture. If protection for such prints or labels is desired, application must be made to the Patent Office, where they are registered at a fee of six dollars for labels, and 25 for trade-marks.

Full Name of Proprietor required.

13. Every applicant for a copyright must state distinctly the name and residence of the claimant, and whether the right is claimed as author, designer, or proprietor. No affidavit or formal application is required.

Office of the Librarian of Congress,
Washington, 1874.

APPENDIX (C).

Her Majesty's Orders in Council consequent upon the Arrangement and Settlement of an International Copyright Treaty with Prussia. (Similar orders were issued on the adjustment of the convention with Brunswick, 24th April, 1847, with Hanover, 30th October, 1847, with the Thuringian Union, 10th August, 1847, &c.)

At the Court at Osborne House, Isle of Wight, the 27th day of August, 1846.

Present—

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS a treaty has been concluded between Her Majesty and His Majesty the King of Prussia, whereby due protection has been secured within the Prussian dominions for the authors of books, dramatic works, or musical compositions, and the inventors, designers, or engravers of prints, and articles of sculpture, and the authors, inventors, designers, or engravers of any other works whatsoever of literature and the fine arts, in which the laws of Great Britain and of Prussia do now, or may hereafter, give their respective subjects the privileges of copyright, and for the lawful representatives or assigns of such authors, inventors, designers, or engravers, with regard to any such works first published within the dominions of Her Majesty.

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by virtue of the authority committed to her by an Act passed in the session of Parliament holden in the seventh and eighth years of her reign, intituled "An Act to amend the Law relating to International Copyright," doth order, and it is hereby ordered, that, from and after the first day of September, one thousand eight hundred and forty-six, the authors, inventors, designers, engravers, and makers of any of the following works (that is to say), books, prints, articles of sculpture, dramatic

works, musical compositions, and any other works of literature and the fine arts, in which the laws of Great Britain give to British subjects the privilege of copyright, and the executors, administrators, and assigns of such authors, inventors, designers, engravers, and makers respectively, shall, as respects works first published within the dominions of Prussia, after the said first day of September one thousand eight hundred and forty-six, have the privilege of copyright therein for a period equal to the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively, first published in the United Kingdom, are by law entitled to; provided such books, dramatic pieces, musical compositions, prints, articles of sculpture, or other works of art, have been registered, and copies thereof have been delivered, according to the requirements of the said recited Act, within twelve months after the first publication thereof in any part of the Prussian dominions. And it is hereby further ordered, that the authors of dramatic pieces and musical compositions, which shall, after the said first day of September, one thousand eight hundred and forty-six, be first publicly represented or performed within the dominions of Prussia shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions, during a period equal to the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom are entitled by law to the sole liberty of representing or performing the same; provided such dramatic pieces, or musical compositions, have been registered, and copies thereof have been delivered according to the requirements of the said recited Act, within twelve calendar months after the time of their being first represented or performed in any part of the Prussian dominions.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

(Signed)

C. C. GREVILLE.

At the Court at Osborne House, Isle of Wight, the 27th day of August, 1846.

Present—

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the present session of Parliament, intituled "An Act to amend an Act of the seventh and eighth

years of Her present Majesty, for reducing, under certain circumstances, the duties payable upon Books and Engravings," it is enacted, that whenever Her Majesty has, by virtue of any authority vested in her for that purpose, declared that the authors, inventors, designers, engravers, or makers of any books, prints, or other works of art first published in any foreign country or countries, shall have the privilege of copyright therein, it shall be lawful for Her Majesty, if she thinks fit, from time to time, by any Order in Council, to declare that from and after a day to be named in such Order, in lieu of the customs, from time to time payable, on the importation into the United Kingdom of books, prints, and drawings, there shall be payable only such duties of customs as are mentioned in the said Act.

And whereas Her Majesty hath this day, by virtue of the authority vested in her for that purpose, declared that the authors, inventors, designers, engravers, and makers of books, prints, and certain other works of art, first published within the dominions of Prussia, shall have the privilege of copyright therein.

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and in virtue of the authority committed to her by the said recited Act, doth order, and it is hereby ordered, that, from and after the first day of September, one thousand eight hundred and forty-six, in lieu of the duties now payable upon books, prints, and drawings, published at any place within the dominion of Prussia, there shall be payable only the duties of customs following (that is to say):

On books originally produced in the United Kingdom, and republished at any place within the dominions of Prussia, a duty of two pounds ten shillings per hundred-weight. On prints or drawings, plain or coloured, published at any place within the dominions of Prussia:

	s.	d.
Single, each	0	0½
Bound or sewn, the dozen	0	1½

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

(Signed)

C. C. GREVILLE.

APPENDIX (D).

DIRECTIONS ISSUED BY THE BOARD OF TRADE FOR REGISTRATION OF DESIGNS.

ORNAMENTAL DESIGNS.

Directions for Registering and Searching.

PERSONS proposing to register a design for ornamenting an article of manufacture, must bring or send to the Designs Office :

1. TWO EXACTLY SIMILAR *copies, drawings (or tracings), NOT IN PENCIL, photographs, or prints* thereof, with the proper fees.
2. THE NAME AND ADDRESS of the proprietor or proprietors, or the title of the firm under which he or they may be trading, together with their place of abode, or place of carrying on business, *distinctly written or printed.*
3. THE NUMBER of the class in respect of which such registration is intended to be made, except it be for sculpture.

The aforesaid *copies* may consist of portions of the manufactured articles (*except carpets, oil-cloths, and woollen shawls*), when such can conveniently be done (as in the case of *paper-hangings, calico, prints, &c.*), which, as well as the *drawings or tracings* (which must be fixed), or *prints* of the design, to be furnished when the article is of such a nature as not to admit of being pasted in a book, *must, whether coloured or not, be facsimiles of each other.*

Should paper-hangings or furnitures exceed 42 inches in length by 23 inches in breadth, drawings will be required, but they must not exceed these dimensions.

Applications for registering may be made in the following form :—

Application to register.

(Blank Forms may be obtained at the Office.)

C.D. Works,

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You are hereby requested to register, provisionally (a) the accompanying ornamental designs (*in Class 1, [2, 3, 4, &c.,]*) (*or for sculpture (b)*)

(a) If not provisionally, strike out the word "provisionally."

(b) Here insert "for sculpture," if for sculpture, or the class or classes.

in the name of ((a) *A. B. of* , of ,) or (*A. B. of* , and *C. D. of* , &c., trading under the style or firm of *B. D. & Co.*, of , of , of), who claim to be the proprietors thereof, and to return the same (*if sent by post*), directed to (if brought by hand), to the bearer of the official acknowledgment for the same.

To the Registrar of Designs,
Designs Office, London.

(Signed) *B. D. & Co.*,
by *J. F.*

The person bringing a design must take an acknowledgment for it, which will be delivered to him on payment of the proper fees. This acknowledgment must be produced on application for the certified copy, which will be returned in exchange for the same.

A design may be registered in respect of one or more of the above classes according as it is intended to be employed in one or more species of manufacture, but a separate fee must be paid, and two exactly similar copies supplied, on account of each separate class, and all such registrations must be made at the same time.

After the design has been registered, one of the two copies, drawings (or tracings), or prints will be filed at the office, and the other returned to the proprietor, with a certificate annexed, on which will appear the *mark to be placed* on each article of manufacture to which the design shall have been applied.

If the design is for an article registered under Class 10, no mark is required, but there must be printed on such article, at each end of the original piece thereof, the name and address of the proprietor, and the word "registered," together with the years for which the design is registered.

If the design is for sculpture, no mark is required to be placed thereon after registration, but merely the word "registered" and the date of registration.

If the design is for provisional registration, no mark is required to be placed thereon after registration, but merely the words "provisionally registered" and the date of registration.

Any person who shall put the registration mark on any design not registered, or after the copyright thereof has expired, *is liable to forfeit for every such offence £5.*

Transfers.

In case of the transfer of a design, registered, whether provisionally or completely, the certified copy thereof must be transmitted to the registrar, together with the fee and forms of application (which may be procured at the office), properly filled up and signed. The transfer will then be registered and the certified copy returned.

Extension of Copyright.

The copyright may be extended in certain cases in provisional registration, for a term not exceeding the additional term of six months, and in

(a) Insert here the name and address of the proprietor, in the form in which it is to be entered on the certificate.

complete registration for a term not exceeding the additional term of three years, as the Board of Trade may think fit.

In case of extension, the certified copy, together with the proper fee, should be delivered at the Designs Office for registration, *prior to the expiration of the existing copyright.*

Searches.

All designs of which the copyright has expired may be inspected at the Designs Office, on the payment of the proper fee; but *no* design, the copyright of which is existing, is in general open to inspection. Any person however, may, by application at the office, and on production of the registration mark, except in Class X., of any particular design, be furnished with a certificate of search, stating whether the copyright be in existence, and in respect to what particular article of manufacture it exists: also, the term of such copyright and the date of registration, and the name and address of the registered proprietor thereof.

Any party may also, on the production of a piece of the manufactured article with the pattern thereon, together with the registration mark, be informed whether such pattern, supposed to be registered, is really so or not.

As this mark is not applied to a provisionally registered design, or to *articles registered under Class X.*, certificates of search for such designs will be given on production of the design, or a copy or drawing thereof with the number and date of registration.

Persons bringing designs to be registered, on delivering them, must compare such designs together, count them, and see that the name and address and number of class is correctly written, and examine their certificates previous to leaving the office, to see that the name, &c., is correctly entered, as no error can afterwards be rectified.

An acknowledgment of its receipt will be delivered, on payment of the fees, to the person bringing a design, and *no* certified copy of a design, will be returned, except to the bearer of this acknowledgment, which must be produced on application at the office for the certified copy, and given in exchange for the same.

All communications for the registration of designs may be made either through the General Post Office, directed to "The Registrar of Designs, Designs Office, London, S.W.," or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a Post Office Order for the amount, payable at the Post Office, Charing Cross, to J. H. Bowen, Esq., be inclosed, the designs will be duly registered, and the certified copies returned to the proprietors free of expense.

Postage-stamps, orders upon bankers or other persons, country and Scotch bank-notes, and light gold, cannot be received in payment of fees.

The Designs Office, No. 1, Whitehall, S.W., is open every day, between the hours of 10 in the morning and 4 in the afternoon, during which time inquiries and searches may be made. Designs and transfers are registered from 11 until 3.

Directions for registering designs for articles of utility may be procured at the office.

By Order of the Registrar.

ORNAMENTAL DESIGNS.

1. Registration of Ornamental Designs under these Acts may be either Complete or Provisional.

Conditions of Complete Registration.

2. Under the Designs Act, 1842, 5 & 6 Vict. c. 100, and the amending Acts, the author or proprietor of "any new and original design, whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes," may obtain a copyright or property in such design for various terms, according to the class to which the article of manufacture or substance belongs.

3. The design *should not have been published, either within the United Kingdom of Great Britain and Ireland, or elsewhere*, previous to its registration.

4. Articles of manufacture and substances to which designs may be applied are divided into 13 classes given in the following table. Opposite to each class are placed the respective terms for which copyright in each class may be obtained, and the registration fees payable on each design:—

CLASS.	ARTICLE.	COPYRIGHT.	Registration Fees.
			£ s.
1.	Articles composed wholly or chiefly of metal	5 years	1 0
2.	Do. do. do. wood	3 „	1 0
3.	Do. do. do. glass	3 „	1 0
4.	Do. do. do. earthen-ware, bone, ivory, papier-mâché or other solid substances not comprised in Classes 1, 2, and 3	3 „	1 0
5.	Paper hangings	3 „	0 10
6.	Carpets, floor-cloths, or oil-cloths	3 „	1 0
7.	Shawls (patterns printed, &c., &c.)	9 months	0 1
	Do. do. extended term of 9 „	„	0 6
	Do. do. for the whole term of 18 „	„	0 7
8.	Shawls (not comprised in Class 7)	3 years	1 0
9.	Yarn, thread, or warp (printed, &c., &c.)	9 months	0 1
(a) 10.	Woven fabrics (patterns printed, &c., &c.), except those included in Class 11	3 years	0 1
11.	Woven fabrics, technically called furnitures (patterns printed, &c., &c.), the repeat of the pattern exceeding 12 inches by 8 inches	3 „	0 5
12.	Woven fabrics (not comprised in any preceding class)	12 months	0 5
	Do. do. extended term of 1 year	1 year	0 8
	Do. do. extended term of 2 years	2 years	0 16
	Do. do. whole term of 3 „	3 „	1 0
13.	Lace and any other articles not comprised in any preceding class	12 months	0 5

(a) See proviso 21 & 22 Vict. c. 70, s. 3.

Transfers, &c.

Transfer (see paragraph 24)	} Same as Registration Fee.
Certifying former registration (to proprietor of design)	
Cancellation or substitution (according to decree or order in Chancery)	

5. A design may be registered in respect of one or more of the above classes, according as it is intended to be employed in one or more species of manufacture, but a separate fee must be paid, and two exactly similar copies supplied, on account of each separate class, and all such registrations must be made at the same time.

6. Persons proposing to register a design must bring or send to the Designs Office—

- (1.) Two exactly similar copies, drawings, tracings (not in pencil), photographs, or prints of the design, with the prescribed fees.
- (2.) The name and address of the proprietor or proprietors, or the title of the firm under which he or they may be trading, together with his or their place of abode or place of carrying on business, distinctly written or printed.
- (3.) The number of the class in respect of which registration is intended to be effected.

The two facsimile copies of the design to be furnished may consist of portions of the manufactured articles, when such can conveniently be sent, as in the case of paper hangings, calico prints, &c. Portions of carpets, however, will not be received. When drawings or tracings are furnished they must be "fixed." In the case of designs applied to articles which from their nature are incapable of being pasted into books, photographs or prints of such designs may be furnished.

7. Should paper hangings or furnitures exceed 42 inches in length, by 23 inches in breadth, drawings will be required, which must not exceed those dimensions.

8. Applications to register may be made in the following form (blank Forms may be obtained at the Office):—

Application to Register.

Form.

188 .

You are hereby requested to register the accompanying Design in Class
 , in the name of ((a) A. B. of , of) or (A. B. of , and
 C. D. of , &c., trading under the style or firm of B. D. and Co., of
 of , of) who claim to be the proprietors thereof, and to
 return the same (if sent by post), directed to , (if brought by hand)
 to the bearer of the official acknowledgment for the same.

(Signed) B. D. & Co.,
 by J. F.

To the Registrar of Designs,
 Designs Office, London.

9. The person bringing a design must take an acknowledgment for it, which will be delivered to him on payment of the prescribed fees. This acknowledgment must be produced on application for the certified copy, which will be returned in exchange for the same.

(a) Insert here legibly the name & address of the proprietor, in the form in which it is to be entered on the certificate.

10. After complete registration, every article of manufacture published by the proprietor thereof, to which such design shall have been applied, must have thereon or attached thereto a particular mark, which will be exhibited on the certificate of registration.

11. If the design is for an article registered under Class 10, there must be printed on such article, at each end of the original piece thereof, the name and address of the proprietor, and the word "Registered," together with the years for which the design is registered.

12. Any person who shall put the registration mark on any design not registered, or after the copyright thereof has expired, is liable to forfeit for every such offence 5*l*. See "Designs Act, 1842," section 11, also the "Merchandise Marks Act, 1862," section 7.

13. Persons bringing designs to be registered must, on delivering them, compare such designs together, count them and see that the name and address and number of class are correctly given, and examine their certificates previous to leaving the office, to see that the name and other particulars are correctly entered.

14. The above conditions being observed, the right of the proprietor is protected from piracy by a penalty of from 5*l*. to 30*l*. for each offence, each illegal publication or sale of a design constituting a separate offence. This penalty may be recovered by the aggrieved party either by action in the superior or county courts, or by a summary proceeding before two magistrates. See Designs Act, 1842, section 8.

15. If a design be executed by the author on behalf of another person, for a valuable consideration, the latter is entitled to be registered as the proprietor thereof; and every person purchasing either the exclusive or partial right to use the design is in the same way equally entitled to be registered; and for the purpose of facilitating the transfer thereof a short form (copies of which may be procured at the Designs Office) is given in the Act.

Provisional Registration.

16. The author or proprietor of any original design for ornamenting any article of manufacture or substance may obtain, under the Designs Act, 1850, 13 & 14 Vict. c. 104, a Provisional Registration, giving a copyright of one year. During such term the proprietor of the design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the copyright, sell any article with the design applied thereto until after complete registration, which must be effected prior to the expiration of the provisional registration. No mark is placed upon a design provisionally registered, but merely the words "Provisionally Registered" and the date of registration.

17. *The following Fees are payable for Provisional Registration.*

Registration irrespective of classes, one year 1*s*. each Design.

Transfer (see paragraph 24) - - - 5*s*. "

Certifying former registration (to proprietor of Design) - - - 1*s*. "

Cancellation or substitution (according to Decree, or Order in Chancery) - 5*s*. "

18. Applications should be made in the same manner as for complete registration, but omitting the reference to classes, and substituting the word "Provisionally" in its place (see paragraph 8).

19. If the proprietor of any design so provisionally registered wishes to obtain complete registration for such design, he must, prior to the expiration of provisional registration, comply with the conditions for complete registration already set out in paragraphs 1-13.

Sculpture.

20. The proprietor of any sculpture, model, copy, or cast within the protection of the Sculpture Copyright Acts may obtain registration, under the Designs Act of 1850, for the term, or unexpired part of the term, during which copyright in such sculptures, models, copies, or casts may or shall exist under the Sculpture Copyright Acts.

21. No *mark* is required to be placed on sculpture, &c., after registration, but merely the word "Registered" and the date of registration. The Act 54 Geo. III. c. 56, is still in force, and requires the name of the proprietor and date of publication to be placed upon the design.

22. *The following Fees are payable in regard to Designs for Sculpture:*

	£	s.
Each design - - - - -	5	0
Transfer (see paragraph 24) - - - - -	1	0
Certifying former registration (to proprietor of design)	1	0
Cancellation or substitution (according to Decree or Order in Chancery) - - - - -	1	0

23. Applications should be made in the same manner as for complete registration of ornamental designs, but omitting the reference to classes, and substituting the words "for Sculpture" in its place (see paragraph 8).

Transfers of Designs.

24. In the case of the transfer of a design (whether registered provisionally or completely, or for sculpture), the certified copy thereof must be transmitted to the Registrar, together with the fee and forms of application (which may be procured at the office), properly filled up and signed. The transfer will then be registered and the certified copy returned.

Searches.

25. All designs of which the copyright has *expired* may be inspected at the Designs Office, on the payment of the prescribed fee. Any person may, by application at the office, and on production of the registration mark of any design (except in Class X.), be furnished with a certificate of search, stating in respect to what particular article of manufacture the copyright exists, the term of such copyright, the date of registration, and the name and address of the registered proprietor thereof.

26. Any person may also, on the production of a piece of the manufactured article with the pattern thereon, together with the registration mark, be informed whether such pattern, supposed to be registered, is really so registered or not.

27. As the Registration mark is not applied to a provisionally registered design, or to articles registered under Class X., certificates of search for such designs will be given on production of the design, or a copy or drawing thereof, with the number and date of registration.

28. *Inspections, &c., of Provisional and Complete Registrations and Sculpture.*

	s.
Search - - - - -	2
Inspection of all the designs of which the copyright has expired, each quarter or part of quarter of an hour, each class - - - - -	1
Taking copies of expired designs, each hour or part of an hour, each copy - - - - -	1
Taking copies of unexpired designs (according to Judge's order), for each hour or part of an hour, each copy - - - - -	2

29. All communications for the registration of designs may be made either through the General Post Office, directed to "The Registrar of Designs, Designs Office, London, W.C.," or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a Post Office Order for the amount, payable at the Post Office, Chancery Lane, W.C., to H. Reader Lack, Esq., be enclosed, the designs will be duly registered, and the certified copies returned to the proprietors free of expense.

30. *Postage stamps, orders upon bankers or other persons, country and Scotch bank notes, and light gold, cannot be received in payment of fees.*

31. The Designs Office, No. 25, Southampton Buildings, Chancery Lane, W.C., is open every day between the hours of 10 in the morning and 4 in the afternoon, during which time inquiries and searches may be made. Designs and transfers are registered from 11 until 3.

32. Directions for registering designs for articles of utility may be procured at the Office.

By order,

1st May, 1879.

H. READER LACK,
Registrar.

USEFUL DESIGNS.

COPYRIGHT OF DESIGNS FOR ARTICLES OF UTILITY.

1. Under the Designs Act, 1843, 6 & 7 Vict. c. 65, the author or proprietor of any new or original design for the shape or configuration either of the whole or of any part of any article of manufacture, such shape or configuration having reference to some purpose of utility, may by registration obtain a copyright for such design, whether the article of manufacture be made in metal or any other substance.

2. Such registration may be either provisional or complete.

3. To obtain this protection it is necessary—

(a.) That the design should not have been published, either within the United Kingdom of Great Britain and Ireland or elsewhere, previous to its registration.

(b.) That after registration, or provisional registration, every article of manufacture made according to such design, or to which such design is applied, should have upon it the word "Registered," or the words "Provisionally Registered," with the date of registration.

4. By Provisional Registration (13 & 14 Vict. c. 104), a copyright is obtained for one year.

5. During such term the proprietor of the design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the copyright, sell any article with the design applied thereto until after complete registration.

6. Complete registration under the Designs Act, 1843, 6 & 7 Vict. c. 65, gives a copyright of three years.

7. Provisional registration is not such a publication of a design as will prevent its being further protected by complete registration, 13 & 14 Vict. c. 104. s. 3 ; and in order to obtain such further registration of a design already provisionally registered, application should be made *during the continuance of the provisional registration*.

8. In case of piracy of a design so registered, the same remedies are given, and the same penalties imposed (from 5*l.* to 30*l.* for each offence), as in the case of ornamental designs registered under the Designs Act, 1842 (5 & 6 Vict. c. 100), and all the provisions contained in the latter Act relating to the transfer of ornamental designs, in case of purchase or devolution of a copyright, are made applicable to those useful designs registered under the Designs Acts, 1843 and 1850.

9. In addition to this, a penalty of not more than 5*l.* nor less than 1*l.* is imposed upon all persons marking, selling, or advertising for sale any article as "Registered," unless the design for such article has been registered under one of the above mentioned Acts.

DIRECTIONS FOR REGISTERING.

10. Persons proposing to register a design for purposes of utility, must bring or send to the Designs Office two exactly similar drawings, photographs, or prints thereof, not in pencil, made on a proper geometric scale, marked with letters, figures, or colours, to be referred to as hereinafter mentioned, together with the following particulars, in the order set out in the annexed form :—

- (a.) The title of the design.
- (b.) The name and address of the proprietor or proprietors, or the title of the firm under which he or they may be trading, together with their place of abode or place of carrying on business, distinctly written or printed.
- (c.) A statement in the following form, viz. : "The purpose of utility to which the shape or configuration of (the new parts of) this design has reference is," &c., &c.
- (d.) A description to render the representation of the design intelligible, distinguishing its several parts by reference to letters, figures, or colours.

NOTE.—No description of the parts of the drawings which are old will be admitted, except such as may be absolutely necessary to render the purpose of utility of the shape of the new parts intelligible.

- (e.) A short and distinct statement as regards the shape or configuration thereof, which must be in the following form, viz. :—(if the whole design is new state)—"The whole of this design is new in so

far as regards the shape or configuration thereof." (If there are any old parts, state)—"Protection is sought for the shape or configuration of the parts marked (A., B., C., &c.) or coloured (blue, green, &c.), which are new and original; the remainder is old."

NOTE.—The above particulars must be given in the aforesaid order under their several heads, and in distinct and separate paragraphs, which must be strictly confined to what is here required to be contained in each.

Specimen Form, 24 inches by 15 inches.

(Title of the design.)

.....

(Name of the proprietor.)

.....

(Address of the proprietor.)

.....

(The drawing to be inserted here.)

(Statement of utility.)

The purpose of utility to which the shape or configuration of (the new parts of) this design has reference is

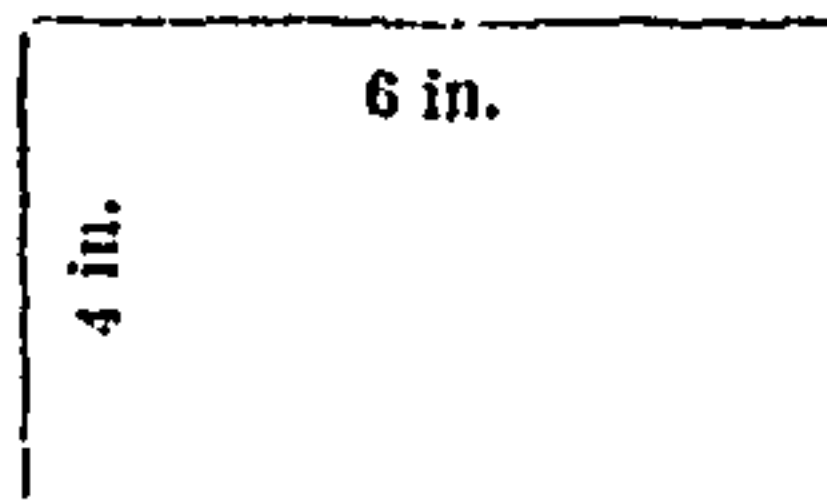
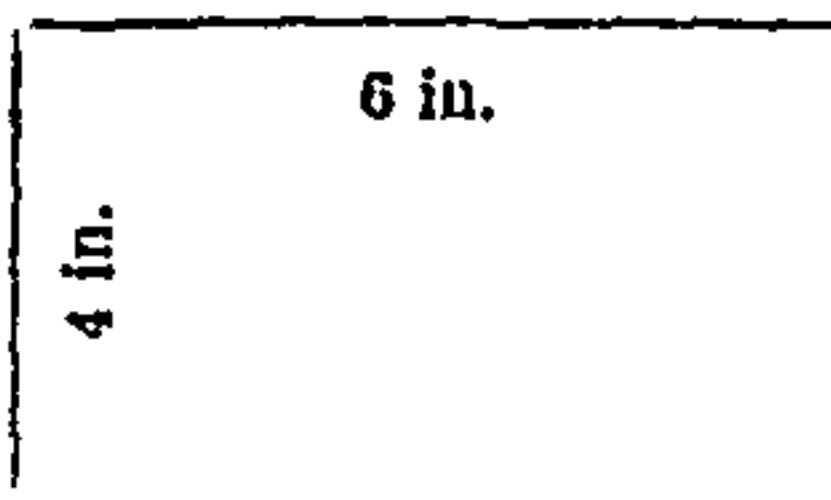
(Description.)

(If the whole design is new, state—)

The whole of this design is new in so far as regards the shape or configuration thereof.

(If there are any old parts, state—)

Protection is sought for the shape or configuration of the parts marked A., B., C., &c., or coloured (blue, green, &c.), which are new and original. The remainder is old.



15 inches.

24 inches.

11. Each drawing or print, together with the whole of the above particulars, must be drawn, written, or printed on one side of a sheet of paper or parchment, not exceeding in size 24 inches by 15 inches ; and on one of the said sheets, on the same side on which are the said drawings and particulars, there must be left two blank spaces, each of the size of 6 inches by 4 inches, for the certificates of registration.

Notice.

12. Parties are strongly recommended to read the Designs Acts, 1843 and 1850, 6 & 7 Vict. c. 65, and 13 & 14 Vict. c. 104, before determining to register their designs, in order that they may be satisfied as to the nature, extent, and comprehensiveness of the protection afforded ; and further, that their designs come within the meaning and scope of the Acts, of which facts the registration will not constitute any guarantee.

13. As these Acts give protection only to the shape or configuration of articles of utility (and not to any mechanical action, principle, contrivance, application, or adaptation, or to the material of which the article may be composed), no design will be registered, the description of, or statement respecting which, shall contain any wording suggestive of the registration being for any such mechanical action, principle, contrivance, application or adaptation, or for the material of which the article may be composed.

14. With this exception, and those mentioned in the Designs Act, 1843, s. 9, all designs, the drawings and descriptions of which are properly prepared and made out, will, on payment of the proper fee, be registered without reference to the nature or extent of the copyright sought to be thereby acquired, as proprietors of designs must use their own discretion in judging whether or not the design proposed for registration be for the shape or configuration of an article of utility coming within the meaning and scope of the Acts above mentioned.

15. After the design has been registered, one of the drawings will be filed at the Office, and the other returned to the proprietor, duly stamped and certified.

16. An acknowledgment of its receipt will be delivered, on payment of the fees, to the person bringing a design, and no certified copy of a design will be returned except to the bearer of this acknowledgment which must be produced on application at the office for the certified copy, and given in exchange for the same.

17. Persons bringing designs to be registered should, on delivering their designs and on examining their certificates previous to leaving the office, see that the titles, names, &c., are correct.

Transfers.

18. In case of the transfer of a completely registered design, a copy thereof (or the certified copy, provided there is space sufficient thereon for the certificate) made on one sheet of paper, with a blank space left for the certificate, must be transmitted to the registrar, together with the forms of application (which may be procured at the office), properly filled up and signed ; the transfer will then be registered, and the certified copy returned.

19. For the transfer of a design provisionally registered a new copy will not be required, but the certified copy must be transmitted to the Registrar with the above-mentioned forms.

Searches.

20. An index of the titles and names of the proprietors of all the registered designs for articles of utility is kept at the Designs Office, and may be inspected by any person, and extracts made from it.

21. Designs, the copyright of which is expired, may be inspected and copied at the office.

22. Designs, the copyright of which is unexpired, may also be inspected but not copied, except according to a Judge's order.

23. TABLES OF FEES.

Provisional Registration (Optional).

	Fee. s.
Registering design	10
Certifying former registration (to proprietor of design) . .	5
Registering and certifying transfer	10
Cancellation or substitution (<i>according to Decree or Order in Chancery</i>)	5

Complete Registration.

	Stamp. £	Fee. £	Total. £
Registering design	5	5	10
Certifying former Registration (<i>to proprietor of designs</i>)	5	1	6
Registering and certifying transfer.	5	1	6
Cancellation or substitution (<i>according to Decree or Order in Chancery</i>)	0	1	1

Inspections, &c., of Provisional and Complete Registrations.

	Fee. s.
Inspecting register, index of titles and names, for each quarter or part of quarter of an hour.	1
Inspecting designs, unexpired copy-right, each design	2
Inspecting designs, expired copy-right, each volume	1
Inspecting the register of Inventions, under the "Protection of Inventions Act, 1851."	1
Taking copies of designs, unexpired copyright (<i>according to Judge's order</i>), for each hour or part of an hour, each copy	2
Taking copies of designs, expired copyright, each copy	1

24. All communications for the registration of designs, either for ornamental or useful purposes, may be made either through the General Post Office, directed to "The Registrar of Designs, Designs Office, London, W.C.," or by any other mode of conveyance ; and provided the carriage be paid, and the proper fees, or a Post Office Order for the amount, payable at the Post Office, Chancery Lane, W.C., to H. Reader Lack, Esq., be enclosed, the designs will be duly registered, and the certified copies returned to the proprietor free of expense.

25. *Postage stamps, orders upon bankers or other persons, Scotch and country bank notes, and light gold, cannot be received in payment of fees.*

26. The Designs Office, No. 25, Southampton Buildings, Chancery Lane, W.C., is open every day, between the hours of 10 in the morning and 4 in the afternoon, during which time inquiries and searches may be made. Designs and transfers are registered from 11 until 3.

27. Directions for registering ornamental designs may also be procured at the office.

1st. May, 1879.

By order,

H. READER LACK,
Registrar.

APPENDIX (E).

FORMS USED AT STATIONERS' HALL.

A.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP.)

Fee 5s.

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am the proprietor of the copyright of a book, intituled _____; and I hereby require you to make entry in the Register Book of the Stationers' Company of my proprietorship of such copyright, according to the particulars under-written.

(Every particular given must be clearly written.)

Title of Book.	Name of Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.

Dated this _____ day of _____, 188 .

Witness

(Signed) .

N.B.—Office Hours from Ten to Four.

B.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING IN ANY BOOK
PREVIOUSLY REGISTERED.)

Fee 5s.

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, being the assigner of the copyright of the

THE LAW OF COPYRIGHT.

book hereunder described, do hereby require you to make entry of the assignment of the copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright. (a)
* * The date of the previous registration or assignment } must be given here		(a) Qy. abode. See Sec. 13.

[Form for *all* assignment of books (including music, dramatic compositions) under English Act, and for assignment of every description of copyright under International Acts.]

Dated this day of , 188 .

(Signed)

N.B.—Office Hours from Ten to Four.

C.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP OF DRAMATIC PIECE
OR MUSICAL COMPOSITION.)

Fee 5s.

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am the proprietor of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition*, intituled _____; and I hereby require you to make entry in the Register Book of the [Stationers' Company of my proprietorship of such *Liberty of Representation or Performance*, according to the particulars underwritten.

(Every particular given must be clearly written.)

Title of Dramatic Piece or Musical Composition.	Name and Place of Abode of the Author or Composer.	Name and Place of Abode of the Proprietor of the Liberty of Representation or Performance.	Time and Place of First Representation or Performance.

Dated this day of , 188 .

Witness

(Signed)

N.B.—Office Hours from Ten to Four.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING ANY PIECE OR
COMPOSITION PREVIOUSLY REGISTERED.)

To the Registering Officer appointed by the Stationers' Company.

Title of Dramatic Piece or Musical Composition.	Assigner of the Liberty of Representation or Performance.	Assignee of the Liberty of Representation or Performance.
* * The date of the previous registration or assignment } must be given here.		

N.B.—Office Hours from Ten to Four.

(MEMORANDUM FOR REGISTRATION UNDER COPYRIGHT (WORKS OF ART) ACT.)

To the Registering Officer appointed by the Stationers' Company.

(Every particular given must be clearly written.)

Description of Work.	Date of Agreement or Assignment.	Names of Parties to Agreement.	Name and Place of abode of Proprietor of Copyright	Name and Place of Abode of Author of Work.

N.B.—Office Hours from Ten to Four.

(LA FORME POUR REQUÉRIR L'ENREGISTREMENT DE PROPRIÉTÉ À
STATIONERS' HALL, LONDON.)

Moi, de je certifie par ceci, que je suis le Propriétaire du
Droit d'Auteur d'un Livre, intitulé et je vous requiers par ceci d'inscrire,
sur le Livre d'Enregistrement de la Corporation des Libraires, ma Propriété
de tel Droit d'Auteur, selon les détails ci-dessous écrits.

Le Titre du Livre.	Le Nom et la Demeure d'Auteur ou du Compositeur.	Le Nom et la Demeure du Propriétaire du Droit d'Auteur.	L'Epoque et le Lieu de la première Publication.

N.B.—Il faut que tous les détails soient écrits très clairement.

Form under International Copyright Act.

This Form is at present used for every work, whether book, print, piece of sculpture; whether French, German, &c. &c.

APPENDIX (F).

SHORT FORMS OF AGREEMENTS BETWEEN AUTHORS AND PUBLISHERS.

No. 1.—Agreement for Sale of Copyright in a Work.

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., and E. F.
(hereinafter called D. & F.), publishers, of the other part.

1. The said A. B. agrees to write and edit a work to be entitled _____, to prepare the same for the press, together with a full and comprehensive Index and Table of Cases and Contents to the same, by the _____ day of _____, to correct the proof-sheets, and to sell and assign all his copyright and interest in the said work to the said D. & F., their executors, administrators, and assigns, for the sum of money hereinafter mentioned.

2. The said D. & F., for themselves, their executors, administrators, and assigns, agree to print and publish and bear all the charges of printing and publishing the said work, and to pay to the said A. B., for his copyright and interest in the said work the sum of pounds, on the day of publication of the said work.

3. The said A. B. to have _____ copies of the said work free of charge.
In witness whereof the said parties have hereunto set their hands the day
and year first above written.

No. 2.—*Half-profit Agreement between Author and Publisher.*

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of ,
publisher, of the other part.

1. It is agreed that the said C. D. shall, at his own expense and risk, print and publish, a work entitled _____, and, after deducting from the produce of the sale thereof the charges for printing, paper, advertisements, embellishments (if any), and other incidental expenses, including the allowance of _____ per cent. on the gross amount of the sale for commission and risk of bad debts, the profits remaining of every edition that shall be printed of the work shall be divided into two equal parts, one moiety to be paid to the said A. B., and the other moiety to be retained by the said C.D.

2. The books sold shall be accounted for at the trade sale price, reckoning 25 copies as 24, unless it be thought advisable to dispose of any copies, or of the remainder, at a lower price, which shall be left to the judgment and discretion of the said C. D.

3. It is understood between the aforesaid parties, that copies of the said book are to be presented to the said A. B. free of charge. (a) *In witness, &c.*

(a) See a similar agreement: *Reade v. Bentley* (3 K. & J. 271).

No. 3.—Another Form of Agreement.

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , the author of , of the
one part, and C. D. & E. F. (hereinafter called 'D. & F.')
publishers, of the other part.

1. The said A. B. shall fully prepare the whole of the said book for the press, on or before the day of , and shall correct the proof-sheets, and superintend the printing thereof.

2. The said D. & F. shall direct the mode of printing the said book, and shall bear and pay all the charges thereof, and of publishing the same (except as hereinafter mentioned), and shall take all the risk of the publication on themselves.

3. The said E. & F. shall, out of the produce of the sale of the said book, in the first instance, be refunded all the cost and expenses which they shall have incurred respecting the said book, after which the profits shall be equally divided between the said A. B. and D. & F.

4. The accounts shall be made up at the end of every year, and the profits, if any, be then divided.

5. The said D. & F. shall account for all the copies which they shall sell of the said book at the wholesale bookseller's price, deducting therefrom a commission of , they taking the risk of the credit which they shall give on the same.

6. The alterations and corrections in the proof-sheets, and revises, which shall exceed the charge of per sheet, shall be borne and paid by the said A. B., and shall be deducted out of his share of the profits.

7. In case all the copies of the said book shall have been sold off, and a second or any subsequent edition of the said book be required by the public, the said A. B. shall make all necessary alterations and additions thereto, and the said D. & F. shall print and publish the said second and every subsequent edition of the said book on the above conditions.

8. In case all the copies of any edition of the said work shall not be sold off within years after the time of publication, the said D. & F. shall be at full liberty to dispose of the remaining copies, so unsold, either by public auction or private contract, or in such manner as they may deem most advisable, so that the account may be finally settled and closed. (a) *In witness, &c.*

(a) See *Stevens v. Benning* (6 D. M. & G. 223).

No. 4.—Licence to print one Edition of a Work.

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of , of
the other part.

1. Whereas the said A. B. has in preparation a work to be called .
Now THIS AGREEMENT WITNESSETH: that the said A. B. for the consideration hereinafter expressed, doth hereby authorize the said C. D. to print, publish, and sell an edition of copies of the said work, the said A. B. hereby reserving to himself the general copyright in the said work. And the said A. B., in consideration of the payments hereinafter agreed to be made by the said C. D., doth hereby agree with the said C. D. that he will furnish to the printer, to be employed by him, a fair copy of the said work, and will superintend the printing, and correct the proofs thereof in the usual manner, and that he will register his title under the "Literary Copyright Act, 1842," and will not authorize any person to print, publish, or sell, and will not himself print, publish, or sell, any other copies until the whole of the said copies have been disposed of by the said C. D., provided the said copies are sold within years from the date hereof. And the said C. D., in consideration of the aforesaid authority and agreement, doth hereby agree with the said A. B. that he will pay him, the said A. B. the sum of for each and every copy of the said copies, payable half-yearly, as fast as the said copies shall be sold, or otherwise disposed of, he rendering to the said A. B. an account of sales of the said work, at the expiration of every six months from the day of the first publication, until the whole shall be sold, and that he will also give to the said A. B. copies of the said work, bound, and free of charge, as soon as conveniently may be done, after the manuscript copy has been furnished by the said A. B. And the said C. D., in consideration also of the aforesaid authority and agreement, doth further agree with the said A. B. that he will not print, publish, or sell, any more than the said copies, until authorized by the said A. B., or his legal representatives, it being clearly understood that the licence herein contained extends only to one edition of the number above specified.
In witness, &c.

No. 5.—Limited Assignment by an Author of a new Edition of his Work.

A. B., of , having prepared a new edition of , and C. D., of , being desirous of purchasing the same, it is agreed that copies of the work shall be printed in type and page corresponding with , at the sole cost of the said C. D., and the said C. D. shall pay to the said A. B. for the said edition, the sum of . The work to be divided into volumes, and to be sold to the public for in boards; but should the said work exceed sheets, or pages, a proportionate increase is to be made in the charge to the public, and a proportionate addition made to the consideration to be paid by C. D. to A. B. copies in boards to be delivered to the said A. B. free from all charge or expense. (a)

(a) See *Sweet v. Cater* (11 Sim. 572).

No. 6.—Agreement to enlarge a second Edition of a Book, and correct Proof of same.

THIS AGREEMENT, made the day of 188 . Between A. B.,
of , of the one part, and C. D., of , of the other
part.

Witnesseth, that the said A. B., in consideration of the sum of , agrees to examine, correct, and enlarge the work known as , to furnish additional manuscript matter for the second edition of the work, and to enlarge the index, and make it full and complete. IT IS AGREED that the new edition of the work shall be of the same sized page as the present work, and contain an equal amount of matter on each page, and that the additional matter furnished shall enlarge the work not less than pages, and shall be furnished to the said C. D. at not less than pages per day, commencing on the instant. And the said A. B. is to examine and to correct the proof-sheets so soon as they shall be furnished, and to complete the index within a reasonable time after the whole signatures of the text shall be ready for him for that purpose. And the said C. D. on his part agrees to print the said work as the matter shall be supplied, to provide the said A. B. with a copy of the work, by signatures, as each signature shall be worked off, for the purpose of arranging the index; to furnish the said A. B. bound copies of the work, as soon as they can be conveniently furnished, and to pay the said A. B. the sum of on the day the last proof-sheet is corrected for the press. In witness, &c.

No. 7.—Agreement between an Author and Publisher for the sale of a Work where a Sum is paid for the Copyright; with variation where the Profits are divided. (a)

THIS AGREEMENT made the day of 188 . Between A. B.,
[author] of , of the one part, and C. D., [publisher] of ,
of the other part.

Whereas the said A. B. has written and composed a certain work entitled , and the same is now ready for the press, and the said C. D. has contracted for the purchase of the copyright of the said work at or for the price or sum of £ , to be paid in the manner hereinafter mentioned. NOW THESE PRESENTS WITNESS that the said A. B. agrees to sell, and the said C. D. agrees to purchase *all that* the said work and premises and the copyright thereof. AND IT IS HEREBY AGREED that the said work shall consist of sheets [size]. And that the said A. B. shall correct the said sheets of the said work through the press, and compose a good and sufficient index thereto, and in every respect prepare the same for publication, and complete the same within calendar months from the date hereof. And shall and will, within days after the publication thereof, or at any time or times thereafter, if so required by the said C. D. assign and

(a) Where the profits are to be divided between the author and publishers, leave out the portions of the precedent within brackets and add: "And it is hereby agreed that after paying and defraying all such expenses as aforesaid, the net proceeds and profits as well of the [first as of every other succeeding edition shall be equally divided between the said A. B. and C. D.]"

make over the said work and all his right, title and interest in the copyright thereof unto the said C. D., his executors, administrators, or assigns in such manner and form as may be by him or them reasonably required. [And that the said C. D. shall pay the said sum of £ in the manner hereinafter mentioned (that is to say) the sum of £ on the day of the publication of the said work, and the sum of £ (the residue thereof) within three months after the publication thereof]. And shall and will cause the said work to be printed on good paper and pay and defray all the costs, expenses of printing and advertising the said work, and all other expenses attending its publication. And shall and will allow copies of the said work to the said A. B. And shall and will exert himself to the utmost in procuring, and advancing the sale of the said work. [AND IT IS HEREBY AGREED that in case a second, third, or any other succeeding edition of the said work shall at any time be called for, the said A. B. agrees to make all necessary additions, alterations, and corrections to such edition and to make the same as complete as possible. And shall from time to time within days after the publication thereof, or at any time or times thereafter, if so required by the said C. D. assign and make over the said second, third, or other succeeding edition of the said work, and all his right title and interest in the copyright thereof unto the said C. D., his executors, administrators, or assigns in such manner and as may be by him or them reasonably required. And the said C. D., shall pay the sum of £ to the said A. B. on the day of the publication of such second, third, and every subsequent edition, and shall and will pay and sustain all the costs and charges of such second, third, and every subsequent edition in the same manner as is hereinbefore agreed upon respecting the first edition. AND IT IS HEREBY AGREED that in case the said A. B. should refuse to edit such second, third, or subsequent edition or neglect so to edit the same after six months' notice to him for that purpose given by the said C. D. it shall be lawful for the said C. D. to engage with any other person or persons to edit the same]. *In witness, &c.*

No. 8.—Agreement between an Author and Publisher for the sale of a Work by Commission.

THIS AGREEMENT made the day of 188 . Between
A. B. [author] of , of the one part, and C. D. [publisher] of ,
of the other part.

Whereas the said A. B. is the author and proprietor of a certain work entitled ; and Whereas there is now a demand for a new edition of such work being the edition. NOW THESE PRESENTS WITNESS that the said A. B. doth hereby agree with the said C. D. that he the said C. D. shall be the sole publisher of the said edition of the said work at a commission of pounds per cent. And that he the said A. B. will within days next hereafter deliver to such printer as the said C. D. shall name a portion of the copy of the said work and continue to supply him with copy thereof until the whole is completed; And that the said C. D. shall indemnify the said A. B. from all losses to be incurred as well in the printing and publishing of the said work as after its publication or by reason of the said work not selling. AND IT IS HEREBY AGREED that it

shall be lawful for the said C. D. out of the profits and proceeds of the said work in the first place to deduct and repay himself the expenses of the paper, printing, advertisements, warehouse-room, insurance money, and commission after the rate aforesaid. *And* that he the said C. D. will render a full and faithful account to the said A. B. on the day of and on the day of in every year of the sale and proceeds of the said edition. *In witness, &c.*

No. 9.—Agreement for the editing of a Work between the Publisher and Editor, with variations where for translating a Work. (a)

THIS AGREEMENT made the day of 188 , Between A. B., of [publisher] &c., of the one part, and C. D. [editor] of &c., of the other part.

Whereas the said A. B. some time since published a certain work written and composed by C. D., and entitled . *And whereas* there is a demand for a new edition of the said work. *And whereas* the said A. B. has agreed with the said C. D. to edit and make ready for publication as hereinafter is mentioned, a new edition (being the) of the said work [to be contained in volumes] for the sum of pounds. NOW THEREFORE THESE PRESENTS WITNESS that the said C. D., in consideration of the sum of £ , to be paid to him by the said A. B. in manner hereinafter mentioned, agrees with the said A. B. that he will edit and prepare for publication the edition of the said work. *And* will also examine and correct the proof sheets of the said work in its progress through the press. *And* that he will complete and render fit for publication the [first volume of the] said work by the day of next [the second volume by the day of &c. (according to the number of volumes.)] *And* further that the said C. D. will render the said edition of the said work as complete as possible, and will make all necessary and proper additions, and corrections, and add such observations and information to the said work as shall occur to him, and exert himself to the utmost to render the said work valuable and popular. *And* the said A. B. agrees to pay unto the said C. D. for editing the said volumes the said sum of £ in the proportions and at the times hereinafter mentioned (that is to say) the sum of £ being one part thereof on the first of the said volumes being ready for publication, and the like sum of £ on each of them the said second and third of the said three volumes (or according to the number of volumes) being ready for publication. *In witness, &c.*

(a) Where the agreement is for translating a work, leave out the recitals of the precedent above and insert: "Whereas a certain work has lately been published in Germany in the German language entitled . *And whereas* the said A. B. is desirous that a translation of the said work should be made and perfected by the said C. D. NOW THESE PRESENTS WITNESS that in consideration of the payment of the sum hereinafter mentioned to him the said C. D., he the said C. D. agrees that he will well and faithfully translate the said work into English, and will complete the same on or before the day of ," &c.

No. 10.—Agreement between a Publisher and Engraver for the engraving of a Painting.

THIS AGREEMENT made the day of 188 . Between A. B. [publisher] of &c., of the one part, and C. D. [engraver] of &c., of the other part.

Whereas the said A. B. is desirous of publishing a line [or mezzotinto] engraving of a certain painting called , and painted by Mr. . Now THEREFORE THESE PRESENTS WITNESS that in consideration of the sum of £ to be paid in the manner hereinafter mentioned, he the said C. D. agrees that he will at his own cost and charges engrave and execute a perfect and correct line [or mezzotinto] engraving on copper [or steel] plate of the said painting called . And the said engraving shall be inches long and inches broad, and that the copper [or steel] on which the same shall be engraved shall be inches long, and inches broad. And that the said C. D. will complete the same on or before the day of . And shall at his own expense take off and print complete impressions from the said plate, on good and proper paper and deliver them to the said A. B. And the said A. B. agrees to pay the said sum of £ in manner hereinafter mentioned (that is to say) the sum of £ on the day of , and the sum of £ (the residue thereof) on the day of , if the said work shall be completed at such last mentioned time. And it is hereby agreed that the said C. D. shall be allowed to retain complete impressions of the said engraving for the use of himself and friends, but it shall not be lawful for the said C. D. to sell or dispose of the same. *In witness, &c.*

No. 11.—Agreement between an Artist and a Purchaser respecting a Painting, and the Copyright therein, under the 25 & 26 Vict. c. 68. The purchase money being payable by Instalments.

ARTICLES OF AGREEMENT made the day of 188 . Between A. B. [artist] of &c., of the one part, and C. D. [purchaser] of &c., of the other part.

Whereas the said A. B. is the artist of and is now engaged in finishing an original drawing or painting called or intended to be called or known as . AND WHEREAS the said C. D. hath contracted and agreed with the said A. B. for the absolute purchase of the said drawing or painting, and the copyright thereof, or the sole and exclusive right of copying, engraving, reproducing and multiplying such drawing or painting and the design thereof by any means and of any size whatsoever at the price or sum of £ to be paid by the several instalments and in manner hereinafter appearing. Now THESE PRESENTS WITNESS, and it is hereby agreed and declared by and between the parties hereto as follows:—

1. The said A. B. shall forthwith proceed to complete and finish the said drawing or painting called or intended to be called or known as to the satisfaction in all respects of the said C. D. and deliver the same to him, his executors, administrators, or assigns, or his or their order, completely finished and perfected on or before the day of next.

2. The copyright in the said drawing or painting and the sole and exclusive

right of copying, engraving, reproducing and multiplying such drawing, or painting, and the design thereof by any means, and of any size whatsoever, shall upon the execution of these presents become and be vested in the said C. D., his executors, administrators, and assigns, and should the said C. D., his executors, administrators, or assigns at any time hereafter during the existence of the said copyright require a more formal assignment, the said A. B. shall duly assign unto the said C. D. his executors, administrators, and assigns the said copyright, and do or cause to be done all such acts and assurances as may be by him or them deemed necessary or advisable for vesting the said copyright in the said C. D., his executors, administrators and assigns.

3. The said C. D. shall and will on the execution hereof pay or cause to be paid unto the said A. B. the sum of £ , part of the said purchase money, or sum of £ , and shall and will pay or cause to be paid unto the said A. B. his executors, administrators, or assigns the sum of £ by equal payments or instalments of £ to be paid by equal yearly payments on the day of in each year until the whole of the said purchase moneys shall be satisfied, and this without any deduction or abatement on any account whatsoever, the first of such annual instalments to be made on the day of . And shall and will also pay or cause to be paid unto the said A. B., his executors, administrators, or assigns, interest on the said sum of £ or the balance of the said purchase money for the time being remaining unpaid at the rate of £ per centum per annum to be computed from the day of next.

4. Any formal assignment which may be required by the said C. D. under the provisions hereinbefore contained shall contain covenants on the part of the said A. B., his heir, executors, and administrators, that he the said A. B. hath good right to assign and assure the said copyright and premises unto the said C. D., his executors, administrators, and assigns free from any charge or incumbrance whatsoever, that the same shall and may during the term specified in the first section of the 25 & 26 Vict. c. 68, be exercised and enjoyed accordingly by the said C. D., his executors, administrators, and assigns without any lawful interruption or disturbance, and also a covenant for further assurance in the ordinary and usual form.

5. *The ordinary arbitration clause. In witness, &c.*

No. 12.—Agreement to write an Opera.

MEMORANDUM OF AN AGREEMENT made the day of .
Between A. B., of the one part, and C. D., of the other part.

Mr. C. D. engages to write a full opera for musical performance at one of the large theatres, on the following terms:—

1. That the copyright of the said opera shall remain the property of the said C. D. except as hereinafter mentioned.

2. That the price for the performance of the said opera to be charged by C. D. to managers of country theatres (that is, of all theatres in the United Kingdom, except those in, or within five miles of, London) shall not exceed the sum of twenty shillings nightly. (a)

(a) The object of this stipulation being that the amount of the charge should not prevent the performance of the opera.

3. That the sum to be paid the said C. D. by the said A. B. for writing the said opera shall be pounds, lawful money of Great Britain, to be paid in the following manner, viz., pounds on the signature of the present agreement, a second sum of pounds within a month of this date, pounds on the delivery of the complete manuscript of the said opera, and the remaining sum of pounds on the day following the first night of the performance of the said opera.

4. That the said A. B. shall have all the profits and benefits arising from the right of representation of the said opera in London, or within five miles thereof, and shall be at liberty to make arrangements with any manager for its performance within the aforesaid distance from London.

5. That the said A. B. shall have the entire and exclusive right of publishing, with the music, all the poetry or words of the vocal portions of the said opera, for the sole benefit of the said A. B., but not the right of publishing such poetry or words independently of the music.

And the said A. B. doth hereby agree for the purchase of the said opera, at the price and under the regulations aforesaid, the said C. D. also agreeing to deliver the complete manuscript of the said opera within six months of the present date, under the penalty of one hundred pounds.

Provided always, that the said C. D. is not prevented completing the manuscript by the necessity of alterations or additions suggested by the composer of the music of the said opera, which alterations or additions the said C. D., however, engages to make (to any reasonable extent) previous to the first performance of the said opera.

(Signed) A. B.

Witness .

APPENDIX (G).

FORMS WHICH MAY BE USED UNDER THE 25 & 26 VICT. c. 68.

No. 1.—*Form for entire reservation of Copyright by the Author where his Work has been Commissioned.*

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of , of the
other part.

Whereas the said A. B. has at the request of the said C. D. made for him at the price of £ a drawing [*or painting or photograph*] being [*shortly describe the subject*]. Now THIS AGREEMENT WITNESSETH that at or before the time of the sale or disposition of such drawing [*or painting or photograph,*] it was agreed between the said parties hereto that all the copyright in such work (including the making repetitions thereof) should be the property of the said A. B., and that he should be entitled to sell or otherwise dispose of all sketches and studies made, designed, or executed in connection with the said work. *In witness, &c.*

No. 2.—*Form for entire reservation of Copyright by Author, where he first sells his non-commissioned Work.*

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of , of the
other part.

Whereas the said C. D. hath agreed to purchase from the said A. B. at the price of £ a drawing [*or painting or photograph*] being [*shortly describe the subject*]. Now THIS AGREEMENT WITNESSETH that at or before the time of the sale of such drawing [*or painting or photograph*] it was agreed between the said parties hereto that all the copyright in such work (including the making of repetitions thereof), should be the property of the said A. B., and that he should be entitled to sell or otherwise dispose of all sketches and studies made, designed, or executed in connection with the said work. *In witness, &c.*

No. 3.—Form for partial reservation of Copyright by the Author where his Work has been Commissioned.

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of , of the
other part.

Whereas the said A. B. has at the request of the said C. D. made for him at the price of £ a painting [*or drawing or photograph*] being [*shortly describe the subject*]. Now THIS AGREEMENT WITNESSETH that at or before the time of the sale of the said painting [*or drawing or photograph*] it was agreed between the said parties hereto that all copyright thereof for the purpose of making all engravings and photographs therefrom should be the property of the said A. B. And that the said A. B. should be entitled to sell or otherwise dispose of all sketches and studies made, designed, or executed in connection with the said work. *In witness, &c.*

No. 4.—Form for Partial Reservation of Copyright by the Author where he first sells his non-commissioned Work.

MEMORANDUM OF AGREEMENT made the day of 188 .
Between A. B., of , of the one part, and C. D., of , of the
other part.

Whereas the said C. D. has agreed to purchase from the said A. B. at the price of £ a painting [*or drawing or photograph*] being [*shortly describe the subject*]. Now THIS AGREEMENT WITNESSETH that at or before the time of the sale of the said painting [*or drawing or photograph*] it was agreed between the said parties hereto that all copyright thereof for the purpose of making all engravings or photographs therefrom should be the property of the said A. B., and that the said A. B. should be entitled to sell or otherwise dispose of all sketches and studies made, designed, or executed in connection with the said work. *In witness, &c.*

No 5.—Licence by Proprietor of Copyright.

I, A. B., of , being the proprietor of the copyright in a painting [*or drawing or photograph*] in consideration of the sum of £ paid to me by C. D. of , do hereby grant to the said C. D. the sole and exclusive liberty and licence to copy, use, and apply the design of such work for all purposes of engraving and photographing the same. [*Any additional terms may be here mentioned.*]

A. B.

To Mr. C. D.