

APPENDIX (D).

FORMS USED AT STATIONERS' HALL.

(Form of requiring Entry of Proprietorship.)

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 , 189 .

Witness, . (Signed) .

N.B.—In filling up the above form special care must be taken to insert the correct title of the Book, the name of the *first publisher*, and the *exact day* of first publication. All names should be written in full.

A stamped and addressed envelope must be enclosed with all communications to which an answer is required.

COPYRIGHT REGISTRY.

Instructions for Registration of Books under the provisions of the Copyright Acts, 5 & 6 Vict. c. 45, and 49 & 50 Vict. c. 33.

Book.—The term “Book” means and includes every volume, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, chart, or plan, separately published.

Term of Copyright in Books.—If published in lifetime of author, then forty-two years from publication or life of author and seven years from his death, whichever shall be the longest term.

If published after author's death, then proprietor has copyright for forty-two years from first publication.

The copyright in articles in encyclopædias, reviews, magazines, periodical works, or works published in parts, belongs to the proprietor of the work when such articles have been composed upon the terms that the copyright shall belong to him and shall have been actually paid for by him; but after twenty-eight years from first publication the right of publishing in separate form reverts to the author; and during such twenty-eight years the proprietor may not publish separately without the previous consent of the author or his assigns. Authors may by contract reserve to themselves the right of publishing in a separate form before the expiration of the twenty-eight years.

Necessity for Registration.—Copyright is created by the Statute and does not depend upon registration, which is permissive only and not compulsory; but no proprietor of copyright in any book can take any proceedings in respect of any infringement of his copyright unless he has, before commencing his proceedings, registered his book.

Mode of Registration.—A proprietor of copyright desiring to register at Stationers' Hall must lodge there a demand signed by him and witnessed, in the form printed on the back hereof, together with a fee of 5s. for each entry.

Special care should be taken that the full and proper title of the book, and the correct *day, month, and year of first publication*, are entered, as any error or omission may invalidate the entry.

No book can be registered *before it is published*.

A proprietor of the copyright in an encyclopædia, review, magazine, periodical work, or work published in parts, will be entitled to all the benefits of registration upon his registering the first volume, number, or part.

Music.—Proprietors of copyright in musical compositions entitled to, and desirous of retaining the right of, public representation or performance, must print on the title-page of every copy a notice to the effect that the right of public representation or performance is reserved.

Assignments.—Registered copyrights, or any share or shares thereof, may be assigned, without payment of any stamp duty, by the registered proprietor lodging, at Stationers' Hall, an entry signed by him in the form prescribed by the Statute, together with a fee of 5s. Forms of Assignment can be obtained at Stationers' Hall.

Certified Copies of entries are supplied on payment of a fee of 5s. each, and such copies are *prima facie* proof of the matters alleged therein.

Public Libraries.—A copy of every book, and of any second or subsequent edition containing additions and alterations, should be forwarded to the British Museum immediately after publication, and four copies delivered at Stationers' Hall for the Public Libraries at Oxford, Cambridge, Edinburgh, and Dublin.

Newspapers.—The names of all the proprietors, and the title of each newspaper, must be registered at Somerset House, pursuant to the Newspaper Libel and Registration Act, 1881 (44 & 45 Vict. c. 60). For forms apply to the Registrar, Companies' Registration Office, Somerset House, London, W.C.

Foreign Reprints.—Proprietors of books first composed, or written, or printed in the United Kingdom, desiring to prevent the importation of foreign reprints, must give notice in writing to the Commissioners of

Customs, accompanied by a statutory declaration that the copyright subsists and when it will expire. Registration at Stationers' Hall is also necessary before duties can be levied for the benefit of the proprietor of copyright on foreign reprints of British copyright works imported into the Bahamas, Barbados, Bermuda, British Guiana, Cape of Good Hope, Grenada, Jamaica, Natal, Nova Scotia, Newfoundland, Prince Edward Island, St. Christopher, St. Lucia, and St. Vincent.

Applicants not conversant with the mode of registration are recommended in all cases to forward with the demand for registration a copy of the Book to be registered for comparison before entry, as no alteration can be made in the "Register," or any error corrected, except by an Order of the High Court of Justice, or one of the Judges thereof.

Forms used at Stationers' Hall can be obtained on application, price 1d. each.

Postage stamps cannot be received in payment of fees.

Post Office and Postal Orders to be made payable to C. R. RIVINGTON, and all communications to be addressed to *The Registrar, Copyright Office, Stationers' Hall, Ludgate Hill, E.C.*

Office hours 10 a.m. to 4 p.m. Saturdays 10 a.m. to 2 p.m.

STATIONERS' HALL : *June, 1892.*

N.B.—Separate instructions can be obtained for registration of right to represent and perform Dramatic Pieces and Musical Compositions; also for registration of Paintings, Drawings, and Photographs, under 25 & 26 Vict. c. 68.

(Form of Concurrence of the Party Assigning in any Book previously Registered.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, being the Assigner of the Copyright of the 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.
* * The date of the previous Registration or Assignment must be given here		

Dated this _____ day of _____, 18 ____ .
(Signed) _____

A stamped and addressed envelope should be enclosed with all communications to which an answer is required.

COPYRIGHT REGISTRY.

Instructions for Assignment of Copyright in Books under the provisions of the Copyright Act, 5 & 6 Vict. c. 45.

The registered proprietor of copyright in a Book may transfer his copyright, or any share or shares thereof, *without payment of any Stamp duty*, by lodging, at Stationers' Hall, an entry signed by him in the form prescribed by the Statute, and printed on the back hereof, together with a fee of 5s.

N.B.—The title of the Book must correspond precisely with that in the original entry on the Register, and the address of Assigner and Assignee respectively must be inserted in the proper column after his name. All names to be written in full.

Special care should be taken that the correct particulars are entered, as any error or omission may invalidate the entry, and no alteration can be made in the "Register," or any error corrected, except by an Order of the High Court of Justice, or one of the Judges thereof.

Certified Copies of entries are supplied on payment of a fee of 5s. each, and such copies are *prima facie* proof of the matters alleged therein.

Forms can be obtained at Stationers' Hall, price 1d. each.

Postage stamps cannot be received in payment of fees.

Post Office and Postal Orders to be made payable to C. R. RIVINGTON, and all communications to be addressed to *The Registrar, Copyright Office, Stationers' Hall, Ludgate Hill, E.C.*

Office hours 10 a.m. to 4 p.m. Saturdays 10 a.m. to 2 p.m.

STATIONERS' HALL: May, 1891.

Separate forms and instructions can be obtained for registration of proprietorship of copyright in Books and of right to represent and perform Dramatic Pieces and Musical Compositions; also for registration of Paintings, Drawings, and Photographs, under 25 & 26 Vict. c. 68.

(Form of Requiring Entry of Proprietorship of Dramatic Piece or Musical Composition.)

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.

FORMS USED AT STATIONERS' HALL.

(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 Sole Liberty of Representation or Performance.	Time and Place of First Representation or Performance.

Dated this day of , 18 .
Witness . (Signed)

N.B.—All names to be written in full.

A stamped and addressed envelope should be enclosed with all applications requiring an answer.

COPYRIGHT REGISTRY.

DRAMATIC PIECES AND MUSICAL COMPOSITIONS.

Instructions for Registration of the right to represent and perform Dramatic Pieces and Musical Compositions not printed and published, see 3 & 4 Will. IV. c. 15, and 5 & 6 Vict. c. 45.

The right to represent or perform a dramatic piece or musical composition is a right distinct from the copyright in a book containing or consisting of such dramatic piece or musical composition, and no assignment of the copyright of any such book conveys any right of representation or performance, unless so specified; and by the 22nd sect. of 5 & 6 Vict. c. 45, an entry of every such assignment should be made in the Registry Book.

The Author or Assignee of the Author of any tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment or musical composition, *not printed and published*, has, as his own property, the sole liberty of representing, or causing to be represented or performed, any such dramatic piece or musical composition at any place of dramatic entertainment whatever in Her Majesty's dominions for forty-two years from the first public representation or the life of the author, and seven years from his death, which shall be longest.

Mode of Registration.—The proprietor of the right of representation of any dramatic piece or musical composition desiring to register his right at Stationers' Hall, must lodge there, for entry in the Register Book, a statement of the particulars, signed by him and witnessed, in the form on the back hereof, with a fee of 5s.

Special care must be taken to give the precise particulars required, and the day, month, and year of the first representation, as any error may invalidate the entry, and no alteration can be made in the "Register," or

Registration cannot be effected until after the date of the first representation or performance.

Certified Copies of entries can be obtained on payment of a fee of 5s., and such copies are *prima facie* proof of the matters alleged therein.

Forms can be obtained at Stationers' Hall, price 1d. each.

Postage stamps cannot be received in payments of bills.
Post Office and Postal Orders to be made payable to C. R. RIVINGTON,
and all communications to be addressed to *The Registrar, Copyright Office,*
Stationers' Hall, Ludgate Hill, E.C.

STATIONERS' HALL: *August, 1890.*

N.B.—Separate instructions can be obtained for registration of Books;
also for registration of Paintings, Drawings, and Photographs,
under 25 & 26 Vict. c. 68.

To the registering officer appointed by the Stationers' Company.
I, _____, of _____, being the Assigner of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition*, hereunder described, do hereby require you to make Entry of the Assignment of such *Liberty of Representation or Performance*.

Dated this day of , 18 .
Witness, . (Signed)

FORMS USED AT STATIONERS' HALL.

cxlix

N.B.—The Title in the first column must agree precisely with that in the original entry on the Register, and the address of the Assigner and Assignee respectively must be inserted in the proper column after his name. Fee for each entry, 5s. Office Hours from Ten to Four; Saturdays from Ten to Two.

Memorandum for Registration under Copyright (Works of Art) Act.

To the registering officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am entitled to the Copyright in the undermentioned Work; and I hereby require a Memorandum of such Copyright [or, the Assignment of such Copyright] to be entered in the Register of Proprietors of Copyright in Paintings, Drawings, and Photographs, kept at Stationers' Hall, according to the particulars underwritten.

(Every particular given must be clearly written.)

Description of Work.	Date of Agreement or Assignment.	Names of Parties to Agreement or Assignment.	Name and Place of Abode of Proprietor of Copyright.	Name and Place of Abode of Author of Work.

Dated this _____ day of _____, 18 .

(Signed) _____

Forms can be obtained at Stationers' Hall, price 1d. each.

N.B.—In filling up the first column the description should commence thus: "Painting of," "Drawing of," or "Photograph of," as the case may be. All names in the third, fourth, and fifth columns should be written in full.

In all cases where a Painting, Drawing, or Negative of a Photograph is transferred for the first time by the owner to any other person, the Copyright will cease to exist, unless *at or before the time of such transfer* an agreement in writing be signed by the transferee reserving the Copyright to the owner, or by the owner transferring the Copyright to the transferee, as may be the intention of the parties; and the date of such agreement and names of parties must be inserted above, or registration will be no protection.

The second and third columns are only to be used when there is a written agreement or assignment.

A stamped and addressed envelope should be enclosed with all communications requiring an answer.

COPYRIGHT REGISTRY.

FINE ARTS.

Instructions for Registration of Paintings, Drawings, and Photographs, under 25 & 26 Vict. c. 68, and 49 & 50 Vict. c. 33.

Copyright.—Under the provisions of 25 & 26 Vict. c. 68 (The Fine Arts Copyright Act, 1862), the author, being a British subject, or resident within Her Majesty's dominions, of any original painting, drawing, or photograph (not sold before 29th July, 1862), has the 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 or size, whether made in the Queen's dominions or not, for his life and seven years after; but any other person may represent the scene or object represented by such painting. The copyright of any painting, drawing, or negative of a photograph made for valuable consideration belongs to the person giving the consideration. Upon transferring the ownership of painting the copyright should be transferred or reserved by agreement in writing, or it will cease to exist.

Necessity for Registration.—No proprietor of copyright is entitled to the benefit of the Act until registration, and no action can be maintained nor any penalty recovered in respect of anything done before registration.

Registration.—Every copyright must be registered by the proprietor delivering or sending by post prepaid to the Registrar, Copyright Office, Stationers' Hall, a signed memorandum of such copyright, with a fee of 1s. Special care should be taken to describe the work as either "Painting," "Drawing," or "Photograph," adding a short description of the nature and subject of the work, and whenever practicable a sketch, outline, or photograph should be annexed.

In registering, the name of the actual Artist should be inserted as Author.

Assignments of copyright under the Act must be made by some note or memorandum in writing signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing, and must be registered at Stationers' Hall. This is effected by lodging at the Registry for entry in the Register Book a memorandum signed by the assignee with a fee of 1s.

The memorandum for registration of a copyright or assignment must be in the form printed on the back hereof.

Certified Copies of entries can be obtained on payment of a fee of 5s., and such copies are *prima facie* proof of the matters alleged therein.

Colonial Fine Arts.—By the International Copyright Act, 1886 (49 and 50 Vict. c. 33), the Fine Arts Copyright Act, 1862, is made applicable to paintings, drawings, and photographs first produced in a British possession, registration of the copyright in London not being required if the law of such possession provides for the registration of such copyright.

Applicants not conversant with the mode of registration are recommended in all cases to forward with the demand for registration a copy of

the Painting, Drawing, or Photograph, to be registered, that they may be compared before entry, as no alteration can be made in the "Register," or any error corrected, except by an Order of the High Court of Justice, or one of the Judges thereof.

Postage stamps cannot be received in payment of fees.

Post Office and Postal Orders to be made payable to C. R. RIVINGTON, and all communications to be addressed to *The Registrar, Copyright Office, Stationers' Hall, Ludgate Hill, E.C.*

Office hours 10 a.m. to 4 p.m. Saturdays 10 a.m. to 2 p.m.

STATIONERS' HALL : *February, 1892.*

N.B.—For registration of Books, Dramatic Pieces, and Musical Compositions, see separate instructions.

APPENDIX (E).
DESIGNS RULES, FORMS, &c.

DESIGNS RULES, 1890.

By virtue of the provisions of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, the Board of Trade do hereby make the following Rules :—

Preliminary.

1. These Rules may be cited as the Designs Rules, 1890, and shall come into operation from and immediately after the 31st day of March, 1890.

Interpretation.

Interpreta-
tion.

2. In the construction of these Rules any words herein used defined by the said Acts shall have the meanings thereby assigned to them respectively.

Fees.

Fees.

3. The fees to be paid under the said Act, so far as it relates to applications for and registration of designs, shall be the fees specified in the First Schedule hereto.

Forms.

Forms.

4. An application for the registration of a design shall be made in the Form E. or Form O. in the Second Schedule hereto. The remaining forms in such Schedule may be used in all cases to which they are applicable.

Classification of Goods.

Classification
of goods.

5. For the purposes of the registration of designs and of these Rules, goods are classified in the manner appearing in the Third Schedule hereto.

Application for Registration.

6. All communications between an applicant for the registration of a design and the Comptroller or the Board of Trade, as the case may be, may be made by or through an agent duly authorised to the satisfaction of the Comptroller. Agents.

7. An application for the registration of a design shall, with the prescribed fee, be left at the Patent Office, Designs Branch, or be sent prepaid by post, addressed to the Comptroller at the Patent Office (Designs Branch), 25, Southampton Buildings, Chancery Lane, London. Address of
Comptroller.

8. An application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents sent to or left at the Patent Office (Designs Branch), or otherwise furnished to the Comptroller or to the Board of Trade, shall be written, printed, copied, or drawn upon strong wide-ruled foolscap paper (on one side only), of the size of 13 inches by 8 inches, leaving a margin of not less than one inch and a half on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand. Size of
papers.

The Comptroller may in any particular case vary the requirements of this rule as he may think fit.

9. An application for the registration of a design shall be accompanied by a sketch or drawing, or by three exactly similar drawings, photographs, or tracings of the design, or by three specimens of the design, and shall, in describing the nature of the design, state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable. Sketches and
drawings.
Nature of
design.

When sketches, drawings, or tracings are furnished they must be fixed.

When the articles to which designs are applied are not of a kind which can be pasted into books, drawings, photographs, or tracings of such designs shall be furnished.

10. If the Comptroller determines to register a design, he shall, as soon as may be, send to the applicant a certificate of such registration in the prescribed form, sealed with the seal of the Patent Office. Notice of
registration.

11. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the Comptroller or to any other person under these Rules may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respec- Applications
may be sent
by post.

tively at the time when the letter containing the same would be delivered in the ordinary course of post.

In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Exercise of Discretionary Powers.

Hearing by
Comptroller.

12. Before exercising any discretionary power given to the Comptroller by the said Acts adversely to the applicant for registration of a design, the Comptroller shall (if so required by the applicant within one month from the date of the Comptroller's objection) give the applicant an opportunity of being heard personally or by his agent by sending the applicant ten days' notice of a time when he may be so heard.

Hearing by
Comptroller.

13. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Comptroller whether or not he intends to be heard upon the matter.

Notification of
Comptroller's
decision.

14. The decision or determination of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

Appeal to the Board of Trade.

Notice of
appeal to
Board of
Trade.

15. Where the Comptroller refuses to register a design, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Designs Branch, a notice of such his intention.

Statement on
appeal.

16. Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof.

Notice to
Secretary of
Board of
Trade.

17. The applicant shall forthwith on leaving such notice send a copy thereof to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

Directions by
Board of
Trade.

18. The Board of Trade may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal for the Board of Trade.

Notice of time
of hearing.

19. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the Comptroller and the applicant.

Register of Designs.

Registering
design.

20. Upon the sealing of a certificate of registration the Comptroller shall cause to be entered in the register of designs

the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the Comptroller, which day shall be deemed to be the date of the registration.

21. Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be (hereinafter called the claimant), shall be addressed to the Comptroller, and left at the Patent Office, Designs Branch.

Subsequent
proprietors.

22. Every such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor; and in the case of a firm or partnership, by some one or more members of such firm or partnership, or, in either case, by his or their agent respectively duly authorised to the satisfaction of the Comptroller; and in the case of a body corporate, by their agent authorised in like manner.

Signature to
request.

23. Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law by virtue of which the request is made, so as to show the manner in which and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be.

Particulars
in request.

24. Every such request shall be accompanied by a statutory declaration to be thereunder written verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the design or the right to apply the same, as the case may be, as claimed by such request.

Statutory
declaration
with request.

25. The claimant shall furnish to the Comptroller such other proof of title as he may require for his satisfaction.

Proof of title
if required.

26. A body corporate may be registered as proprietor by its corporate name.

Corporate
name.

27. Four clear days' notice of every application to the Court under section 90 of the Patents, Designs, and Trade Marks Acts, 1883 to 1888, for rectification of the Register of Designs, shall be given to the Comptroller.

Notice to
Comptroller
of application
to rectify
Register.

28. Where an order has been made by the Court, under section 90 of the said Acts, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be

Notice of
order of
Court.

rectified, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

Power to Dispense with Evidence.

Comptroller's
discretion as
to evidence.

29. Where under these Rules any person is required to do any act or thing, or to sign any document, or make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Amendments.

Amend-
ments.

30. Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which, in the opinion of the Comptroller, may be obviated without detriment to the interests of any person may be corrected, if the Comptroller think fit, and upon such terms as he may direct.

Enlargement of Time.

Enlargement
of time.

31. The time prescribed by these Rules for doing any act or taking any proceeding thereunder may be enlarged by the Comptroller, if he think fit, and upon such terms as he may direct.

Marking Goods.

Registration
mark.

32. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes one to twelve in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R" and the number appearing on the certificate of registration, and shall, if such article is included in the classes thirteen or fourteen in the Third Schedule hereto, cause each such article to be marked with the abbreviation "REG."

Inspection.

Office hours.

33. On such days and during such hours as the Comptroller shall from time to time determine and notify by a

placard posted at the Patent Office any person paying the prescribed fee may, on production of the number of any design of which the copyright has ceased, inspect such design, and any person paying the prescribed fee may take a copy or copies of such design.

Certificate by Comptroller.

34. Where a certificate is required for the purpose of any legal proceeding or other special purpose as to any entry, matter, or thing which the Comptroller is authorised by the said Act or these Rules to make or do, the Comptroller may, on a request in writing and on payment of the prescribed fee, give such certificate, which shall also specify on the face of it the purpose for which it has been requested as aforesaid.

Certificate
legal pro-
ceeding.

Searches on Production of Sketch of Design.

35. The Comptroller may, on receipt of the prescribed fee, make searches among the designs registered at the Patent Office, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing.

Search.

Industrial and International Exhibitions.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial or international exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the Comptroller seven days' notice in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

Notice of
exhibition.

For the purpose of identifying the design in the event of an application to register the same being subsequently made, the applicant shall furnish to the Comptroller a brief description of the nature of the design, accompanied by a sketch or drawing thereof, and such other information as the Comptroller may in each case require.

Repeal.

37. All general rules as to the registration of designs heretofore made by the Board of Trade under the Patents, De-

Repeal of
previous
Rules.

signs, and Trade Marks Acts, 1883 to 1888, and in force on the 31st day of March, 1890, shall be, and they are hereby, repealed, as from that date, without prejudice, nevertheless, to any proceeding which may have been taken under such Rules.

M. E. HICKS-BEACH,
President of the Board of Trade.

31st March, 1890.

SCHEDULES.

FIRST SCHEDULE.

FEES.

	£	s.	d.
1. On application to register one design to be applied to single articles in each class except classes 13 and 14	0	10	0
2. On application to register one design to be applied to single articles in classes 13 and 14	0	1	0
3. On application to register one design to be applied to a set of articles for each class of registration	1	0	0
4. On notice of appeal to Board of Trade against refusal of Comptroller to register	1	0	0
5. Copy of certificate of registration, each copy	0	1	0
6. On request for Certificate of Comptroller for legal proceedings or other special purpose	0	5	0
7. On request to enter name of subsequent proprietor	{ same as registration fee.		
8. On notice to Comptroller of intended exhibition of an un-registered design	0	5	0
9. Inspection of design in any case in which inspection is permitted by the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Designs Rules thereunder, for each quarter of an hour	0	1	0
10. Copy of one such design	{ cost according to agreement.		
11. On request to correct clerical error	0	5	0
12. On request for search under section 53	0	5	0
13. On request to enter new address	0	5	0
14. For office copy, every 100 words	0	0	4
	(but never less than 1s.)		
15. For certifying office copies, MSS. or printed	0	1	0

NOTE.—The term “set” to include any number of articles ordinarily

DESIGNS FORMS, &C.

on sale together irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

M. E. HICKS-BEACH,
President of the Board of Trade.

Approved,

R. E. WELBY,

For the Lords Commissioners of Her Majesty's Treasury.

31st March, 1890.

SECOND SCHEDULE.

FORMS.

Form of Application to Register.

- " Appeal to Board of Trade.
- " Certificate of Registration.
- " Application for Copy of Certificate of Registration.
- " Request for Certificate for use in Legal Proceedings.
- " Certificate for use in Legal Proceedings.
- " Request to enter Name of Subsequent Proprietor.
- " Notice of intending Exhibition of Unregistered Design.
- " Request for Correction of Clerical Error or for entry of New Address.
- " Request for search under Section 53.
- " Application to Register for a set of Articles.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



E.

APPLICATION FOR REGISTRATION OF DESIGN IN CLASSES

You are hereby requested to register the accompanying design in
Class _____, in the name of (a) _____ of _____ who
claims to be the proprietor thereof, and to return the same to
Statement of nature of design (b) _____.

(Signed) _____

Dated the _____ day of _____, 189 _____.

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

(a) Here insert legibly the name, address, and description of the individual or firm.

(b) Such as whether it is applicable for the pattern or for the shape

(c) To be signed by the applicant.

THE LAW OF COPYRIGHT.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



F.

APPEAL TO BOARD OF TRADE ON REFUSAL OF
COMPTROLLER TO REGISTER A DESIGN.

[To be accompanied by an unstamped copy.]

SIR,

I hereby appeal against your decision upon my application to register
and beg to submit my case (a) for the decision of the Board
of Trade.

I am, Sir,

Your obedient servant.

The Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

(a) The statement of the case to be written upon foolscap paper (on one side only), with a margin of two inches on the left-hand side thereof.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



G.

CERTIFICATE OF REGISTRATION OF DESIGN.

(Rd. No. .)

Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

This is to certify that the Design of which this is a copy was registered
this day of 188 , in pursuance of the Patents,
Designs, and Trade Marks Acts, 1883 to 1888, in respect of the application
of such Design to articles in Class , for which a Copyright of five
years is granted.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



H.

APPLICATION FOR COPY OF CERTIFICATE OF
REGISTRATION OF DESIGN.

SIR,

I hereby request you to furnish me with a Copy Certificate of Regia-
tration of Design No. in Class .

(Signed) .

Dated the day of 189 .

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.

I.

REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

Sir,

I hereby request you to send me for the purpose of use in the suit of (a) a certificate that the design of which a copy is herein enclosed was (b)

(Signed)

day of 189 .

To the Comptroller,

Patent Office, Designs Branch,

25, Southampton Buildings,

Chancery Lane, London, W.C.

(a) Here state the title of the legal proceeding or the other purpose for which the Certificate is required.

(b) Here state the entry, matter, or thing which the writer wishes certified.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.

J.

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of

No.

I, Comptroller-General of Patents, Designs, and Trade Marks, hereby certify that

Witness my hand and seal this day of 189 .

Comptroller.



Patent Office, Designs Branch,
25, Southampton Buildings,
London.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.

K.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF DESIGN, WITH DECLARATION IN SUPPORT THEREOF.

I, (a) hereby request that you will enter (b) name (c) in the Register of Designs as Proprietor of the Design No. in Class

(d) entitled as to the said Design (e)

And I do solemnly and sincerely declare that the above several statements are true, and the particulars above set out comprise every material fact and document affecting the proprietorship of the said Design as above claimed.

C.C.

(a) or We.
Here insert name, full address, and description.

(b) My or our.

(c) or Names.

(d) I am, or We are.

(e) Here state whether design transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, e.g.,

"by deed dated the 188 made between So-and-so of the one part."

(f) This paragraph is not required when the declaration is made out of the United Kingdom.

(g) To be signed here by the person making the declaration.

(h) Signature and title of the authority before whom the declaration is made.

(f) And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(g)

Declared at
this day of 189 .

Before me,

(h)

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



L.

NOTICE OF INTENDED EXHIBITION OF AN UN-REGISTERED DESIGN.

(a) Here state name and address of applicant.

(a) hereby give notice of my intention to exhibit a
of at the Exhibition, which (b)
of , 189 , under the provisions of the Patents, Designs, and
Trade Marks Acts of 1883 to 1888 (c) herewith enclose a .

(b) State "opened" or "is to open."

Dated the day of , 189 .

(Signed)

(c) Insert brief description of Design, with drawing.

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



M.

REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR ENTRY OF NEW ADDRESS.

SIR,

I hereby request that .

(Signed)

Dated the day of 189 .

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



N.

REQUEST FOR SEARCH UNDER SECTION 53.

SIR,

I hereby request that a search may be made in Class

(Signed)

Dated the day of 189 .

To the Comptroller,
Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane, London, W.C.

Patents, Designs, and Trade Marks Acts, 1883 to 1888.



O.

APPLICATION FOR REGISTRATION OF DESIGN TO BE
APPLIED TO A SET.

You are hereby requested to register the accompanying Design for (a)
being a set of articles in Class in the name of (b)
of who claims to be the proprietor thereof, and to return
the same to .

Statement of nature of design (c)

(Signed)

(d).

Dated the day of , 189 .

To the Comptroller,
Patent Office, Designs Branch,
25 Southampton Buildings,
Chancery Lane, London, W.C.

(a) Here set out the trade description of the articles in the set, as "A toilet set."

(b) Here insert legibly the name, address, and description of the individual or firm.

(c) Such as whether it is applicable for the pattern or for the shape.

(d) To be signed by the applicant.

THIRD SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes.

1. Articles composed wholly or chiefly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or chiefly of wood, bone, ivory, papier mâché or other solid substances not included in other classes.
4. " " glass, earthenware, or porcelain, bricks, tiles, or cement.
5. " " paper (except hangings).
6. " " leather, including bookbinding, of all materials.

7. Paper hangings.
8. Carpets and rugs in all materials, floorcloths, and oilcloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.
11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece goods.
14. ,, ,, handkerchiefs and shawls.

M. E. HICKS-BEACH,
President of the Board of Trade.

31st March, 1890.

INSTRUCTIONS TO PERSONS WHO WISH TO REGISTER DESIGNS.

Preliminary.

1. The Patents, Designs, and Trade Marks Acts, 1883 to 1888, and the Rules thereunder in relation to the Registration of Designs, should be carefully studied.

Copies of the Acts and Designs Rules can be purchased at the Patent Office, Sale Branch, 38, Cursitor Street, London, E.C. Money sent by post should be remitted by Postal or Post Office Order.

Price of the Act of 1883, 1s. 7½d.; by post, 1s. 9d. Act of 1888, 1½d.; by post, 2d. Price of the Designs Rules, 1890, 6d.; by post, 6½d.

2. In order to obtain registration application must be made to the Comptroller in pursuance of Rules Nos. 6—12 of the Designs Rules, 1890.

Applications sent by post should be addressed—

The Comptroller,
Patent Office,
Designs Branch,
25, Southampton Buildings,
Chancery Lane,
London, W.C.

3. A Design to be capable of registration must be *new or original*, and not previously published in the United Kingdom. See Section 47 (1.) of the Act, 1883.

4. For the definition of a Design see Section 60 of the Act, 1883.

Applications.

5. Stamped Forms of Application to register can be obtained at the following places:—

(a.) The Inland Revenue Office, Royal Courts of Justice,
London, (Room No. 6).

(b.) The following Post Offices in London :—

The General Post Office, E.C.

District Post Office, Lombard Street, E.C.

„ 226, Commercial Road, E.

„ 9, Blackman Street, Borough, S.E.

„ Charing Cross, W.C.

„ 28, Eversholt Street, Camden Town, N.W.

Post Office, 12, Parliament Street, S.W.

(c.) The chief Post Office of :—

ENGLAND AND WALES.			
Accrington.	Dewsbury.	Northampton.	Walsall.
Altrincham.	Doncaster.	Nottingham.	Warrington.
Ashton-under-Lyne.	Dorchester.	Nuneaton.	Wednesbury.
Barnsley.	Driffield.	Oldbury.	West Bromwich.
Barrow-in-Furness.	Droitwich.	Oldham.	Whitby.
Bath.	Dudley.	Pattingham.	Widnes.
Bedford.	Durham.	Plymouth.	Wigan.
Beverley.	Exeter.	Pontefract.	Wolverhampton.
Birkenhead.	Gateshead.	Portsmouth.	Wolverton.
Birmingham.	Goole.	Prescot.	Woolwich.
Blackburn.	Greenwich.	Preston.	York.
Bolton.	Guildford.	Reading.	
Bradford.	Halifax.	Redditch.	SCOTLAND.
Brighton.	Hartlepool.	Richmond (Yorks).	Aberdeen.
Bristol.	Huddersfield.	Ripon.	Dumbarton.
Bromsgrove.	Hull.	Rochdale.	Dundee.
Burnley.	Ipswich.	Rotherham.	Edinburgh.
Burslem.	Keighley.	Rugby.	Glasgow.
Burton-on-Trent.	Kendal.	Salford.	Greenock.
Bury.	Kidderminster.	St. Helen's.	Inverness.
Cambridge.	Knaresboro'	Scarborough.	Lanark.
Cardiff.	Knutsford.	Sedgley.	Leith.
Carlisle.	Lancaster.	Sheffield.	Paisley.
Chatham.	Leamington.	Southampton.	Perth.
Chester.	Leeds.	Stafford.	Renfrew.
Clitheroe.	Leicester.	Stalybridge.	
Congleton.	Lichfield.	Stockport.	IRELAND.
Coventry.	Lincoln.	Stoke-on-Trent.	Belfast.
Crewe.	Liverpool.	Stourbridge.	Cork.
Croydon.	Macclesfield.	Stourport.	Dublin.
Darlaston.	Manchester.	Sunderland.	Dundalk.
Derby.	Middlesbrough.	Swansea.	Galway.
	Nantwich.	Tamworth.	Limerick.
	Newcastle.	Truro.	Londonderry.
	Newport (Mon).	Tunstall.	Waterford.
	Northallerton.	Wakefield.	Wexford.

NOTE.—Arrangements have also been made by which any of the forms required may be ordered at any Money Order Office in the United Kingdom.

6. An application consists of the following :—

(1.) The form of application, Form E. or Form O., properly filled up* and signed by the applicant or his

* Applicants should be specially careful to give correctly their full name and address, with their trade, business, or occupation ; also to fill

authorised agent, and three exactly similar drawings, photographs, or specimens of the design.

- (a.) If it is desired to secure a date of registration at once, one sketch of the design (sufficiently definite to identify the same) may be sent with the application form. In this case the design, if accepted, will be registered as of the date on which it was received; but no certificate can be issued until three exact drawings, photographs or specimens have been sent in substitution for the sketch.

The Drawings or Photographs.

7. The drawings, &c., accompanying an application must be sent in triplicate, each representation of each design or set to be upon ordinary foolscap paper, and not on cardboard (on one side only) of the size of 13 in. by 8 in.

8. When sketches, drawings, or tracings are furnished, they should be in ink, or if in pencil they must be fixed. Drawings on tracing paper cannot be received, unless mounted on ordinary foolscap paper.

9. Rough sketches cannot be accepted.

10. When the design is to be applied to a set, each of the drawings accompanying the application, or the sketch, if a sketch is sent, should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

11. When specimens of the design are furnished in lieu of drawings or photographs, they must be of such a nature as can be pasted into books; the dimensions of each specimen must not exceed 12 in. by 21 in., and each must, when necessary, be mounted upon ordinary foolscap paper of the size above mentioned. Each representation of a design in Classes 13 and 14 should show the complete pattern and a portion of the repeat, and ought not to be of less size than 7 in. by 3 in.

12. Only two views of the same design can be accepted, unless in the case of a design for a set. Each view should be designated in writing (*i.e.*, front view, side view). Both views should be on one and the same half sheet of foolscap paper.

13. A request for search under rule 35 of Designs Rules,

in, after the words "Statement of nature of Design," the words "for the Pattern," "for the Shape or Configuration," or "for the Ornament," or for any two or more such purposes, as the case may be, adding, when necessary, a short technical description of the article with the part or parts claimed as new or original specially defined.

1890, must be accompanied by two representations of the design to be searched for.

14. All goods to which registered designs are applied in any of the Classes from 1 to 12 shall, during the period of copyright, bear the abbreviation "R^d." and the number appearing on the certificate of registration.

All goods to which registered designs are applied in either of the Classes 13 and 14 shall, during the period of copyright, bear the abbreviation "REG^d."

15. The attention of applicants is called to the fact that by section 58 of the Act, 1883, the protection afforded to a registered design is restricted to the particular class or classes of goods in which the design is registered.

By section 47 (sub-section 4) of the Act, 1883, the same design may be registered in more than one class. In such case a separate application, together with three representations, is necessary for each class.

16. *List of Classes.*

1. Articles composed wholly or chiefly of metal, not included in Class 2.
 2. Jewellery.
 3. Articles composed wholly or chiefly of wood, bone, ivory, papier mâché, or other solid substances not included in other classes.
 4. Articles composed wholly or chiefly of glass, earthenware or porcelain, bricks, tiles, or cement.
 5. Articles composed wholly or chiefly of paper (except hangings).
 6. Articles composed wholly or chiefly of leather, including bookbinding, of all materials.
 7. Paper hangings.
 8. Carpets and rugs in all materials, floorcloths, and oilcloths.
 9. Lace hosiery.
 10. Millinery and wearing apparel, including boots and shoes.
 11. Ornamental needlework on muslin or other textile fabrics.
 12. Goods not included in other classes.
 13. Printed or woven designs on textile piece goods.
 14. " " handkerchiefs and shawls.
-

17. The following is a list of the stamped forms to be had at the places mentioned in paragraph 5 :—

DESIGNS.

Letter.	Title of Form.	Fee.		
		£	s.	d.
E	Application for Registration of Single Design in any one of the Classes 1 to 12	0	10	0
E	(woven and printed textiles) " " 13 or 14	0	1	0
F	Appeal to Board of Trade on Refusal of Comptroller to Register a Design	1	0	0
H	Application for Copy of Certificate of Registration of Design	0	1	0
I	Request for Certificate for use in Legal Proceedings	0	5	0
K	Request to enter Name of subsequent Proprietor of Design, with Declaration in support thereof :—			
K	In any one of the Classes 1 to 12	0	10	0
K	" " " 13 and 14 (woven and printed textiles)	0	1	0
L	Notice of intended Exhibition of an Unregistered Design	0	5	0
M	Request for Correction of Clerical Error or Address	0	5	0
N	Request for Search under Section 53 of Act, 1883, or Rule 35 of Designs Rules, 1890	0	5	0
O	Application to Register Design for a "Set" of Articles	1	0	0

N.B.—Forms E. and O. are kept on sale at the places named in paragraph 5. The other forms must be bespoken of the Postmasters at those places.

The Patent Office, Designs Branch, is open from 10 a.m. to 4 p.m.

H. READER LACK,
Comptroller.

Patent Office, Designs Branch,
London.

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 18 .
Between A. B., of , of the one part, and C. D., of ,
and E. F., of (hereinafter called D. and 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 18 .
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. B.

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.*

No. 3.—Another Form of Agreement.

MEMORANDUM OF AGREEMENT made the day of 18 .
Between A. B., of , the author of , of the
one part, and C. D., of , & E. F., of (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 (b). *In witness, &c.*

(a) See a similar agreement : *Read v. Bentley* (3 K. & J. 271).

(b) See *Stercus v. Benning* (6 D. M. & G. 223).

No. 4.—Licence to print one Edition of a Work.

MEMORANDUM OF AGREEMENT made the day of 189 ,
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 the said C. D., 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 "Copyright Acts," 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, immediately upon publication thereof. 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 18 . 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 FURTHER 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 18 . 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

(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."

any time or times thereafter, if so required by the said C. D. assign and 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 the said C. D. 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. shall 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 18 , 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. on the net profits of the sale of such work 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 subject to such payments the said C. D. shall pay the residue of the profits and proceeds to the said A. B. And that he the said C. D. shall 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 18 , 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 the said C. D. 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 in 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 18 . 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 18 . 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 18 .
Between A. B. of , of the one part, and C. D. of , of the other part.

The said 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 the said C. D. to managers of country theatres (that is, of all theatres in the United Kingdom, except those in, or within five miles of the Royal Exchange in the city 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. It may be noted that in *Gorgane v. Lago*, it was held an engagement to sing at a particular theatre in London does not bind the artiste to sing at the Crystal Palace Theatre.

3. That the sum to be paid to the said C. D. by the said A. B. for writing the said opera shall be pounds, 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 of the Royal Exchange aforesaid, and shall be at liberty to make arrangements with any manager for its performance within the limits aforesaid.

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 conditions aforesaid, the said C. D. also agreeing to deliver the complete manuscript of the said opera within six months of the present date. *In witness, &c.*

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 18 .
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 18 .
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 18 .
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 18 .
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 thereto 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.

APPENDIX (H).



FORMS OF INJUNCTIONS.

LITERARY COPYRIGHT.

No. 1.—Restraining publication of Poems.

That an injunction be awarded to restrain the defendant, &c., from printing, reprinting, publishing, or exposing to sale any copy or edition of a certain book or poem, entitled 'Paradise Lost, composed by John Milton, or of the life of the said John Milton, or of the notes of various authors upon the said poem, compiled by Dr. Thomas Newton, until the hearing of this cause (a); and it is further ordered that the plaintiffs do speed their cause.—Eldon, L. C., in *Tonson v. Walker*, 3 Swan. 681.

No. 2.—Topographical Dictionary.

Let the defendant, his agents, servants, and workmen be restrained from further printing, publishing, selling, or otherwise disposing of any copy or copies of a book called 'A New and Comprehensive Gazetteer' containing any article or articles, passages or passage, copied, taken, or colourably altered from a book called 'The Topographical Dictionary of England,' published by the plaintiffs.—*Lewis v. Fullarton*, 2 Beav. 6, 14.

No. 3.—Order restraining publication of Books, awarding Damages, and directing an Account.

That the defendants be restrained from printing, publishing, and selling any copies or copy of a third or any subsequent edition of the plaintiff's book called 'The Practice of Photography.' It was ordered that the defendants deliver to the plaintiff all copies of the third edition of the plaintiff's book in the pleadings mentioned. The defendants offering to pay 25*l.* to the plaintiff in full of all claims for profit upon the sale of the said edition, if the plaintiff accept such offer,—it was ordered that the defendants pay the same accordingly; but if the plaintiff does not accept such offer, then it was ordered that the usual accounts be taken of the gains and profits received by the defendants from the third edition of the plaintiff's book.—Wood, V.-C., in *Delfe v. Delamotte*, 3 K. & J., 581.

(a) This was the old form: the modern form is "until the judgment in this action or further order." The injunction is, as a matter of course, extended to the defendant's workmen, servants, and agents. Unless the plaintiff's right is perfectly clear, or damage unlikely to accrue, an undertaking in damages from the plaintiff is always required. Seton, 5th ed., Vol. I., pp. 454, 455.

No. 4.—Use of Name—Injury to Employer's Property.

That the defendant be restrained from publishing, issuing, or circulating any such advertisements, circulars, or letters as in the pleadings mentioned, containing any statement or representation that the defendant is interested or concerned in any annual, book or publication, other than 'Beeton's Christmas Annual' so published from year to year by the plaintiffs, or that the defendant's connection with the plaintiff's firm is terminated, or that the use of the defendant's name by the plaintiffs for the purposes of their said 'Beeton's Christmas Annual' is improper or unauthorized.—Malins, V.-C., in *Ward v. Beeton*, L. R. 19 Eq. 211.

No. 5.—Publication of a Magazine as a continuation of Plaintiff's Magazine.

That the defendants &c., be restrained from publishing or exposing to sale any copy or copies of the defendant's said work, and from printing, publishing, or exposing to sale any other work or publication as or being a continuation of the plaintiff's work, or of the defendant's work which had been so published as such continuation as aforesaid, and from printing all or any part or parts of the plaintiff's said work ; and that the injunction shall be continued as to any letters, &c., admitted by the answer to have been received from correspondents by the defendant, while publishing for the plaintiff.—Lord Eldon, C., in *Hogg v. Kirby*, 8 Ves. 215.

No. 6.—Publication of Magazine in Breach of Contract.

That the defendant, his servants, agents, and workmen be restrained from carrying on, or conducting the 'Temple Bar Magazine,' in the plaintiff's bill mentioned, but the order to be without prejudice to the publication of the said magazine until the hearing of the cause, so as that the name of the defendant Bentley do not appear on the title page or any other part of the said publication or in any advertisements of the said publication, and this order to be without prejudice to the right (if any) of the plaintiff to damages or profits in respect to any publication of the said work.—Wood, V.-C., in *Ainsworth v. Bentley*, 14 W. R. 632.

No. 7.—Name and Title-page of Song.

That the defendants, &c., be restrained from printing, publishing, selling, exposing for sale, or otherwise disposing of the said song 'Minnie Dale,' or any copy or copies thereof, or any other publication containing a colourable imitation of the name, title, or title page of the plaintiff's said song.—Wood, V.-C., in *Chappell v. Sheard*, 2 K. and J. 122.

No. 8.—Injunction against infringement in a play of copyright in a book.

Let the defendant, &c., be perpetually restrained from printing or otherwise multiplying copies of his play containing any passages copied, taken or colourably altered from the plaintiff's novel, or tale entitled "Little Lord Fauntleroy," so as to infringe the plaintiff's copyright.—*Warne & Co. v. Seebohm*, 39 Ch. D. 82, and see Seton, 5th ed., Vol. I., p. 574.

TITLES.

No. 9.—Name of Newspaper.

That the defendants, their servants, workmen, and agents be restrained from printing, publishing or continuing to print or publish any newspaper or other periodical paper with or under the name or style of the 'Penny Bell's Life and Sporting News;' or with or under any name or style of which the name, style, or words of 'Bell's Life' shall form a part, or in any way occur; and from using the said name, style or title of 'Bell's Life' by way of name, style, or title to any newspaper or periodical without the licence or consent of the plaintiff.—Stuart, V.-C., in *Clement v. Maddick*, 1 Giff. 101.

No. 10.—Name of Newspaper—Soliciting Customers.

That the defendant, &c., be restrained from printing, or publishing, or exposing for sale, or procuring to be printed or sold, the newspaper publication called the 'True Britannia,' or any other newspaper or publication by way of a continuation or imitation of 'The Britannia,' and from soliciting custom in the name of the plaintiff's trade and business for 'The Britannia' newspaper, and from pledging the plaintiff's credit, and from excluding the plaintiff from the accounts and particulars of the plaintiff's trade and business, and from concealing from the plaintiff the names of the subscribers to, and advertisers in, the plaintiff's newspaper 'The Britannia,' or any of them, or the amounts of their respective debts, or any particulars relating thereto.—Stuart, V.-C., in *Prowett v. Mortimer*, 2 Jur. (N.S.) 414.

No. 11.—Name of Newspaper.—Injury to Periodical.

That the defendant, &c., be restrained from printing, publishing, or selling any newspaper or other periodical under the name of 'The Daily London Journal,' or under any other name or style of which the words 'London Journal' shall form part, and from doing or committing any act or default that may tend to lessen or diminish the sale or circulation of the plaintiff's periodical called, 'The London Journal.'—Wood, V.-C., in *Ingram v. Stiff*, 5 Jur. (N.S.) 947.

DRAMATIC AND MUSICAL COPYRIGHT.

No. 12.—As to an Operatic Magazine.

Let an injunction be awarded against the defendant to restrain him, his servants, agents, and workmen until, &c., from selling or otherwise disposing of the portion of No. 111 in the 'Pianista and Italian Opera Promenade Concert Magazine of Pianoforte and Vocal Music,' containing three pianoforte solos from Mendelssohn's original composition of music to Shakespeare's 'Midsummer Night's Dream,' called respectively the 'Scherzo,' the 'Notturmo,' and the 'Wedding March,' and also from reprinting or multiplying any further copies of the said No. 111 of the 'Pianista' which shall contain the said pieces, or any of them, and also from printing, publishing, or selling any portion of the said work or composition of music to Shakespeare's 'Midsummer Night's Dream,'

composed and arranged by Felix Mendelssohn-Bartholdy, except the overture thereof.—*Buxton v. James*, 5 De G. & Sm. 80.

ENGRAVINGS AND ETCHINGS.

No. 13.—*Collection of Etchings.*

That the defendant, W. S., his servants, agents, and workmen, be restrained from exhibiting the gallery or collection of etchings in the bill mentioned, or any of such etchings, and from making or permitting to be made any engravings or copies of the same or any of them; and from publishing the same or any of them, or parting with or disposing of the same or any of them; and from selling or in any manner publishing, and from printing the descriptive catalogue in the plaintiff's bill mentioned.—Knight Bruce, V.-C., in *Prince Albert v. Strange*, 2 De G. & Sm. 656.

No. 14.—*Etchings improperly obtained and published; Catalogues improperly published—Decree—Delivery up.*

By the decree it was declared that the plaintiff was entitled to have delivered to him the impressions (by the answer of defendant Judge admitted to be in his possession) of such of the several etchings in the pleadings mentioned, as in the catalogue, and in the pleadings were stated to have been etched by the plaintiff; that is to say [they were described by reference to the numbers in the catalogue]; and it was ordered that Judge should, within four days after the service of the decree, deliver up the impressions above specified on oath, and leave them with the Clerk of Records and Writs, at the Record Office. And it was ordered that the defendant Strange should, within four days after service of the decree, deliver to the Clerk of Records and Writs, at the said office, the twenty-three copies of the catalogue, being the same as were mentioned in the decree in the other suit of even date. And the decree contained similar directions as to six copies of the catalogue admitted by Judge to be in his possession, and the Clerk of Records and Writs was ordered to destroy these copies of the catalogue, giving notice to the solicitors of the several parties of the time and place at which he intended to do so. And it was ordered that the defendants, their servants, &c., should be restrained from making, or permitting to be made, any engraving or copy of such etchings, or any of them; and from publishing the same; and from parting with, or disposing of them, or any of them, except in obedience to the decree: and from selling or in any manner publishing the catalogue or any work being or purporting to be a catalogue of the etchings made by the plaintiff. Provision made for costs. Liberty to apply reserved.—Knight Bruce, V.-C., in *Prince Albert v. Strange*, 2 De G. & Sm. 717.

No. 15.—*Illustrated Book.*

That the defendants, their agents, and servants be restrained from printing or publishing or selling or exposing for sale or hire, or otherwise disposing of, or causing, procuring, or permitting to be printed, published, sold, exposed for sale or hire, or otherwise disposed of, any further or other copies or copy of a book called 'The Comical History and Tragical End of

Reynard the Fox,' or any other book, work, publication, or thing, containing any passage, article, print, wood-cut, engraving, illustration, matter, or thing taken or copied, or colourably altered from any passage, article, print, wood-cut, engraving, matter, or thing contained in a book of the plaintiff's entitled, 'The Comical Creatures from Würtemberg, including the story of Reynard the Fox, with twenty illustrations drawn from the stuffed animals contributed by Hermann Ploucquet, of Stuttgart, to the Great Exhibition,' wherein copyright subsisted or belonged to the plaintiff. —Parker, V.-C., in *Bogue v. Houlston*, 16 Jur. 372.

DESIGNS.

No. 16.—As to Catalogue of Designs.

Let a perpetual injunction be awarded to restrain the defendant, his servants, agents, and printers, from publishing, printing, selling, delivering, or otherwise disposing of the sheet of monumental designs in the bill mentioned, or any other sheet in the compilation of which the plaintiff's book of monumental designs has been used, and from copying or pirating any part of the said book.—*Grace v. Newman*, L. R. 19 Eq. 623.

No. 17.—As to Woven Fabrics, and delivery up of Articles.

That the injunction awarded on the day of , against the defendants, restraining them, and each of them, their workmen, servants, and agents, from selling or disposing of any of the articles of manufacture to which the plaintiffs' design, in the bill mentioned, or a fraudulent imitation thereof, had been applied, as in the said bill mentioned, and from applying the plaintiffs' said design or any fraudulent imitation thereof, to any woven fabrics or articles of manufacture, be continued until after the day of , and that the defendants should forthwith deliver up to the plaintiffs, for the purpose of being destroyed, the drawing or drawings, point paper, and the several cards used in applying the design in the plaintiffs' bill mentioned; and also the articles manufactured by the defendants to which the said plaintiffs' design had been applied, the same to be verified by affidavit, costs to be taxed, and that such costs, when taxed, be paid by the defendants: and on payment thereof, that all further proceedings in this suit should be stayed, unless the defendants committed any breach of the injunction already awarded; and any of the parties were to be at liberty to apply to the Court, as there should be occasion.—Knight Bruce, V.-C., in *MacRae v. Holdsworth*, 2 De G. & Sm. 499.

Places where various Forms of other Injunctions may be found.

18. Injunction staying publishing of newspaper 'The Real John Bull.' —*Edmonds v. Benbow*, cited Seton on Decrees, 3rd ed., p. 905.

19. Injunction as to partial infringement.—*Bainbridge v. Briggs*, cited Seton, 3rd. ed., p. 905.

20. Injunction as to Selections from Poems, 'Book of the Poets.'—*Campbell v. Scott*, 11 Sim. 31 ; Pemberton's Judgments, 1st ed., p. 287.

21. Injunction as to Handbook.—*Colburn v. Simms*, 2 Hare, 543 ; Pemberton's Judgments, 1st ed., p. 287.

22. Perpetual injunction as to Directories.—*Kelly v. Morris*, Wood, V.-C., L. R. 1 Eq. 697 ; Pemberton's Judgments, 1st ed., p. 26. Seton, 5th ed., Vol. I., p. 571.

23. Injunction as to portion of work. 'The Guardian Angel.'—*Low v. Ward*, L. R. 6 Eq. 415 ; Pemberton's Judgments, 1st ed., 287.

24. Injunction against piracy of book, and order as to damages. 'The Pedigree of the English People.'—*Pike v. Nicholas*, L. R. 5 Ch. 251 ; Pemberton's Judgments, 1st ed., 288.

25. Injunction as to Directory—not to extend to advertisements. 'The Merchants' and Manufacturers' Pocket Directory of London, 1868.' 'The Business Directory of London.'—*Morris v. Ashbee*, L. R. 7 Eq. 34 ; Pemberton's Judgments, 1st ed., 286.

26. Injunction against printing a dramatised novel. 'Lady Audley's Secret,' 'Aurora Floyd.'—*Tinsley v. Lacy*, 32 L. J. (Ch.) 535 ; Pemberton's Judgments, 1st ed., 292.

27. Injunction against piracy of maps, and inquiry as to damages. 'Bird's-eye View or Plan of Paris and its Fortifications.'—*Stannard v. Harrison*. Bacon, V.-C. Pemberton's Judgments, 1st ed., 288.

28. Injunction under Designs Act as to Mantilla Shawls.—*Norton v. Nicholas*, 4 K. & J. 475 ; Pemberton's Judgments, 1st ed., 297.

29. Decree making injunction perpetual as to Copyright.—*Macklin v. Richardson*, Ambl. 694 ; Seton, 3rd ed., 944.

30. Injunction against piracy of original notes in an English edition of an American work.—*Hotten v. The Newsagents, &c., Co.*, V.-C. W., Seton, 5th ed., Vol. I., p. 573.

31. Perpetual injunction against printers and publishers of pirated directory.—Account of copies sold and unsold.—Delivery up of the latter.—Payment of net profits of the former.—*Kelly v. Hodge*, Seton, 5th ed., Vol. I., p. 572.

32. Another form of delivery up.—*Hole v. Bradbury*, 12 Ch. D. 886 ; Seton, 5th ed., Vol. I., p. 573.

33. Injunction staying infringement, and specifying pirated parts.—*Smith v. Chalton*, 23 W. R. 290 ; Seton, 5th ed., Vol. I., p. 571.

34. Injunction against publishing in this country a book printed in America.—*Warne v. Laurence*, Kay, J., Seton, 5th ed., Vol. I., p. 574.

35. Dramatic copyright.—Interlocutory injunction continued during existence of copyright.—*Boucicault v. Ward*, Seton, 5th ed., Vol. I., p. 575.

36. Copyright of Designs.—*Sparagnapane v. Coombs*, Seton, 5th ed., Vol. I., p. 575.

37. Restraining sale of photographs.—*Pollard v. Moll*, Seton, 5th ed., Vol. I., p. 576.

38. Restraining sale of novel or novelette.—*Dicks v. Jackson*, Pemberton on Judgments, 4th ed., p. 468.

Note.—It may be added that as a general rule it is useful to make the claim for an injunction in the writ, notice of motion, &c., in full terms in order that a proper injunction may be obtained if the defendant fails to appear, as in such case an injunction will only be granted in the terms asked for.

APPENDIX (I).

AUSTRALASIA.

THE Australasian Colonies have all legislature of their own respecting copyright: this legislature is, for the most part, a copy of the English law, but it is inclined to lag behind, and only follows the changes of the English law at a respectful distance of time.

*New South Wales.*NEW SOUTH
WALES.

The Copyright Act, 1879 (42 Vict. No. 20), was passed in 1879 to secure to proprietors of works of Literature and Fine Art, and to proprietors of designs for articles and works of manufacture and art, the copyright of such works and designs for a limited period. The Act came into force on the 1st of July, 1879.

 Act of 1879.

“Book” is defined as in the (Imperial) Copyright Act, 1842, and “dramatic or musical production” as “dramatic piece” in the said Act. Definitions.

“Engraving” includes every work made upon a plate, block, or slab of any material by engraving, lithography, or any other process, whereby impressions may be taken from such plate, block, or slab.

“Drawing and painting” include every drawing and painting made in any manner and material and by any process.

“Photograph” includes any photograph or other similar work which shall be produced by the action of light or any chemical process.

“Work of sculpture” includes any piece of sculpture whether in the round, in relief, or intaglio, made in any material and by any process.

Copyright means the sole and exclusive right and liberty of making, printing, writing, drawing, painting, photographing, or otherwise howsoever multiplying copies of any matter, thing, or subject to which the said word is herein applied, or to which any original design has been applied.

Proprietor (a) includes the author of books, &c., unless

(a) See 5 & 6 Vict. c. 100, s. 5.

NEW SOUTH
WALES.

Literary,
dramatic, and
musical copy-
right.

executed on behalf of others for value, in which case the latter are to be considered proprietors and entitled to be registered; and also includes assignees or partial assignees of copyright, and persons to whom copyright is bequeathed or on whom it devolves.

Part I. of the Act relates to literary, dramatic, and musical works, and is substantially identical with the Imperial Copyright Acts relating to the same subject-matter, *i.e.*, the Copyright Act, 1842, the Dramatic Copyright Act, 1833, and the Lectures Copyright, Act, 1835. Ss. 3 to 17 correspond to ss. 3, 5, 6, 7, 10, 11, 13, 15, 16, 17, 18, 19, 22, 23 and 24 of the Copyright Act, 1842, with the following modifications.

The Governor instead of the Privy Council is to license the republication of books on the complaint of the Attorney-General.

Copies of books are to be delivered to the Free Public Library and the University of Sydney; delivery to be made within two months after first sale, publication, or offering for sale in the Colony. The penalty for default is a sum not exceeding £10.

A Book of Registry is to be kept at the Registry appointed by the Act.

Piracy in the Colony only is restrained: in addition to a right of action against him, the offender is also to be liable to a penalty not exceeding £10 for each offence, to be recovered in a summary manner with full costs.

Importation into the Colony is alone restrained.

Registration is a condition precedent of the right to sue in the case of dramatic pieces as well as books, but an exception is made in the case of lectures.

Ss. 18 & 19 are equivalent to ss. 20 & 21 of the Copyright Act, 1842, and ss. 1 & 2 of the Dramatic Copyright Act, 1833.

Ss. 20, 21, 22, 23 & 24 correspond to ss. 1, 2, 3, 4 & 5 of the Lectures Copyright Act, 1835.

The required notice is to be given twice in a newspaper circulating in the locality where a lecture is given.

Fine arts
copyright.

Part II. relates to the Fine Arts, and with the important exception that a more limited term of duration is given; and that the Act also provides, as to sculptures and engravings throughout, is substantially identical with the Fine Arts Copyright Act, 1862.

Ss. 25 to 33 correspond to ss. 1, 2, 4 to 8, 10 & 11 of the last-named Act, with the following modifications.

Authors must be British subjects, or resident in the Colony:

14 years' protection only is given, which, in the case of photographs, is reduced to three.

NEW SOUTH
WALES.

Omission to register, it is expressly provided, shall only affect the right to sue. A Register of the works to which this part of the Act applies is to be kept at the Registry. Recovery of penalties follows the English procedure: jurisdiction is also given where the offender has his place of business.

Importation into the Colony only is restrained.

Part III. relates to Designs, and incorporates 5 & 6 Vict. Designs. c. 100, 6 & 7 Vict. c. 67, and 21 & 22 Vict. c. 70.

S. 34 is a combination of s. 3 of the 5 & 6 Vict. c. 100, s. 3, and 6 & 7 Vict. c. 67, s. 2.

The designs protected are any new and original designs of any article or work of manufacture or art, and whether such article or work be for purposes of utility, ornament, or otherwise, and whether such design be applicable to the ornamentation only of any article or work of manufacture or art, or to the pattern, shape, configuration, or ornamentation of any substance, artificial or natural, or partly artificial and partly natural, and whether such design be applicable to two or more of such purposes, . . . following onwards s. 3 of 5 & 6 Vict. c. 100.

Protection is given in the first 5 classes for 3 years, in the remaining 9 for two years; the classes agree with those in the English Act, except that class 2 includes articles of stone cement or plaster; ivory, bone and papier mâché and other solid substances not in the previous classes (see 13 & 14 Vict. c. 104, s. 8), are put in a separate class, No. 5.

Class 7 corresponding to class 6 of the English Acts includes tapestry, floorcloth, and oilcloth (see 6 & 7 Vict. c. 65, s. 5).

Sect. 35 corresponds to s. 4 of the 5 & 6 Vict. c. 100 and 21 & 22 Vict. c. 70, s. 4.

Sect. 36 corresponds to s. 15 of the 5 & 6 Vict. c. 100 and 21 & 22 Vict. c. 70, s. 5, providing that there must be furnished on registration a model or pattern as well as 2 copies, &c. of the design. The model or pattern may be dispensed with by the Attorney-General.

Sects. 37 to 44, correspond with ss. 16, 6, 17, 7, 8, 9, 10 and 11 of the 5 & 6 Vict. c. 100.

The penalty for piracy is not to exceed £50, and if sued for summarily not more than £20. Jurisdiction is also given where the offender has his place of business.

Part IV. of the Act contains miscellaneous provisions:

Sect. 45 corresponds to 5 & 6 Vict. c. 100, s. 19.

Sect. 46 corresponds to 5 & 6 Vict. c. 45, s. 12.

NEW SOUTH
WALES.

Sect. 47 corresponds to 25 & 26 Vict. c. 68, s. 3.

Sect. 48 corresponds to the last part of 5 & 6 Vict. c. 45, s. 26, relating to the limitation of actions.

Sect. 49 corresponds to 25 & 26 Vict. 68, s. 9. It provides that actions for infringement must be brought in the Supreme Court and that injunctions may be granted.

Sect. 50 provides that the Registrar may amend entries at the request of the proprietor, and contains a provision similar to that contained in 5 & 6 Vict. c. 45, s. 14.

Sect. 51 corresponds to s. 9 of the 6 & 7 Vict. c. 68.

Sects. 52, 53 and 54 relate to the appointment of Registrars, &c., the Seal of the Registry Office, and fees respectively.

Sect. 55 provides that nothing in the Act contained shall be deemed to affect the law of copyright as applicable to the Colony by any Imperial Statute then in force, and also that persons in the Colony may copy paintings, &c., in public museums.

Book Act of
1890.

In 1890, the Book Purchasers' Protection Act of 1890 was passed. It provides s. 1, that every agreement after the date of the Act for the purchase of books, engravings, lithographs, pictures, or other like matter shall be void, if the matter is not to be delivered to the purchaser at the date of the agreement in a completed form, and so as to embrace the whole of the volumes or numbers, unless the purchaser shall have first signed an agreement on a special form containing words limiting the liability of the purchaser.

The vendor is at the time of signing the agreement to give a duplicate thereof to the purchaser, and cannot recover unless he produces an acknowledgment by the purchaser of receiving such duplicate.

The Court may determine the value of any printed matter in actions on contracts, proof to be on the Vendor.

NEW
ZEALAND.

New Zealand.

Copyright in
books.

An Act passed in 1842 (5 Vict. No. 18), regulates copyright in books. It provides that the author of any printed and published book shall have the sole right of printing and reprinting it for 28 years from first publication, and if the author is living at the end of that period for the residue of his life (a).

Penalty.

Persons printing or importing protected books or knowingly selling the same or having them in their possession, shall be

(a) See 54 Geo. 3, c. 156.

liable to an action in which double costs shall be allowed, and if verdict is given against him, the offender shall forfeit £50 to the Government (a).

NEW
ZEALAND.

In 1877, the "Fine Arts Copyright Act, 1877" (41 Vict. No. 17), was passed.

Fine arts
copyright.

The Act provides for copyright in any original painting, drawing, engraving, useful or ornamental design, sculpture, photograph, and the negative in any photograph: and is with the exception of the introduction of designs, substantially identical with the Fine Arts Copyright Act, 1862.

A Register is to be kept at Wellington: in the case of a photograph, a positive photograph upon paper is to be furnished to the Registrar.

Any officer omitting or falsely making an entry is to be guilty of misdemeanor.

The penalties for signing or affixing a name, initials, or monogram shall only be incurred if the person whose name, &c., was signed or affixed was living at or within 7 years next of the time of offence.

Pecuniary penalties, &c., may be recovered by summary proceeding before a Resident Magistrate or two Justices of the Peace, having jurisdiction where the offence was committed or the complainant resides.

Industrial designs are protected by the "Patents, Designs, and Trade Marks Act, 1889" (1889, No. 12), which is substantially identical with the Imperial Patents, Designs, and Trade Marks Act, 1883, as amended.

Designs.

Queensland.

QUEENSLAND.

The only Colonial Act affecting copyright in books and dramatic pieces is "The Copyright Registration Act (Queensland), 1887" (51 Vict. No. 2), the effect of which is shortly given.

Copyright
Registration
Act, 1887.

After a preamble referring to the International Copyright Act, 1886 (49 & 50 Vict. c. 33), and stating that it was advisable to make provision for the registration of copyright in literary and artistic works in Queensland, and for keeping a register of copyright, it enacts (s. 2) that the Imperial Copyright Acts may be cited as citable in the Short Titles Act, 1892.

The terms "book" and "dramatic piece" are respectively defined as in the Copyright Act, 1842.

Sec. 3 provides that there is to be kept at Brisbane a Register.

(a) Barton's Practical Statutes of New Zealand, vol. 2, p. 1218.

QUEENSLAND.

register of copyright in books and dramatic pieces published in Queensland, in which shall be recorded the title of the work, the name of the publisher and the place of publication, the name and place of abode of the proprietor of the copyright, and the date of the first publication or first performance in Queensland.

By sect. 4, the proprietor of copyright in any such work published in Queensland may cause the same to be registered.

He is to deliver a statement giving the particulars previously required, and pay the sum of 5s.

In the case of MS. dramatic or musical compositions it is sufficient to register the title, the name and place of abode of the author or composer, the name and place of abode of the proprietor, and the time and place of first performance.

Assignment
of copyright.

Under sect. 5 any registered proprietor may assign his interest by delivering to the Registrar a memorandum of such assignment, and of the name and place of abode of the assignee, attested by a justice. Fee 5s.

Such assignment shall be registered, and shall then be effectual in law to all intents and purposes whatsoever without being subject to stamp duty.

By sect. 6 persons aggrieved by an entry in the register may apply to the Supreme Court, who may order the entry to be varied or expunged.

Deposit of
copies of
books.

Sect. 7 enacts that copies of books and of all subsequent editions are to be delivered within six months of the day of first sale, publication, or offering for sale, and before the copyright is registered, by the publisher at the Museum and the Parliamentary library in Brisbane.

Sect. 8 provides as to the mode of delivery.

Penalty for
non-delivery.

Sect. 9 enacts that if delivery is not made, the person who would have been entitled to copyright shall not be entitled to any benefit of copyright.

The register is to be open for inspection on payment of 1s. for every entry inspected: certified extracts are to be given when required on payment of 5s., and shall be received in evidence and shall be *prima facie* evidence of the proprietorship assignment right of representation or performance.

Making a false entry in the register is a misdemeanor punishable with imprisonment up to 3 years with or without hard labour.

Designs.

Designs are protected by the "Patents, Designs and Trade Marks Act, 1884" (48 Vict. No. 13). This Act is in substance identical with the Imperial Patents, Designs and Trade Marks Act, 1883.

This Act, so far as it relates to designs, has been amended by the Patents, Designs and Trade Marks (Amendment) Act, 1890, which incorporates the amendments made by the Imperial Act of 1888 (51 & 52 Vict. c. 50), and also provides for protection of designs exhibited at exhibitions outside the Colony of Queensland. QUEENSLAND.

South Australia.

The Copyright Act, 1878 (41 & 42 Vict. No. 95), was passed in 1878 to protect copyright in designs and works of manufacture and art, in works of literature and fine arts for a limited period. It was assented to on the 22nd Oct. 1878. SOUTH AUSTRALIA.
Copyright Act, 1878.

The Act is not to affect the law of copyright as applicable to the Colony by any Imperial Statute then in force.

The Act is substantially identical with the Copyright Act of New South Wales with some slight variations and omissions.

The part relating to designs omits the list of classes and the clause as to cancellation and amendment of registration.

Copies of books are to be sent to the South Australian Institute: the penalty is a sum not exceeding £5.

Proceedings before justices are to be conducted under Ordinance No. 6 of 1850.

In case of non-payment of penalties, &c., the person making default may be committed to prison for 3 months by any justice of the peace.

An appeal lies from any order of Justices of the Peace to the Local Court of Adelaide of full jurisdiction only: the proceedings shall be regulated by Ordinance No. 6 of 1850. The Local Court may on the hearing of an appeal state a case for the opinion of the Supreme Court.

Tasmania.

The only Colonial Act passed in Tasmania on the subject of copyright seems to be "The Newspaper Copyright Act, 1891," which defines newspapers, and provides that persons republishing in any newspaper any portion of any message received by electric telegraph from any place within 48 hours of the first publication thereof in the newspaper in which it first appeared without consent, and not having previous copyright in such matters shall for every offence upon conviction on the information to be laid before two justices of the proprietor of the newspaper in which the matter first appeared, forfeit a sum from £20 to £100. Half the penalty goes to the informant. TASMANIA.
Newspaper Copyright Act, 1891.

VICTORIA.*Victoria.*Copyright
Act, 1890.

Previously to 1890 copyright in Victoria was governed by the Copyright Act, 1869, and the Exhibitors' Protection Act, 1872: this legislation was repealed and substantially re-enacted by the Copyright Act, 1890, which came into operation on the 1st of Aug., 1890. It is divided into four parts and protects designs, literary, dramatic and musical productions and lectures and Fine Arts.

The Act is substantially identical with the Copyright Act of New South Wales *mutatis mutandis*. Copies of books are to be delivered to the Melbourne Library.

Sect. 56 provides that County Courts are to have jurisdiction in cases relating to copyright and the provisions of the County Court Act, 1890, are to apply.

Sect. 58 provides that proprietors of articles protected as designs and Fine Arts which may be publicly exhibited at any exhibition authorised by the Governor under the Exhibitions Act, 1890, shall during the exhibition be entitled to the benefits of this Act as if such proprietor had complied with the provisions hereof, and such exhibition shall not be deemed a publication.

WEST
AUSTRALIA.

Designs.

West Australia.

Copyright in designs is protected by the "Designs and Trade Marks Act, 1884" (48 Vict. No. 7), which came into operation on the 1st January, 1885.

The Act is, so far as it relates to designs, substantially identical with the Patents, Designs and Trade Marks Act, 1883 (Imperial). The Colonial Secretary is substituted for the Comptroller, and the appeal from him is to the Governor.

The Register is to be kept at the Colonial Secretary's office.

By the Act 50 Vict. No. 4, being an Act to alter the law relating to the procedure under the Act of 1884, and an Act regulating patents, it was enacted that a Patent Office should be provided under the control of a Registrar, and the powers, duties, &c., of the Colonial Secretary were transferred to the Registrar and the Patent Office was substituted for the Colonial Secretary's office.

Copyright
Register Act,
1889.

By the Copyright Register Act, 1889 (51 Vict. No. 3), a copyright register was established, wherein is to be registered the proprietorship in the copyright of books and assignments thereof, and in dramatic and musical pieces whether in MS. or otherwise, and licences affecting such copyright.

The Register is to be kept by the Registrar-General at his office, is to be open for inspection on payment of a fee of 1s., the Registrar is to give certified copies of entries on payment of 5s. : such copies are to be received in evidence, and shall be *primâ facie* proof of proprietorship, subject to rebuttal, and in case of dramatic or musical pieces, *primâ facie* proof of the right of representation or performance.

Making a false entry or tendering in evidence a false copy is a misdemeanor.

There are also provisions corresponding to ss. 13 & 14 of the (Imperial) Copyright Act, 1842. Forms are given in the Schedule.

INDEX.

ABANDONMENT

- of title of periodical, 77
 - in France, 78, note (a)
- of copyright, 142
 - no presumption of, by book being out of print, 142
 - no, by mere expression of opinion, 285
- whether right of representation of dramatic piece in MS. lost by printing, 364
- circulation among pupils of a system of book-keeping not an, 118

ABODE: *see also* NAME AND ABODE.

- given in England of author being abroad in entry, 150
- of assignee, 150, 151
- place of business given under Copyright Act, 1862, instead of, 450

ABOLITION OF STAR-CHAMBER, 21

'A BOY'S ADVENTURES IN THE WILDS OF AUSTRALIA,' 969—971

ABRIDGMENT,

- what is an, 61, 228, 332, 333
- distinction between compilation and, 228
- shortening a work by leaving out unimportant parts not an, 61, 62, 233
- principles by which to test whether, be fair, 63
- effect of, on original work, 227
- arrangement must be adopted to be a faithful, 64, 228
- copyright in an, 61, 228
- Mr. Curtis's view of an, 228, note (b)
- Vice-Chancellor Wood's opinion as to an, 63, 235
- judicial *dicta* that *bonâ fide*, not piratical, 61, 62, 227
- of dramatic pieces, 34, 332, 333
- of law reports, 220, 221, 233, 234
- of Acts of Parliament, 317
- of Dr. Johnson's *Rasselas*, 229
- of an imaginative work, 233
- Viner's, 65, note (a), 232
- Comyn's, 232
- Rolle's, 315
- Story's Commentaries infringed by, 231
- infringement of copyright by, 86, 227—234
- test of originality of, 61, 228
- may answer the purpose of an advertisement, 230, and note (a)
- extent to which held good in America, 231
- suggestions of Copyright Commissioners as to, 64, note (a)

' ABRIDGMENT OF CASES IN EQUITY,' 233

ABROAD,

- publication, prevents copyright in this country, 119, 120, 364, 373, 566, 618
 - except under International treaties, 373
 - simultaneous, and in this country, 119, 124, note (a), 132, note (a)
- work composed, by Englishmen, protected if first published here, 121
- residence, by Englishmen at time of publication does not affect copyright, 121
- whether foreigner resident, can obtain copyright here, 122, 123, 124, 129, 131, note (a), 189, 190
- assignment by foreigner, to an Englishman, 189
- articles sold, without registration mark, 520

ABSENCE OF ARTISTIC MERIT,

- whether, affects copyright, 460—464

ABSTRACT,

- an, no piracy, 61, note (b)
- of title, copyright in, 48, note (b)

ACCOUNT,

- incident to remedy in equity, 301
- need not be specifically prayed, 303
- right to, dependent on right to injunction, 302, 303
- usually waived, 301, 304
- has reference to past as well as future transactions, 303
- plaintiff entitled to profits from sales on commission of piratical copies, 303
- defendant ordered to pay net profits in equity, 293, 303
- when ordered to be kept by defendant, 286
- between authors and publishers, 974

ACQUIESCENCE,

- not presumed where there is no knowledge, 142
- in infringement fatal to subsequent action, 142
- plaintiff may forfeit rights by delay or laches, 280, 281
 - five months' delay, 280
 - tendency of modern decisions, 281
- right not prejudiced by custom, 85, 194, 220, 222, 285, 286
- delay may be explained, 281, 282
- injunction not granted generally where there has been, 284, 298
- no proof of assignment, 298
- in earlier piratical editions, 282

ACTION: *see also* DAMAGES (ACTION FOR)

- for importing pirated copies, 246—250
- for recovery of penalties, 252, 253
 - of copies pirated, 254
 - of value of copies sold, 254
 - of damages for performing play, 260

ACTION—continued.

- for infringing airs in an opera, 260
- for false representation as to the registry of a design, 518, note (a)
- for damages under Patents, &c., Act, 1883...531
- in the County Court: *see* COUNTRY COURT.
- in, notice of objection to plaintiff's title to be given, 256, 257
 - amending notice of objection, 257
 - proprietor need not aver that defendant published plaintiff's book, 262
 - where *locus* of infringement not stated, plaintiff may amend, 262
 - what defendant may plead, 258,
 - give in evidence, 258
 - for infringement no defence to plead name and address of printer omitted, 262
 - security for costs, 262, 263
 - where venue to be laid, 260
- evidence in, for plaintiff under Engravings Acts, 428
 - of offer to compromise, 262
- every, to be commenced within certain time: *see* LIMITATION OF TIME.
- no, to be brought until registration, 162, 163
- if, can be maintained, then injunction will be granted, 270
- maintainable for not supplying work agreed to be furnished, 934
- cannot be maintained for printing obscene book, 934, note (c)
- what sufficient defence to, for not performing agreement to write, 938, note (d)
- on the case: *see* REMEDIES FOR INFRINGEMENT.

ACTS OF CONGRESS: *see* APPENDIX (C).

ACTS OF PARLIAMENT: *see* STATUTES.

- right to print, 314
- abridgment of, 317
- published with notes, 320

ADAPTATIONS: *see* IMITATIONS.

- what are fair, 584—587
- restricted by International Copyright Act, 1886...587, 588
- Order in Council as to, 587
- of music: *see* MUSICAL COMPOSITIONS.
 - by changing to a dance, 237
- of old songs, 388, 389, 390
- of old play, 351
- of quotations, copyright in, 242
- from operas, 386, 387

ADDITIONS,

- copyright in, 39, 40
- to constitute new book, 108
- small, do not constitute joint authorship, 138—140
- Gray's poems published with, 40
- Patterson's Road Book published with, 40, 41

ADVERTISEMENTS,

- copyright in, 103, 105
- no copyright in, of place and kind of business, 101
- illustrated furniture guide, 101
- principles on which copyright in, depend, 103
- no excuse for piracy to say work acts as, 230, note (a)
- in newspapers, provisions of Lord Monkswell's bill, 84

AFRICA,

- Egypt, copyright in, 821
- South (Republic of)
 - Copyright Law of 1887...823
 - definition of copyright, 823
 - anonymous works, 824
 - no copyright in laws, &c., 824
 - translations, 824
 - extracts for criticism, 825
 - in oral addresses, 825
 - assignment, 825
 - registration and deposit, 825
 - duration of right, 826
 - dramatic and musical works, 826
 - protection of copyright, 827
 - works published before the Law of 1887...827
 - final provision of Act, 828

'AFTER DARK,' 369

AGENT,

- disclosure of a design to, when a publication, 503

"AGGRIEVED PERSONS:" see "PERSONS AGGRIEVED;" REGISTRATION.

'AGREEABLE SURPRISE,' (THE), 340

AGREEMENT,

- between authors and publishers, 929, 932
 - should be in writing, 932, 933
 - construction of, 956
 - ordinary, not a partnership, 967
- forms of, between authors and publishers, Appendix (F).
 - for sale of copyright, clxix
 - half-profit agreement, clxix
 - licence to print one edition, clxxi
 - limited assignment of a new edition, clxxi
 - for enlarging second edition of book, clxxii
 - for sale of a work where sum paid for copyright, clxxii
 - variations where profits divided, clxxii
 - by commission, clxxiii
 - for editing of a work, with variations for translating a work, clxxiv
 - to write an opera, clxxvi
- forms under 25 & 26 Vict. c. 68...clxxv, and see Appendix (G).
- between manager of theatre and actor, 937

AGREEMENT—*continued*.

- for division of profits, 957
 - when a joint adventure, 961
 - not assignable, 957, 959
 - terminable by notice, when, 961, 965
- for payment to authors of article in periodical work, not sufficient to vest copyright, 78, note (c)
- for publication of specified number of copies, 952, 953
- terms of, should be clearly stated, 965, 966
- as to style of publication, 953
- not to write on particular subject, 937
- not to sell under a certain price, 966
- to supply work, 932
 - no specific performance decreed, 935
- as to copyright under 25 & 26 Vict. c. 68...444
 - require a 6*d.* stamp, 444, note (a)
- a mere publishing, not assignable, 958, 959
- construction of the word "Edition," 108, 165, 967, 968
- stamp on, operating as assignment, 185

ALBERT'S (PRINCE) CASE, 11 *et seq.*

ALBUM for holding photographs not a book, 106

ALIEN: *see* FOREIGNER.

ALMANACS,

- right to print generally, 320
 - the Nautical, 323
- title page of, 70, note (d)
- cannot be wholly original, 197
- sale of a sheet, printed from directory restrained, 201
- "Gadbury's," 321

ALTERATION,

- of author's work by another, 943
 - by editors of newspapers, 947
 - by publishers, 947
 - by proprietors of periodical works, 947
 - by assignee of owner of copyright, 947 *et seq.*
- when written under the name of another, 943, 944
- sufficient to constitute new work, 108, 109
- slight, of another's work, does not constitute joint authorship, 138—140
- infringement of copyright by colourable, 222, 227
- of dramatic piece, 333, 351
- in the law suggested by Copyright Commissioners: *see* COPYRIGHT COMMISSIONERS.

Lord Monkswell's bill: *see* MONKS-
WELL (Lord).

AMENDMENT

- of notices of objections, 257, 258
 - register under Copyright Act, 1842...152
 - Patents, Designs & Trade Marks Act, 506
- law: *see* COPYRIGHT COMMISSIONERS.

AMERICA : *see* SOUTH AMERICA AND UNITED STATES.

AMOUNT,
of matter essential to copyright, piracy, &c. : *see* QUANTUM ;
VALUE.

ANHALT JOINS THE INTERNATIONAL CONVENTION, 78

ANIMUS FURANDI, WHAT, 194 and note (b)

ANNE, STATUTE OF, 26, 27. Appendix (A).
assignment under, 180
extended in effect, 127

ANNOTATION : *see* NOTES.

ANNUAL RETURNS
to be made as to newspapers, 547

ANONYMOUS WORKS, 115, 116
registration of, under International Copyright Act, 598

ANTIGUA
adopts the provisions of the 10 & 11 Vict. c. 95...610

'APOLOGY FOR THE LIFE OF GEORGE ANNE BELLAMY,' 230

APPEAL,
no, from order of Divisional Court expunging entry, 154,
457

APPLICATION TO REGISTER : *see* REGISTRATION.

APPOINTMENT OF REGISTRAR UNDER DESIGNS ACTS : *see* REGIS-
TRATION.

'ARCHÆOLOGIA PHILOSOPHICA,' BY BURNETT, 238

ARCHITECTURAL DESIGN
protected under the 25 & 26 Vict. c. 68, 441 note (c)

'AREA BELLE (THE),' 393

ARGENTINE REPUBLIC,
no special copyright law in the, 833
but referred to in constitution of 1869...833
authors protected by Civil Code, 833
rights of foreigners, 834

ARITHMETIC, INSTANCE OF PIRACY OF, 225

ARRANGEMENT,
copyright in, 39, 43, 65, 197, 241
of poems, 40, 44
of book of roads, 40
of account of natural curiosities, &c., 41

ARRANGEMENT—*continued.*

- of works of art, 41
- of matters of statistical information, 41
- of maps, 42
- of receipt books, 42
- must be adopted in abridging a work, to be a faithful abridgement, 62, 228
- component parts of a compilation not protected apart from the, 43, 241
- where, copied materials being different, 241
- new, of musical composition, 328
- pianoforte, who author of, 329
 - and materials both copied, 241
- deeds of: *see* BILLS OF SALE.

ARRANGEMENTS: *see* AGREEMENTS.

ARTICLES: *see also* ENCYCLOPEDIAS; NEWSPAPERS; PERIODICAL PUBLICATIONS.

- copyright in, for reviews, &c., 78, 79, 217, 218
 - newspapers, 554, 555
 - foreign, 589
- for newspapers may be withdrawn, 53
 - but need not be preserved by editors, 53
 - suggestions as to, in newspapers by Lord Monkswell's bill, 84
- of political discussion may be translated from foreign newspapers, 575
- exhibited at exhibitions, 535, 536
- registration of design by sample of, 512, 513
- stated in catalogue to be patented or registered, when not, 97, note (a)
- in magazines copied into newspapers, 217, 218
- the Rudyard Kipling articles copied from "The Times," 218—220
- falsely described as "registered" or "patent," 244
- alteration of: *see* ALTERATIONS.
 - incomplete may be registered under Designs Acts, 486
- provisionally registered: *see* PROVISIONAL REGISTRATION.

ARTISTIC MERIT,

whether absence of, affects copyright, 460—464

ARTISTS'

- sketches and studies, 474
- replicas of, 474, 475

ARTS: *See* DESIGNS; DRAWINGS; ENGRAVINGS; FINE ARTS; PAINTINGS; PHOTOGRAPHS; SCULPTURE.

ASSIGNEES

- of copyright, 122, 176, 177
- of manuscript, 8, note (a)

ASSIGNEES—*continued.*

- of foreign authors, 124, note (a), 125
- of works first published abroad not protected, 122, 123
- of author before publication, right to publish, 124.
note (a)
- who are, 176 177
- difference between licensees and, 180, note (b), 192
- rights of, under a commission in bankruptcy, 176
- registration by, 150, 151
- title should be stated in bill for injunction, 266
- what passes to, by assignment under 22nd section of 5 & 6
Vict. c. 45...357
- claim by, what must be shewn, 297
- instance where, by parol obtained injunction, 297, note (c)
- may claim penalties under 3 Will. 4, c. 15, though assignment
not by deed, 356
- may maintain action for piracy of engravings, 425
- may sue for penalties under 25 & 26 Vict. c. 68, before assign-
ment has been registered, 451, 452
though previous assignments have not been registered,
452

ASSIGNMENT OF COPYRIGHT,

Literary Copyright,

- will not be presumed, 178
- agreement for division of profits not an, 957
- not effected by mortgage of share in newspaper, 559
- under the statute of Anne, 180
- by a foreigner, 124, note (a), 125, 189
- does not prevent assignor selling stock on hand, 191
- by entry on register under 5 & 6 Vict. c. 45...150, 151,
183, 184
- stamp, 145, 185
- by delivery of manuscript, 177
- as to whether need be in writing, 178, 179, 184, 185
- instance where person claiming under parol, obtained an
injunction, 297, note (c)
- licence to publish is not an, 192
- difference between, and licence, 180, note (b)
- whether necessary to be attested, 180—184, and 184
note (a)
- how far receipt for purchase-money will operate as, 184
- may be made by letter, 185
- partial as to locality, 186
time, 188
- absence of, must be specially pleaded, 190
- effect of statement by plaintiff that he had, 190, 191
- after, author cannot produce substantially same work,
191
- forms under Act, cxlv, cxlviii
of limited, clxxvii
- for certain number of years, 188
- share in, 192
- acquiescence no proof of, 298
- stamp on agreement operating as, 185, 186

ASSIGNMENT OF COPYRIGHT—*continued*.*Dramatic Copyright*, Chap. XI., 327

of right of representation, 356

must be in writing, 358

need not be made by deed, 356

express, need not be registered, 357, 358

but assignment intended to include this right must be registered, 357

what words will act as an, 358, note (*f*)

on, right of representation does not necessarily pass, 188, 189

not necessary when one person composes for another, 319, 320, 321

Engravings and prints, 425*In sculpture*, 434*In paintings, drawings, and photographs*, 447

where limited in effect, 448

license, not amounting to assignment, need not be registered, 449, 450

In designs, 523

form of, request to register, 524

must be in writing, 184, note (*b*), 523

entry of, 525

request for, 524, 525

no time should elapse between, in designs and registration, 525

effect of bankruptcy of transferor between, of design and registration, 525

ASSIGNOR,

right of, to sell copies in his possession after assignment, 191, 968, 969

ATTESTATION

to assignment of copyright, 180—184, and 184, note (*a*)

not now necessary, 184

AUBER'S OPERA 'FRA DIAVOLO,' 153

'LESTOCQ,' 236

'AURORA FLOYD,' 379, *see Tinsley v. Lacy*, Appendix (H), cxc

AUSTRALIA,

not adopted provisions of the 10 & 11 Vict. c. 95...611

AUSTRALASIAN COLONIES,

provisions of laws in, as to copyright, Appendix (I), clxxxvii

AUSTRIA AND HUNGARY,

copyright in, 696

treaty between 10 May, 1887...696

reciprocal protection, 696

what "works of literature or art" include, 697

the Hungarian Law of 1884...697

registration, 697, 699

dramatic and musical works, 698

the Austrian Law of 1846...698

duration of copyright, 698

AUSTRIA AND HUNGARY—*continued.*

- what works protected, 698
- assignment, 699
- piracy, 699
- remedy of the author and penalties, 699
- dramatic and musical representations, 699
- artistic copyright, 700
- protection for works published in the territory of the German Confederation, 700
- works appearing in foreign countries, 700
- penalties for piracy, 700, 701
- penalties for infringing right of public representation, 701

AUTHOR: *see also* AGREEMENTS BETWEEN AUTHORS AND PUBLISHERS.

- right of, to his own ideas, 6
 - in his own works, 8, note (a) 10
 - to first publication, 7
 - to assign MS., 8, note (a)
 - first recognised, 19
 - to articles in magazines, reviews, &c., 78, 117—220
 - to reserve separate publication in such works, 78, 79
 - to withdraw letters written to papers, 53
 - to be paid for work already completed, 175, note (c)
 - to property alone protected, 49
 - to books published in foreign countries, 86
 - an, against different booksellers in respect of same work is distinct, 293
- may be employed jointly by three newspaper proprietors, 261, note (c)
- may prevent publication, 8, note (a)
- may terminate a joint adventure by notice, 961, 965
- may sue seller, though he has not sued publisher, 294
- may bind himself not to write on particular subject, 937
 - or for particular theatre, 937, 938
- Court will not interfere until actual publication, 938
- may publish continuation of work sold, 939
 - 'The Edinburgh Philosophical Journal,' 939
 - 'The London Journal,' 940
 - 'London Society,' 940, 941
- must register before he can sue for penalties, 162, 163
- bankruptcy of, 176, 177
- manner in which, regards his work, 939
- reward due to, 930, 931
- contracts between, and publishers, 932
 - should be in writing, 932
- construction of agreements between publisher and, 956
- agreements for division of profits between, and publishers,
 - personal and not assignable by publisher, 957
 - a joint adventure, 967
- cannot after sale of book substantially reproduce it, 191, 192
 - parting with copyright reproduce matter in any other book, 953, 954
- accounts between publisher and, 974

AUTHOR—*continued.*

ordinary agreement between, and publisher not a partnership, 967
 when, cannot revoke licence to print given to publishers, 953
 publisher bound to observe agreement with, as to style of publication, 953
 as to alteration of work of, by another, 943
 action may be maintained against, for not supplying work agreed to be furnished, 934
 but specific performance not decreed, 935
 should work be stopped, must be paid for work done, 934
 payment to representative of, for work done, 935
 who is, within meaning of Act, 122
 of a dramatic work, 134, 135, 136
 of a musical composition, 328
 definition in American case, 328—329
 of a painting, 444, 445
 of a photograph, 446, 475
 a joint, 137—140, 140, note (a), 362
 name of, under Berne Convention, 589
 effect on, of bankruptcy of publisher, 959, 973
 under International Copyright Acts, 582
 if Englishman, may be resident abroad, 121, 150
 if foreigner must be in British dominions, 120—130
 alien, how may acquire copyright here, 122
 simultaneous publication by, abroad and in this country, 119, 124, note (a), 132, note (a)
 arranger of music is the, of arrangement, 137, 359, 360, 361
 consent of, to performance of his dramatic piece, 338
 where several owners, 339
 reputation of, damaged by alterations in his work, 947 *et seq.*

BAHAMAS (THE),

adopts the provisions of the 10 & 11 Vict. c. 95...610

BANKRUPTCY

of author, 176, 177
 of publisher, 959
 effect on contract with author, 959
 where royalties paid, 959
 where neither entitled to share profits, 973
 of stereotype founder and sale of plates does not pass the copyright, 176
 what passes on, to trustees, 176, 177
 MSS. do not, 176, and note (b)
 but copyright of printed work does, 176, 177
 whether copyright will pass on, without writing, 176, 176, note (e), 177
 rights of assignee under contract of bankrupt publisher, 176, 177
 rights of author under agreement after publisher's bankruptcy, 176, 973, 974
 of registered proprietor of a design, 525

BARBADOES

adopts the provisions of the 10 & 11 Vict. c. 95...610

BAROMETER,

face of not entitled to copyright, 106

BARS OF MUSIC,

how many constitute a phrase, 236, 237

seventeen, pirated, 236

eight, pirated, 237

BASKET,

picture of, registered as a design, 488

copyright in design for a double card, 497

order in council as to designs, 538

'BATH CHRONICLE,' 175

BEETON'S BOYS' ANNUAL FOR 1869...160

'CHRISTMAS ANNUAL,' 943

BELGIUM,

Literary copyright in, 653

duration, 653.

piracy and penalty for infringement, 653

registration, 653

what protected, 653

assignment, 653

Dramatic and musical works, 654

right of representation, 654

Artistic copyright, 654

rights of foreigners, 654

Copyright Act of 1886...655

copyright in general, 655

duration, 655

copyright personal property, 655

posthumous works, 655, 661

work in collaboration, 655

anonymous work, 656

limit to transferee's rights, 656

protection from seizure, 656

extent of literary copyright, 656

speeches, 656

public documents, 656

translation, 657

quotations, 657

newspaper articles, 657

right of representation, 657

musical works, 657

plastic works, 657

piracy and its repression, 658

definition of offence, 658

fine, 658

confiscation, 658

civil proceedings, 659

rights of foreigners in, 661

state publications, 661

BELGIUM—*continued.*Copyright Act of 1886—*continued.*

- registration, 662
- approval of the Berne Convention, 662
- works in existence previous to the Convention, 662
- order in council, 662
- inventories, 662

'BELGRAVIA ANNUAL,' 286

'BELGRAVIA MAGAZINE,' 69, 155, 217, 286

BELLINI'S 'SONNAMBULA,' 187

'BELL'S LIFE IN LONDON,' 71, Appendix (H), clxxxii

'BELSHAZZAR'S FEAST,' MARTIN'S PICTURE, 424

BENEDICT'S PART SONG, 'THE WREATH,' 243

BEQUEST

- of copyright, 175
- in default of, will devolve in England to personal representatives, 175

BERMUDA

- adopts the provisions of the 10 & 11 Vict. c. 95...619

BERNE CONVENTION: *see* INTERNATIONAL COPYRIGHT.

BIBLE,

- copyright of, in the Crown, 308, 310
 - on what ground, 308, 310
 - view taken in Ireland, 311
 - England, 312
- notes to the, 311
- translation of books of the, 311
- publication of separate books of the, 311
- no prerogative copyright in the Hebrew, 308
 - nor in the Septuagint, 308
 - New Testament, 308
- letters patent to King's printer (Scotland) concerning the, 310, note (b)

BILLS OF SALE,

- copyright in lists of, 97, note (e)
- list of, pirated, 245

'BIRD'S-EYE VIEW AND PLAN OF PARIS AND ITS FORTIFICATIONS,' 408: *see* *Stannard v. Harrison.*

BLACKSTONE'S COMMENTARIES, 66

BLASPHEMOUS PUBLICATION,

- whether author may prevent publication of a, in MS., 87—93
- or recover damages, 90
- not entitled to copyright, 87

BLIND, BOOKS FOR, 104

BOARD OF TRADE,

appeal to, on refusal of Comptroller to register a design, 512
notice to be given of such appeal, 512
Designs, Rules, Forms, &c., Appendix (E)

BODLEIAN LIBRARY, OXFORD: *see* UNIVERSITIES.

BOLIVIA,

Literary copyright in, 834

publication of laws and decrees, 835
speeches of an official character, 835
lectures of professors and others, 835
private letters, 835
duration of copyright, 835
translations, 835
rights of foreigners, 835, 836
foreign reciprocity, 836
duration of copyright after decease of author, 836
anonymous works, 837
posthumous works, 837
obligation of publishers, 837
copyright regarded as personal property, 838
literary property cannot be prescribed, 838

Dramatic works, 838

right of representation, 838, 839

Artistic property, 839

obligations common to authors of literary, dramatic or
artistic works, 840
registration, 840
liabilities of pirates or infringers of literary and artistic
property, 841
piracy, 841

“BONA FIDE”

abridgment, what, 62, 227, 228
quotations, what, 197, 216, 242
notes, 311, 320: *see* NOTES.

BONE, COPYRIGHT IN ARTICLES MADE FROM, 491

‘BON SOIR,’ 279

BOOK,

definition of, 104, 116, 165, 328, 406, 407, 549, 552
diagram a, 105
collection of prints a, 104
includes maps, 116
label not a, 106
scoring label not a, 106
album for holding photographs not a, 106
face of a barometer not a, 106
newspaper, 549, 550
title part of, 70

BOOK—continued.

- each part of a periodical a, 83, 131, 145
- separate article advertised to form part of a periodical not a, 116
- of registry: *see* REGISTRATION.
 - open to inspection, 144, 325, 505, 521
 - making false entry in, 145, 506
 - expunging or varying entry in, 152, 506
- designs for trade circulation, 97, note (a)
- use to which, put does not affect copyright, 105
- newspaper is a, 549, 552
- copy of every, for British Museum, 120, 170, 143
 - the Universities, 170
 - origin of claim, 171
- distinction between copy of, for different libraries, 170, 171
- penalty for not delivering, to libraries, 171
 - in America to the Smithsonian Institute, 172, note (a)
 - now, to library of Congress, 913, 916
- on every, to be printed name and abode of printer, 262, 544, 545
 - what to be printed at the Universities, 325
- alterations sufficient to constitute new, 108
- written by one for another, 134, 136
- out of print, copyright not presumed to be abandoned, 142
- having been parted with by author cannot be substantially reproduced, 191, 192
- new editions of, 108, 109, 111
- written by foreigner and published abroad not formerly entitled to copyright, 566
 - otherwise under International Copyright Act, 567
- duration of copyright in: *see* TERM OF COPYRIGHT.
- containing copies of registered designs need not have registration mark, 521

BOOK OF COMMON PRAYER: *see* PRAYER BOOK.

‘**BOOK OF THE POETS,**’ 211: *see* *Campbell v. Scott*.

BOOK-KEEPING,

- circulation among pupils of a system of, not a publication, 118
- peculiar system of, not protected, 105, note (a)

BOOKS,

- Privy Council may license the publication of any, 115
- International Copyright Act, 1837, refers solely to, 567
- importation of, 26, 120, 246—250
- copyright in catalogues of, 100
 - published before Copyright Act, 1842...114, 115
- on hand may be sold after assignment, 191, 192
- colourably shortened, 222 *et seq.*
- law, copyright in, 314, 315
- suggestion of Copyright Commissioners as to delivery of, to libraries, 172, 173

BOOKS—continued.

for the blind, 104
delivery of, to British Museum: *see* BRITISH MUSEUM.
delivery up of pirated copies of, 300
seizure of pirated on importation, 589
new edition of: *see* EDITION.

BOOKSELLERS: see also PUBLISHERS.

lien on books already printed for cost of production, 176

BOOKSELLERS' CATALOGUES: see CATALOGUES.**BOOTS,**

copyright in designs as applied to, 492

BOUCICAULT'S

'The Colleen Bawn,' 333
'The Shaughraun,' 374, 577

BOUNDARIES

of townships shewn on maps, 67, note (a)

'BOW BELLS,' 420**BRAZIL,**

order in council as to designs, 538
copyright in, 842
one of the signatures of the South American convention, 842
concluded treaty with Portugal, 1889...842
offences committed against literary, artistic, and commercial property, 843
penal code of 1890...843
duration of copyright, 844
translations, 844
musical compositions, 844
piracy, 844
what imitations or reproductions forbidden, 845
no registration or deposit of copies required, 845

BREACH OF CONFIDENCE: see PRIVATE LETTERS.**BREACH OF CONTRACT: see CONTRACT.****BREWER'S 'GUIDE TO SCIENCE,' 67, 202****BRICK,**

proper subject of registration under Designs Act, 6 & 7 Vict.
c. 45...487, 488
copyright in designs applied to, 492

'BRIGANDS, (LES),' 556**'BRISTOL MERCURY, (THE),' 217, 286****'BRITANNIA, (THE),' 75**

- BRITISH DOMINIONS,
 definition of, 122, note (b)
 necessity for residence of alien in, to obtain copyright, 122—
 130
- BRITISH GUIANA ADOPTS THE PROVISIONS OF THE 10 & 11 VICT.
 c. 95...610
- BRITISH MUSEUM,
 delivery of copy of every book at, 120, 170, 171
 suggestions of Copyright Commissioners as to, 172, 173
 of newspapers, 552
 penalty for default, 171
 under International Copyright Acts, 567, 568
- BRITISH POSSESSION,
 definition of, 619, 620
- BRITISH SUBJECTS: *see* ENGLISHMEN.
- 'BROAD-STONE OF HONOUR,' 115, note (a)
- BRUNSWICK JOINS THE INTERNATIONAL CONVENTION, 578
- BURDEN OF PROOF, where person on register, 532
- 'BURLESQUE VALSE,' Coote, 327, note (a)
- BURN'S 'JUSTICE OF THE PEACE,' 938
- BURNETT'S 'ARCHÆOLOGIA PHILOSOPHICA,' 238
- BURNS' LETTERS, 50, note (c)
- BUSINESS LETTERS: *see* LETTERS.
 copyright in advertisements of, 103
- BUSTS: *see* SCULPTURE.
- BUYER: *see* AGREEMENTS BETWEEN AUTHORS AND PUBLISHERS;
 ASSIGNEES; PROPRIETORS.
- BYRON'S 'Cain,' 91
 'Childe Harold,' 133
 'Don Juan,' 93
 'Marino Faliero,' 34
 Poems alleged to be, 99
- CAIN, LORD BYRON'S POEM OF, 91
- CALENDARS: *see also* ALMANACS.
 subject of copyright, 290, 320

CAMPBELL (LORD),
criticism on Lord Eldon's refusal to grant injunctions in the
case of obnoxious books, 88, 89

CAMPBELL'S POEMS, COPIED, 211

CAMBRIDGE (PUBLIC LIBRARY): see UNIVERSITIES.

CANADA,
adopts provisions of the 10 & 11 Vict. c. 95...610, 611
protective duties in, 611
effect of *Routledge v. Low* on copyright in, 618
correspondence between government of, and this country, 611
value of copyright in, to British authors, 611, note (a)
 suggestions of Copyright Commissioner, 612
the Act of 1875 as to copyright in, 612
 assent to this Act by Parliament, 615
 effect of this Act, 615
 case of *Smiles v. Belford*, 615
term of copyright and in whom vested, 613
conditions on which copyright depends, 613
works executed on commission, 614
interim copyright, 614
piracy under Canadian Act, 614
 assignment, 614
 limitation of copyright, 614
in reference to Berne Convention, 620, 621

CANCELLING REGISTRATION: see EXPUNGING ENTRY.
of pirated part of book, 300

CANTATAS,
libretti to music of non-copyright, 329

CAPE OF GOOD HOPE,
adopts provisions of the 10 & 11 Vict. c. 95...610

'CAPRICE POLKA,' 592

CARD-BASKET,
copyright in design of, 497

CARDS,
Christmas, protected, 414
for voters, 445

CARPETS, FLOOR-CLOTHS AND OIL-CLOTHS,
copyright in designs as applied to, 492

CASES,
taken from legal reports, 220, 221

'CASTLE ALBUM,' 106

'CASTLE OF OTRANTO,' 96

CASTS: see SCULPTURE.

CATALOGUES,

- of engravings: *see* PRINCE ALBERT'S CASE.
- of natural curiosities, 41
- of tricks and magical apparatus, 99, note (e)
- of designs, form of injunction restraining sale of, Appendix (H), clxxxiv
- raisonnées*, 100
- illustrated, 101—104
- tradesmen, 101—104
- copyright in, if descriptive, 99—105
 - no, if but dry list of names, 99
- registration of, being reprints, 165

CEMENT,

- copyright in designs applied to, 492

CERTIFICATE,

- of registration *prima facie* evidence of title, 261, 444, note (b)
- of registration of designs, 605
- of entry in registry, 145
 - stamp on, 145, note (a)

CHANCERY AMENDMENT ACT, 1858...288

CHANCERY (COURT OF): *see* COURT OF CHANCERY; INJUNCTIONS;
REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

CHARACTER,

- letters may be published for vindication of, 51

'CHARMS OF BERLIN,' 566

CHARTER OF STATIONERS' COMPANY,
original, 19CHARTS: *see* MAPS.

- copyright in, 43, 116
- degree of originality necessary in, 43

CHATTERTON (DEATH OF) PICTURE OF, 35

CHESTERFIELD (LORD), LETTERS, 45, 50, note (c)

CHIARO-OSCURO,

- meaning of the term, 417

'CHILDE HAROLD,' BY BYRON, 133

CHILDREN'S SCHOOL BOOKS,
copyright in, 48, note (a).

CHILI (REPUBLIC OF),

- copyright in, 845
- duration of, 846

CHILI—continued.

rights of foreigners publishing in, 847
dramatic works, 847
deposit of copies, 847
piracy, 847

CHINA,

no special laws on copyright, 803
but protected under general laws, 803, 804
literary property perpetual in theory, 804

‘CHRIST HEALING THE SICK,’ 444, note (b)

CHRISTIANITY,

part of the law of the land, 91, note (a)
work, against, 91, 92, 94

‘CHRISTIE JOHNSTONE,’ 962

‘CHRISTMAS ANNUAL,’ (BEETON’S), 943

CHRISTMAS CARDS,

protected either under Engravings Acts, or 25 & 26 Vict. c. 68,
or Patents, Designs and Trade Marks Act, 1883...414
protected as a “sheet of letter-press,” 414, note (b)
a painting, 414, note (b)

CHROMOS,

protected in United States, 910, 927

‘CHRONICLES OF STANFIELD HALL, (THE),’ 82

CHRONOLOGICAL WORK, PIRACY OF, 224

CICERO QUOTED, 50, 223

CIRCULATION OF COPIES,

generally, though gratuitously, a publication, see 97, note (a),
117
to a limited number not a publication, 117
among pupils of a system of book-keeping not a publication,
118

CITIZEN,

copyright in United States formerly limited to, and resident,
913
see FOREIGN AUTHORS.

CIVILIZATION,

international law in relation to, 565
effect of the fine arts on, 398

CLARENDON’S (LORD) HISTORY, 8

CLARIBEL,

songs by, 98

CLARINDA, LETTERS OF BURNS TO, 50, note (c)

CLASS-BOOK OF MODERN SCIENCE, 202, 203

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES,
under Designs Rules, 1883, 491

CLYDE BILL OF ENTRY AND SHIPPING LIST,
copyright in, 41, note (c)

COLLAR,
design for a, registered and registration expunged, 497

COLLECTIONS,
copyright in, of poems, proverbs, maxims, quotations, &c., 44,
207
of prints, a book, 104

‘COLLEEN BAWN, (THE),’ 333, 374

COLLEGE COPYRIGHT: *see* UNIVERSITY COPYRIGHT.

‘COLLEGIANS, (THE),’ 333

COLONIAL COPYRIGHT,
the 5 & 6 Vict. c. 45, and 8 & 9 Vict. c. 93...608, 609
the provision of 1847 as to foreign reprints, 609
colonies which have placed themselves under the provisions of
1847...610
Canadian copyright 611, *et seq.*
suggestion of the Copyright Commissioners on the, Act, 612
suggestion of the Copyright Commissioners as to, 616
value of, to British authors, 611, note (a)
law previous to International Copyright Act, 1886...619
position of this country and her colonies under Act, 619
“British possessions,” 619
point whether Berne Convention applies to colonies as part of
United Kingdom, 620
importance of point, 621
effect of International Copyright Act, 1886, on, 622, 623
registration to obtain, 623
certificate of registration, 623

COLOURABLE ALTERATIONS,
infringement of copyright by, 222, *et seq.*

COLUMBIA,
copyright in, regulated by Act of 1886...848
duration, 848—850
registration, 848
foreigners not protected, 848
definitions and general provisions, 848, 849
definition of author, 849
what works entitled to copyright, 849
transfer of literary property, 850

COLUMBIA—*continued.*

- rights of assignee, 851
- penalty of non-registration, 851
- reciprocity with other Spanish speaking countries, 852
- registration and other formalities, 852
- deposit of copies, 853
- special provisions for different kinds of works, 854
- letters, 854
- oral lectures and speeches, 854
- transcriptions and anthologies, 854, 855
- translations and abridgments, 855
- compilations, 855
- MSS. in archives and public libraries, 856
- anonymous works, 856
- posthumous works, 856
- collaborative works, 857
- newspaper articles, 857
- laws, regulations and official documents, 858
- pleadings, &c., 858
- dramatic and musical works, 858
- works of painting and sculpture, 859
- penalties for infringement, 859, 860
- what not piracy, 861
- jurisdiction, 1861
- French and Spanish law to be followed, 861
- final provisions, 861

COMBINATION,

- original, proper subject of registration under Designs Acts,
487, 488, 489

‘COME TO PECKHAM RYE,’ 336, 350

‘COME WHERE THE MOONBEAMS LINGER,’ 327, note (a)

COMEDY,

- copyright in, given by 3 & 4 Will. 4, c. 15, 5 & 6 Vict. c. 45,
334

‘COMICAL HISTORY AND TRAGICAL END OF REYNARD THE FOX,’
763

COMMENCEMENT

- of copyright in books published in parts, 83, 84
- MS. plays, 338, 364
- proceedings under Copyright Act, 1842, within 12 months,
259, 260, 281, 282

COMMERCIAL LETTERS: *see* LETTERS.

COMMISSION,

- copyright in works executed on, 444
- photographs executed on, 475
- on pirated works to come into the account, 303
- replicas* of pictures painted on, 474, 475
- as to publishers’, 974

COMMISSIONERS : *see* COPYRIGHT COMMISSIONERS.

COMMON LAW,

copyright at, 6, 29—32, 34

publication at, 17

right to old copies, 27

early decisions as to, in Scotland, 31, note (a)

no right to delivery up of pirated copies at, 254

how right to representation lost at, 335 : *see* MANUSCRIPT.

COMMON MATERIALS,

no copyright in, 41, 43, 240 : *see* COMPILATION.

COMMON PRAYER BOOK : *see* PRAYER BOOK.

COMPANY,

letters by the solicitor of a, 44, note (c), 53

may be proprietors of copyright, 504

See CORPORATIONS.

COMPILATION : *see also* DIGESTS.

copyright in a, 39, 40, 44, 64, 201

in France, 41, note (b)

the result of a, must be original, 41, 44, 197

component part of a, not protected apart from the arrangement, 43, 240, 241

difference between an abridgment and a, 228

Blackstone's Commentaries a, 66

of maps, 42, 43

of poems, 40, 44

of road book, 40

of account of natural curiosities, 41

of account of works of art, &c., 41

of receipt books, 42

of mathematical table, 44

of a systematic course of instruction, 67, 68

of directories, what course may be followed, 200

of dictionaries, 204, 205

COMPOSITION,

nature of a literary, 1, 5

author's right to his own, 6, 7

property in a literary, 7

does not pass by publication, 19

what renders a, literary, 46—48

abroad does not affect copyright, 121, 126

a dramatic, protected in MS. like a literary, 18, 335

the value of property in a musical, 17

musical : *see* MUSICAL COMPOSITION.

COMPROMISE,

offer to, cannot be pleaded against a plaintiff, 262

COMPTROLLER OF DESIGNS,

- register to be kept by, under Act of 1883...505
- may refuse to register, in what cases, 505
- notice of rectification of register to be given to, 506
- discretionary power as to registration given to, 506
- must hear applicant before adverse decision, 511
- notice to, how to be given, 507
- form of application to, to register, 507
- fees payable to, on registration, 507, 508
- statement of nature of designs to be delivered to, 508
- discretion as to class in which to register, 508
- power of, to correct clerical errors, 510
- to furnish applicant with certificate, 511
 - form, 511
- appeal from decision of, to Board of Trade, 511
 - form, 512
 - what to accompany, 512
- what, to enter on register, 512
- power to issue copies of certificate, 512
- letter from, giving result of search not evidence, 512
- request to, to register transfer, 523
 - form, 524
 - by what to be accompanied, 524

COMYNS' DIGEST, 65, note (a)

CONFIGURATION,

- protection under Designs Act only afforded to, 486, 487

CONGRESS,

- copies of books to be delivered at library of, 913, 916

CONSENT OF AUTHOR,

- to publication, 180—184
- to the representation of his dramatic work, 338
- when consent of Dramatic Author's Society equivalent to, 338
- oral permission to perform not sufficient, 358
- may apply to work not in existence, 338
- cannot be given to infringe copyright after sale, 191, 192
- distinction between licence and assignment, 180, note (b)
- where there are several authors, 339
- what in plaintiff's conduct may amount to: *see* ACQUIESCENCE.
- form of minute of to be entered at Stationers' Hall, Appendix (D)

CONSOLIDATED CUSTOMS ACT,

- provision relating to books, 250, 253
- notice under, 254, note (a)

CONSTRUCTION,

- of words "in pursuance of this Act," 259
 - "printed and published," 18
 - "persons aggrieved," 153, note (a)
 - "sheet of letter-press," 116
 - "place of dramatic entertainment," 339—342
 - "dramatic piece," 348

CONSTRUCTION—*continued*.

- of words "every book which shall be published," 119
 - "British dominions," 122, note (b), 127
 - "British possession," 619, 620
 - or any portion of his interest, 5 & 6 Vict. c. 45, s. 13, 188
- of the word "book," 116, 165, 167, 549, 550
 - "copyright," 1, 379
 - "subject," 122, 126
 - "offence" in the Copyright Act, 260, 283
 - "edition," 967
 - "author," 122, 126, 582
 - "literary and artistic works," 581
- of 6th section of International Copyright Act, 1886...591, 592
- of Engraving Copyright Acts, 404
- interpretation clause of Act of 3 Will. 4, c. 15...348
 - of the 19th section of the International Copyright Act, 375, 376, 377
- of agreements between authors and publishers, 956

CONTEMPORANEOUS

- publication abroad and in this country, 119, 124, note (a), 132, note (a)

CONTINUATION OF WORK,

- author may publish, having sold copyright, 939
- by another, 943

CONTRACTS : *see also* AGREEMENTS.

- to supply work, 932, 934
 - specific performance of, 935
- to publish unlawful book, 934
- not to write on a particular subject, 937
- not to sell under a certain price, 966
- between authors and publishers, 929, 932
 - should be in writing, 932
 - manager of theatre and actor, 938, note (a)
- for division of profits, 957, 959
 - not assignable, 957, 960
 - terminable by notice, 961, 965
- ordinary, between authors and publishers not a partnership, 967
- breach of, ground for issuing injunctions, 50, 51
 - as to publishing, 932
 - as to articles in encyclopædia, 78, 82, 83, 84
 - as to works written by one for another, 134, 136
 - as to style of publication, 953
 - for sale of copyright will be decreed, 935, note (a)
 - for publication of a specific number of copies, 953
 - whether a breach of, to sell copies on hand prior to expiration of limited copyright, 969

CONTRIBUTORS,

- right of : *see* PERIODICAL PUBLICATIONS.

CONVENTIONS,

- international copyright, 578
 - power of Crown to conclude, 567, 579
 - between England and France, 578
- list of foreign countries with which, have been entered into, 578
- See INTERNATIONAL COPYRIGHT.

CONVEYANCING, PRECEDENTS IN,

- stolen, 9
- copyright in, 66

COPIES OF BOOKS,

- to be delivered to the British Museum, 27, 170
 - suggestion of copyright commissioners, 172, 173
- to be delivered to the Universities Library, 170
 - origin of right, 171
 - penalty for default, 171
 - under International Copyright Act, 569
- importation of pirated, prohibited, 246, 247, 250
- action for recovery of, pirated, 254
- no delivery up of, under 54 Geo. 3, c. 156...254
- delivery up of pirated, 300
- seizure of, on importation, 589
- number of pirated, to be disclosed by defendant, 299
- agreement as to publication of specified, 953
- constituting edition : *see* EDITION.

COPIES OF NEWSPAPERS.

- to be delivered to public libraries, 552

COPYING,

- to what extent allowed, 193, 197
- in case of directories, 200
 - dictionaries, 204—208
- to certain extent necessary in engravings, 416, 417
- evidenced by similarity of errors, 206, 207, note (a)
- of photographs lent for particular purpose, 425
- in action under Engraving Acts defendant to be charged with,
 - part as well as the whole, 427
- not directly from article registered, but indirectly, 245

COPYRIGHT,

- nature and definition of, 1, 126, 175, 244
- personal property, 175
- a local right, 175
- devolves on personal representatives, 175, 176
- passes to creditors, 176, 177
- regarded as a matter of state, 308
- at Common Law, 3, 29, 34, 35
- no, in mere ideas, 5, 38, 68
- in the material that has embodied the ideas, 6, 38
- not in the form of words, but in intellectual conception
 - thereby expressed, 38
- to obtain, there must be originality, 38, 39, 67

COPYRIGHT—*continued.*

- when first recognised, 19
- petitions to Parliament for protection of literary, 25
- first Act for protection of literary, 26
- Universities obtain Act for protection of their, 35
- effect of a perpetuity in, 113
 - considerations respecting, 113
 - Napoleon's opinion, 113
- in works published before 5 & 6 Vict. c. 45...114, 115
- duration of, under 18 Anne, c. 19...27
 - 54 Geo. 3, c. 156, s. 4...36
 - 5 & 6 Vict. c. 45...114, 337
 - the Engraving Acts, 400, 402
 - the Sculpture Acts, 432
 - in Designs, 485
- of author published more than twenty-eight years
 - before the 54 Geo. 3, c. 156...36
- what may be the subject of, 38 *et seq.*
- in maps, 42, 43, 67, note (a), 166
- in arrangement of receipts, 42
- private letters, 44—55
- in letters sent to newspapers, 52, 53
- in 'The Clyde Bill of Entry and Shipping List,' 41, note (c)
- in lectures, 18, 19, 55—61
- in sermons, 59
- in privately printed book, 18
- in joint works, 137—142
- in abridgments, 61
- in digests, 64
- in school books, 48, note (a)
- in a title, 69, 562, 563
- in a single word, 70
- in an abstract of title, 48, note (a)
- in encyclopædias and periodicals, 78, 79
- in articles written for reviews, magazines, &c., 78, 79, 83, 84, 217—220
- in translations, 84, 85, 237, 238
- in directories, 99, 200
- in dictionaries, 197, 204, 205
- in a dry catalogue of names, 99
 - Wood, V.C., opinion as to, 99
- in a descriptive catalogue of tricks and magical apparatus, 99, note (c)
- in specifications of patents, 99
- in catalogues *raisonnés*, 100
- in tradesmen's catalogues, 101
 - not in advertisements of place and kind of business, 101
- in illustrated furniture guides, 101—105
- principles on which not allowed in an advertising medium, 103
- in a diagram, 105
 - scoring tablet, 106
- in album for holding photographs, 106
- in face of a barometer, 106
- in gloved hand on card with letter-press, 106

COPYRIGHT—*continued.*

- in words used for telegraphy, 107
- in mining report, 99, note (b)
- in lists of Bills of Sale, 99, note (e)
- no, in mere plan, 107
- in catalogue of tricks and magical apparatus, 99, note (e)
- neglect to register does not affect, 162, 163
- whether, affected by absence of artistic merit, 460—464
- in newspaper, 547, 562, 563
- no prospective, in newspaper, 547, 548
- in news, 553
- in “descriptive report,”
- in speeches, 554
- in articles, 554
- in letters, &c., sent to newspapers, 555
 - alterations in, by editors, 555
- in newspapers, 540
- in title of newspaper, 562
- in newspaper telegrams, 107
- in new editions, 108, 111, 165
- in spectacular pieces, 350
- in adaptation of old play, 351
- in translation of foreign drama, 351
- in immoral play, 355
- in MS. dramatic pieces, 338, 363, 364, 365
- in libellous, immoral, or obscene works, 87
- in irreligious works, 87, 90
- in works of a scandalous nature, 87, 95
 - intended to deceive the public, 96
 - so decided on ground of fraud, 98
- in the Bible and Prayer book, 308, 310
- in Acts of Parliament and matters of state, 314
- in the publication of proceedings in Courts of Justice, 317
- in almanacs generally, 320, 321
- in sheet almanac printed from a directory, 178
- in the Nautical Almanac in particular, 323
- in the Latin Grammar, 323
- in manuscript musical and dramatic compositions, 364—366
- in works where no originality is claimed, 67
 - which have no actual existence, 67
 - written for another, 134—137
 - where only subject suggested, 136
- in whom vested, 114
- in France, 627
- in Belgium, 653
- in Holland, 664
- in Luxembourg, 671
- in the German empire, 680
- in Austria and Hungary, 696
- in Hungary, 701
- in Norway, 719
- in Sweden, 729
- in Denmark, 734
- in Spain, 737

COPYRIGHT—*continued.*

- in Portugal, 747
- in Italy, 755
- in Switzerland, 767
- in Principality of Monaco, 776
- in Turkey, 782
- in Russia, 785
- in Greece, 797
- in Roumania, 799
- in Serbia, 803
- in China, 803
- in Japan, 805
- in India, 812
- in Egypt, 821
- in Republic of South Africa, 823
- in Tunis, 828
- in South America, 830
- in Argentine Republic, 833
- in Bolivia, 834
- in Brazil, 842
- in Chili, 845
- in Columbia, 848
- in Costa Rica, 862
- in Ecuador, 862
- in Guatemala, 873
- in Haiti, 878
- in Honduras, 881
- in Mexico, 881
- in Nicaragua, 899
- in Paraguay, 899
- in Peru, 899
- in Salvador, 901
- in Uruguay, 903
- in Venezuela, 904
- in Hawaii or Sandwich Isle, 907
- in Canada, 612—618
- in the United States, 909
- in anonymous works, 115, 116
- commencement of, in works published in parts, 131
- abandonment of, 142
 - not presumed from book being out of print, 142
- not lost by mere expression of opinion, 285
- obtained by simultaneous publication abroad and in this
 - country, 119, 124, note (a), 132, note (a)
- an Englishman resident abroad may have, 121
- no, by law of nations, 121
- no, in a mere plan of a work, 107
- no, acquired by registration before publication, 68
- persons who may claim under the word "author," 122
- how alien may acquire, in this country, 122
- whether a foreign resident abroad can obtain, in a work printed
 - and published here, 122, 123
- extension of, by the Act, 1842...127
- necessity for alien to be within British dominions, and to
 - publish in United Kingdom to obtain, 129

COPYRIGHT—continued.

- in such portion of work as published here, 131
- there may be, in part of work, 133
- may be owned by Government, 133
 - corporation, 133
- Lord Cairns' and Westbury's opinions on the Literary Copyright Act, 12, 129
 - Lord Cranworth's opinion, 125, 127, 130
- lien on, by bookseller, 176
- an equitable title to, 178
- ignorance of, no excuse for piracy, 70, 415
- song may not be publicly sung, 346, 347, 350
- international conventions: *see* INTERNATIONAL COPYRIGHT.
 - the offspring of civilization, 565
 - formerly regulated by 7 Vict. c. 12, and 15 Vict. c. 12, 566
 - of 1837, refers solely to books, 567
 - registration of, 568, 569, 571
- attempt to obtain, by dummy publications, 155
- registration must be by owners of, 158
- colonial: *see* COLONIAL COPYRIGHT.
- suspension of, in colonies, 609
- perpetual, 112
- peculiar system of bookkeeping not protected under the law of, 105, note (a)
- use to which book put does not affect, 105
- in casts of flowers and fruits, 433
- in musical and dramatic composition: *see* DRAMATIC COPYRIGHT.
- in engravings, prints, and lithographs: *see* ENGRAVINGS.
- in sculpture and casts: *see* SCULPTURE.
- in paintings, drawings and photographs: *see* these titles.
- in designs: *see* DESIGNS.
- registration of: *see* REGISTRATION.
- assignment of: *see* ASSIGNMENT OF COPYRIGHT.
- Crown: *see* CROWN COPYRIGHT.
- infringement of: *see* INFRINGEMENT OF COPYRIGHT.
- of Universities: *see* UNIVERSITIES.
- union: *see* INTERNATIONAL COPYRIGHT.

COPYRIGHT COMMISSIONERS (THE ROYAL),

- suggestions as to lectures, 59
 - abridgments, 64, note (a)
 - periodical publications, 82, 83
 - extension of copyright, 115
 - publication in the United Kingdom, 132, note (a)
 - aliens, 132, note (a)
 - persons capable of holding copyright, 133, note (a)
 - actions in respect of infringements before registration, 162, 163, note (c)
 - copies of books for the public libraries, 170—173
 - copyrights of Universities, 326
 - musical and dramatic copyright, 366
 - literary and performing rights in, 366
 - dramatization of novels, 384, 385

COPYRIGHT COMMISSIONERS—continued.

sculptures and models, 437
 registration of paintings, drawings, and photographs, 455,
 note (d)
 engravings and prints, 455, note (d)
 copyright in paintings, drawings, and photographs, 444,
 note (c)
 photographs particularly, 473
 artists' sketches and studies, 474
 dramatic pieces and right of performance, 394
 the Colonial Copyright Act, 612
 colonial copyright, 616

'CORNFLOWER VALSE,' 327, note (a)

CORPORATION

may own copyright, 133, 504

CORRECT TITLE

must be registered, 149, 150

'CORRESPONDENT NEWSPAPER,' (The), 72

CORRESPONDENTS: see also LETTERS,

letters from, to editors of newspapers, 52, 53
 to Government officers, 54

COSTA RICA,

no special copyright law, 862
 one of signatories to treaty in 1877 between the five Republics
 of Central America, 862
 represented at first conference at Berne, but not signed the
 Convention, 862

COSTS,

in actions, 334, 392
 double, 334
 security for, 262
 points as to, in equity, 304, 305, 306
 under Dramatic Copyright Act, 392, 395, 396
 in County Court, 392, 393
 full, what, 394
 as between party and party, 392—394
 solicitor and client, 392—394
 in designs action, 534
 on amendment of particulars of objection, 534
 where defendant succeeds generally, 534
 where defendant raises a distinct issue and fails, 534
 where plaintiff puts in unnecessary evidence, 535

COTTENHAM'S (LORD) OPINION AS TO AUTHOR'S RIGHT TO MSS., 10

COTTON, COPYRIGHT IN DESIGNS APPLIED TO, 492

COUNTRY OF ORIGIN, 591—608, 621, 622

COUNTY COURT,

notices to be given in pleading does not apply to, 257
costs in, 393

COURT OF CHANCERY: *see* DIVISIONAL COURT: INJUNCTIONS:
REMEDIES IN EQUITY.

COURT GUIDE, 99

'COURT MISCELLANY OR GENTLEMAN AND LADY'S MAGAZINE,'
330

COURT OF JUSTICE,

right to publish proceedings in, 283—285
when publication of proceedings in, prohibited, 318

COURT OF SESSION,

principles on which determinations of, have proceeded, 50

CREDITORS, cannot seize author's MSS., 7, 176, and 176, note (b)

CRITERION OF PIRACY,

quantum little, 63, 210
that one work serves as substitute for the pirated work, 197,
198, 221, 222
similarity of errors, *a*, 206, 207, note (a)
appearance, 277, 278

CRITICISM,

on the rule as to abridgments, 62, 63
extracts for, when amount to piracy, 211, 214

CROKER'S NOTES TO BOSWELL'S 'LIFE OF JOHNSON,' 133

CROWN COPYRIGHT, Chapter IX.

nature of, 308
in Bible and Prayer Book, 308, 310
view taken in Ireland of, 311, 312
England of, 312.
no, in Hebrew Bible, 308
nor Septuagint, 308
nor Greek Testament, 308
in State documents, 314
in Acts of Parliament, 314
in law book that concerns the common law, 315
in abridgments of Acts of Parliament, 317
imprimatur usually affixed to law reports, 317
as to publication of proceedings in Courts of Justice, 317
Year Books, 318
trial of Lord Melville, 318
when publication during trial prohibited, 318
publication of *ex parte* statements upon a coroner's inquest,
319

CROWN COPYRIGHT—*continued.*

- no claim to exclusive publication of judicial proceedings in recent years, 320
- no claim to copyright in opinions of Judges, 320
- effect of notes to statutes, 320
- almana 's, 320
 - reason for claim, 320
- the Latin Grammar, 308

CUMULATIVE PENALTIES : *see* PENALTIES.

CURIOSITIES,

- account of natural, copyright in, 41

CUSTOMS,

- of the trade cannot override the law, 85, 217, 222
- no excuse for piracy, 218, 220, 285, 286
 - of a particular establishment does not vest copyright, 363
- by the law of the, importation of pirated books prohibited, 248, 250
- form of registration, 254

CUTS : *see* ENGRAVINGS.CYCLOPÆDIAS : *see* ENCYCLOPÆDIAS.

DAILY ADVERTISER (THE), 939, note (a)

DAILY LONDON JOURNAL (THE), 72, 940

"DAILY RECORDER," 564

"DAILY RECORDER OF COMMERCE," 564

DAMAGES, ACTIONS FOR,

- for violation of common law rights, 8
 - gratuitious circulation, 243
- pirated copies sold, 254
- in respect of irreligious work, 90
- under the 3 & 4 Will. 4, c. 15...391, 392
 - 17 Geo. 3, c. 57...426
 - 54 Geo. 3, c. 56, s. 3...436
- Patents, &c., Act, 1883...535
- brought under statute of Anne without registration, 162
 - but not under 5 & 6 Vict. c. 45...162, 163
- against unlawful importing of books, 248, 250, 253
 - printing, selling, or letting on hire, 252, 253
 - as to separate penalties for such offence, 253, note (a)
- at common law when not provided by statute, 247, 248
- to author's reputation, by alterations, 947, *et seq.*
- See* LIMITATION OF TIME ; REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

'DANGEROUS CONNECTIONS,' 159

DATE OF PUBLICATION : *see* PUBLICATION, REGISTRATION.

DEATH OF CHATTERTON 'picture,' 35

DECISIONS : *see* JUDGMENTS.

DEEDS OF ARRANGEMENT : *see* BILLS OF SALE.

DESCRIPTIVE WORK,
copyright in, 99

DECREES OF STAR CHAMBERS, 20

DEFENDANT

- in action to give notice of objection to plaintiff's title, 255
 - what sufficient notice, 256
 - amending notice, 257
 - may plead general issue and give special matter in evidence, 258, 259
- practice in County Court, 257
- all actions against, to be brought within twelve months : *see* LIMITATION OF TIME.
- position of, when notices of objections to title not given, 258
- when to keep account, 286
- effect of offering to compromise, 262

DEFINITION : *see also* CONSTRUCTION.

- of "Copyright," 1, and note (a), 244, 379
- of "originality," 204
- of property, 5
- of "book," 116, 327, 328
- of "edition," 165
- of "newspaper," 546
- of "proprietor," 546
- of "literary and artistic works," 581
- of "author," 328, 582
- of a headnote, 64
- of an abridgment, 61, 228, 332, 333
- of "offence," 260, 283
- of an injunction, 264
- of "books and other writings," 327, 328
- of dramatic pieces, 348, 349
- of a dramatic composition, 348
- of a place of dramatic entertainment, 339, 340, and note (a), 341, 342
- of the representation of a dramatic composition, 347
- of "published" in 3 & 4 Will. 4, c. 15, and 5 & 6 Vict. c. 45... 376, 377, 378
- of "printed and published," 18
- of "persons aggrieved," 153, note (a)
- of "sheet of letter press," 116
- of "in pursuance of this Act," 259
- of "design," 485, 491

DEFINITION—*continued.*

of "British possession," 619, 620
 assignment as distinguished from a licence, 180, note (b)
 of translations, 582, 588
See CONSTRUCTION.

DELAY: *see also* ACQUIESCENCE.

where there has been, application for security of costs will not
 be entertained, 262, 263
 what is not, 282

DELIVERY

of pirated copies up to authors, 254, 300
 no right at Common Law, 255
 of designs and drawings, 255
 where part only pirated, 300
 form of order for, of woven fabrics, 764
 of copies to the public libraries, 27, 120, 170—173, 259
 under International Copyright Acts, 569
 of lectures: *see* LECTURES.

DENMARK,

Literary Copyright, 734
 what protected, 734
 duration, 734
 works out of print, 735
 anonymous works, 735
 registration, 735
 remedies, 735
 penalties, 735
Dramatic and Musical Works, 735
 right of representation, 735
Artistic Copyright, 736
 what protected, 736
 duration, 736

DEPOSIT OF COPIES AT PUBLIC LIBRARIES, 27, 120, 170—173,
 569

'DERMOT ASTORE,' 263, note (a)

DESCRIPTIVE CATALOGUES,

copyright in, 99 *et seq.*

DESIGNS,

copyright in—Chapter XV.
 protection afforded by the French, 483
 first Act giving, 483
 other Acts, 484 *et seq.*
 division of the right of, under former Acts, 484, 485
 designs for ornamental purposes, 484
 designs for articles of utility, 485
 distinction now abolished, 485
 regulated by Patents, Designs and Trade Marks Act,
 1883...485

DESIGNS—*continued.*

definition of, 485, 491

does not apply to sculpture, 486

what protected, 486

shape and configuration merely, 486

no protection afforded to mechanical contrivance, 486

may be subject of copyright though depict articles incomplete, 486

as to what was considered a proper subject for registration under the Old Designs Act, 486

“oblong pane of glass,” 486

“protector label,” 487

“table lamp,” 488

protection afforded to a combination, 487

a newly invented trick not protected, 487, 488

subject of registration must be a, not an article of manufacture, 488

a picture basket, a process of manufacture and not a, 488

a, must be something appealing to the eye, 488

a kitchen range fire door, 489, 491, 514, 515

classification of articles of manufacture and substances, 491

must be new and original, 492, 500, 501, 502

must not have been previously published in the United Kingdom, 503

new treatment of old patterns may be an original, 492

the Honeycomb Pattern registered, 492

for body of a four-wheel dog-cart rejected, 493, note (a)

slight alteration of combination not affecting general appearance an infringement, 493

must be one, and not a multiplicity of designs, 493

of a shawl, 494

of a red-coloured border on a body of chamois-leather cloth, 495

invention of design not material if previously published, 496

copy of photograph of well-known public character not a new design, 496

decision not followed in *Saunders v. Wiel*, 497

card basket formed by combination not protected, 497

rule as to what is a proper subject for registration, 497

scarf or tie not materially differing from previous, not protected, 498, 499

registered in one class cannot afterwards be registered in others as new, 499

registered in one class for particular purpose and used in another for a different purpose, 500

for a shade for a fairy lamp, 501

publication of, by disclosure to confidential agent, 503

persons entitled to register, 503

where work executed for another, 503

body corporate may register, 504

who the proprietor under 61st section of Act of 1883...504, 505

DESIGNS—*continued.*

- register book of, 505
 - what to be entered therein, 505
 - to be *primâ facie* evidence, 505
 - notice of trusts not to be entered, 505
 - but this refers to simple trusts only, 505
- comptroller may refuse to register, in what cases, 505
- register to be open to inspection, 505, 521, 522
- certified copies of register to be given, 505, 510
- rectification of register, 506
 - who may apply for, 506
 - costs of, 506
 - notice of, to be given to comptroller, 506
 - right of party to be heard before comptroller, 511
- penalty for making false entry in register, 506
 - tendering in evidence false entry, 506
- notices under Patents, Designs and Trade Marks Act, 1883,
 - how may be given, 507
- registration of, 507
- form of application to register, 507
 - fees to be paid, 507, 508
 - what to accompany, 510
- statement of nature of design to be made on registration of, 508
- when registration in more than one class extra fees to be paid, 508
- when advisable to register in more than one class, 508
- correction of clerical errors in register, 510
- form of certificate of registration of, 511
 - copies may be given, in what cases, 512
- form of appeal to Board of Trade, 512
 - what to accompany appeal, 512
- letter from comptroller giving result of search not evidence, 512
- registration by pattern not permitted by Designs Act, 1842... 512
 - permitted by 21 & 22 Vict. c. 70... 513
- specimens may be furnished instead of copy by P. D. & T. M. Act, 1883... 513
- when advisable to register by specimen, 513
 - when not, 513
- when sample registered design not infringed by article produced on same principle if different in style, 514
- doubtful whether registration by specimen alone can now be made, 514
- difference between registration of patents and designs, 515
- applicant for registration must state whether design is applicable for pattern, shape, or configuration, 517
- registration mark, 517
 - classes 1 to 12 "Rd." 518
 - classes 13 or 14 "Regd." 518
- provisions as to registration mark construed strictly, 518
- sale of single article without registration mark, 518

DESIGNS—*continued.*

- held that bill not alleging requirements of Act complied with not open to demurrer, 519
- each piece sold must be marked, 519
- where trimming sold in pieces how to be marked, 520, and 520, note (b)
- butter dish and cover held sufficiently marked by marking the dish, 520
- registration mark becoming illegible during process of manufacture, 520
- sale of article abroad without registration mark, 520
- saving provision of 51st section of P. D. & T. M. Act, 1883... 521
- book containing copies of registered designs need not be marked, 521
- transfer of copyright in, 523
 - must be in writing, 523
 - request for registration of, 523
 - how and by whom to be made, 523
 - to be accompanied by statutory declaration, 524
 - form of, 524
- licence to use, must be in writing, 525
- no time should be allowed to elapse between transfer and registration, 525
- remedy for infringement of copyright in, 525
 - under old Acts, what necessary to prove, 526
 - notice to be given by proprietor of copyright, 526
 - what insufficient, 526
 - under present Act no notice need be given, 527, 529
- meaning of "fraudulent and obvious imitation," 527
- meaning of "obvious," 528
- Mr. Justice Manisty's definition of "fraudulent imitation," 529
- example of obvious imitation, 529
- retailer only of pirated article entitled to notice before action, 530
- penalty for wrongfully describing article as registered, 530
- proceedings in the Isle of Man, 530
- jurisdiction of the County Palatine of Lancaster, 531
- manufacture and sale in foreign country no offence, 531
- action for damages under Act of 1883...531
- right to sue only in registered proprietor, 531
- burden of proof in action, 532
- considerations as to the remedy to select, 532
- no provisions for delivery up of pirated designs, 533
 - but order made in *M'Crea v. Holdsworth*, 533
- proceedings in the Chancery Division, 533
 - what statement of claim should contain, 533
 - comparison of articles in court, 533, 534
 - as to costs, 534
- terms on which particulars of objection may be amended, 534
- in actions under 58th section of Act of 1883 interrogatories cannot be administered, 534

DESIGNS—continued.

- costs where defendant succeeds generally, 534
 - but where he raises a distinct issue and fails he ought not to have costs, 534
- costs where plaintiff puts in unnecessary evidence, 535
- damages, 535
- provisional registration of designs under 13 & 14 Vict. c. 104... 535
- provisional protection now abolished, 536
 - exceptions, 536
- exhibition of designs provisionally registered not to prevent future registration, 535
- protection to those exhibiting in Exhibition of 1851...536
- rights of proprietors of foreign and colonial designs, 537—539
- considered as different from the substance to which they are applied, 484—486
- what is a publication of, 484, note (a)
- from what period copyright begins, 484, note (a)
- duration of the right, 485, 522
- the Commissioners of Patents empowered to extend time, 485
- orders of Commissioners to be registered, 485
- book of, for trade circulation, 97, note (a)

DESPATCHES,

- publication of, 54
- Duke of Wellington's, 55

DETINUE (ACTION OF): *see* ACTION.

DIAGRAM, copyright in a, 105

DICKS' ENGLISH NOVELS, 73

DICTIONARIES,

- certain amount of liberty allowed in, 197, 204
- instances of piracy of, 205
- the case of, analyzed, 204

DIFFERENCE between assignment and licence, 180, note (b)

- commercial letters and literary compositions, 46, 47
- a copy and an imitation, 222
- various kinds of abridgments, 227
- pianoforte score and original score, 386, 387
- author and proprietor, 415

ornamental and useful designs abolished, 485

registration under Copyright and Newspaper Acts, 552

DIGBY'S BROADSTONE OF HONOUR, 115, note (a)

DIGEST: *see also* ABRIDGMENTS.

- copyright in a, 64
- infringement of copyright by way of, 234
- a head-note considered as a, 64, 65, 234, 235
- Comyn's, 65, note (a), 232

DILIGENCE TO BE OBSERVED IN SEEKING INJUNCTION, 280

DIRECTORIES,
copyright in, 99, 290
instances of piracies of, 200
post-office, title, 77

DISCOVERY,
right of plaintiff in equity to, 255, 302
how limited, 303

DISCRETIONARY POWER,
in comptroller to register under Patents, &c., Act, 1883...506
in judge, as to costs, 306

DISSOLUTION
of partnership between publishers, 78, note (d)
of injunctions : see INJUNCTIONS.

DISTINCT PROPERTIES NOT ADJUSTED IMMEDIATELY, 3

DISTINGUISHABLE PROPERTY, COPYRIGHT, a, 5

DISTRIBUTION,
gratuitous, when a publication, 117
when, an infringement of copyright, 243

DIVISIBILITY OF COPYRIGHT,
as to locality, 186
as to time, 188

DIVISION,
of piracies into classes, 209
no, of copyright, as to locality, 186, 187
but as to time, 188
agreements for, of profits, 957, 961
not assignable, 957, 958
terminable by notice, 961, 962
forms of agreements for, of profits,

DIVISIONAL COURT,
no appeal from order of, expunging entry, 154, 457
order of vacation Judge equivalent to order of, 154

DOCUMENTS (STATE) : see CROWN COPYRIGHT.

'DOG-CART' (Body of four-wheel),
not a proper subject of registration under Designs Act, 493,
note (a)

'DOING FOR THE BEST,' 185

DONALDSON v. BECKET, CASE OF, 29, 30

DOUBLE COSTS : see COSTS.

DRAMATIC AUTHORS' SOCIETY,
an agent for its members, 338

DRAMATIC COMPOSITION,

- copyright in, 327
- what is a, 348, 349
- musical compositions for the stage are, 328
- work not intended for stage may be a, 348
- song "Come to Peckham Rye" a, 336, 350
- a spectacular piece a, 350
- representation of, not equivalent to publication of, 329
 - American case, 330, 331
 - made equivalent to publication, 335
 - may be stayed by injunction, 329, note (c)
 - what amounts to, 347
- the 3 & 4 Will. 4, c. 15, relating to, 334
- term of copyright in, 334, 335, 337
 - from first public representation, 337
- abridgment of, 34, 333
- a pantomime prohibited, 334, note (b)
- how the common law right of representation of MS. lost, 335
- statutory protection attaches on public representation, 335
- query whether MS. being registered and piece after printed
 - and not registered, copyright affected, 335, 336
- where the copyright in unpublished, dates from, 337
 - as to consent of author of, 338
 - as to consent of Dramatic Authors' Society, 338
 - may apply to works not in existence, 338
 - authors where more than one, 339
- may be taken from novel without infringement, 378
 - otherwise in France, 378, note (c)
 - but drama may not be printed, 379
- published before novel saves right of dramatization of novel, 382
- but not if published after, 383
- altered, though improved by another does not constitute joint authorship, 138, 139
- what constitutes joint authorship in a, 137—140, 362
- no assignment necessary where, executed for another, 360, 361
- performance at a place of dramatic entertainment, 339
- what is a place of dramatic entertainment, 340, and note (a)
- copyright may be secured in the adaptation of old play, 351
- translation of foreign drama, 351, 353
- immoral play not protected, 355
- right of Lord Chamberlain to prohibit plays, 355, note (a): see THEATRES.
- the right of representation in MS. plays, 363
 - how affected by subsequent representation, 364
 - previous publication in print in foreign country, 364
 - from what time to commence, 364, 365
 - lost by first publication in foreign country, 365, 373, 374, 375
- in MS., what sufficient to register, 335, 336

DRAMATIC COMPOSITION—*continued.*

- distinction between the right of printed publication and public performance, 366
- private performance of, 341, 342, 366, 367
- publication of as book before representation, effect of, 329
 - what is, 341, 342, 367
- suggestions of the Copyright Commissioners as to, 366
- omission to register does not affect copyright, 337
- as to suing in respect of infringement of, before registration, 162, 163
- double costs given by 3 & 4 Will. 4, c. 15, taken away, 334
- assignment of the right of representation of, 188, 189, 356, 358, note (*f*)
 - need not be registered, 358
 - must be in writing, 358
- assignee may sue though assignment be not by deed, 356
- the 22nd section of the 5 & 6 Vict. c. 45, does not apply to assignment of representation, 357, 358
- what words amount to a complete assignment of, 358, note (*f*)
- meaning of assignment of 'London right' in, 397
- what amounts to a piracy of a, 368
 - the taking of parts of a, 368
 - substantial identity, 368, 369
 - the taking of a material scene, 355, 368—373
- no plagiarism in dramatizing the same incidents, 333
- injunction restraining the water-cave scene in 'The Colleen Bawn,' 333
- form of injunction restraining sale of operatic magazine, clxxxii
- words of song taken, 347, 348
- playing music in public though other words used, 348
- principal decisions on questions of piracy under Act of Will. 4... 351
- cases of *Planché v. Braham*, and *Chatterton v. Cave*, 352
- two dramas taken from common original one not piracy of other, 390
- the 5 & 6 Vict. c. 45, does not deprive proprietors of remedies under Act of Will. 4...339, 340
- punishment for infringement of, not to be visited on one not actually taking part in the performance, 344
- case of *Lyon v. Knowles*, 344
 - Marsh v. Conquest*, 346
- remedies for infringement of copyright in: see REMEDIES FOR INFRINGEMENT.
- under the International Copyright Acts, 568, 569: see also INTERNATIONAL COPYRIGHT.
 - registration when in print, 569
 - deposit of copies when necessary, 569
 - fair imitations or adaptations not prohibited, 577, 578
 - Frou-frou*, 583, 584
 - what is a translation, 588

DRAMATIC ENTERTAINMENT: see also REPRESENTATION.

- what is a, 340
 - place of, 339, 340, and note (*a*), 341, *et seq.*
- who those who cause, 344
- introduction to a pantomime a, 334, note (*b*)

DRAMATIZATION,

- novel may be dramatized, 242, 378
 - but copies may not be multiplied, 381, 382
 - except where play on same previously published, 242, 382
- cannot be saved by author publishing play after novel, 383
- suggestions of Copyright Commissioners as to, of novels, 384, note (b)

DRAWINGS: *see also* PAINTINGS.

- in furniture guides, 101—105
- to accompany application to register design, 510
- Comptroller may dispense with, on registration of designs, 510

“DUENNA,” by Sheridan, 330, note (b)

DUMMY TITLE: *see* TITLE.DURATION OF COPYRIGHT: *see* TERM OF COPYRIGHT.

DUTY

- of sovereign to superintend publication of statutes, 311, 314, 315
- works on doctrines of religion, 310, 311
- of Comptroller as to designs, 511

EARTHENWARE,

- copyright in designs applied to, 492

EAST INDIAN COLONIES OF THE NETHERLANDS,

- Order in Council as to designs, 538

ECUADOR,

- law relating to copyright of 3rd Aug., 1887...862
- literary and artistic copyright, 862
- definition of author of literary work, 862
 - artistic copyright, 863
- duration of copyright, 864
 - periodical works, 865
- abridgments and extracts, 865
- translations, 865
- assignment, 866
- official documents, 866
- legal documents, 866
- anonymous works, 866
- posthumous works, 866
- letters, 867
- works on speeches of officials, 867
- works executed for pay, 867
- magazines, 867
- portraits and busts, 868
- dramatic works, 868
- duration of copyright in dramatic works, 868
- transfer of literary and artistic works, 869

ECUADOR—*continued*.

- registration as to literary and artistic property, 869, 870
- penalties for infringement, 871
- what to be regarded as fraudulent acts, 871
- by whom legal proceedings may be instituted, 872
- penalties for aggravating circumstances, 872
- citizens of, publishing work outside territory, 873

EDITION,

- what is an, 108, 111, 165
- rights of the purchaser of an, 968
- copyright may be obtained for any number of, 111
- new, subject of copyright, 108, 109, 111, 165
 - may be treated as a piracy though old edition was not, 283, 284
 - of any work in which copyright does not exist may be brought out and valid copyright obtained, 111
 - to be registered, and if not, how far protected, 164
 - deposited under International Copyright Acts if containing additions, 569

EDITORS,

- right of, to publish articles, 52, 53, 78, 79
- communications sent to, may be published, 53
 - but not if withdrawn before publication, 53
 - need not be preserved, 53
- how far may be altered, 947, 948
- when copyright vested in, 78, 79
- when employed by publishers, not entitled to copyright, 79, note (b), 955, note (c)
- name of, on title-page not part of title, 943, note (c)
- agreement between, and publishers not to alter title, 943, note (c)
- how far proprietors of periodicals, may interfere with, 955

'EDINBURGH PHILOSOPHICAL JOURNAL,' 939

EFFECT

- of a perpetuity in copyright, 112, 113
- of evidence of offer to compromise, 262
- of failure to give notice of objection to plaintiff's title, 258
- of public performance of MS. piece, 335
- of omission to register dramatic piece, 336
- of publication : *see* PUBLICATION.
- of registration : *see* REGISTRATION.

EGYPT,

- no copyright law in, 821

ELDON'S (LORD) OPINION OF *Perceval v. Phipps*, 49ELECTRIC TELEGRAPHY : *see* TELEGRAPHY.

EMPLOYER,

- who is legally an, 134
- copyright of work written for another in, 134

ENCYCLOPÆDIAS: *see also* PERIODICAL PUBLICATIONS.

- copyright in, 78
- reservation by author of articles in, 78
- article in, on Thomas Aquinas, 80
 - right of separate publication of, 80
 - may be acquired by contract, 82
- suggestion of the Copyright Commissioners as to copyright in, 82, 83
- registration of title of, 131
- may not outstrip the limits of fair quotation, 197

ENGLAND,

- international copyright treaty between, and other countries, 578

ENGLISHMAN,

- though resident abroad may have copyright here, 121, 122
- rights of, in foreign countries, 580

'ENGLISH SOCIETY,' 941

ENGRAVINGS,

- by the Queen and Prince Albert, 11
- in catalogue protected as a book, 104
- must bear name and date, 405
- advisable to retain name of first proprietor in print, 428
- when published with letter-press, 406
- copyright in, 398
 - nature and origin of the right of, 398
 - first Act conferring, 8 Geo. 2, c. 13...400
 - only protected engraver being the designer, 401
 - second Act, 7 Geo. 3, c. 38...401
 - third Act, 17 Geo. 3, c. 57...402
 - Acts extended to Ireland, 417
- Acts to be construed strictly, 404
 - include lithographs, 418
- no monopoly in the subject, 416
- from objects in nature, 417
- two engravings made from perusal of same text, 416, 417
- Acts extend to maps, 166—169
- similarity of, from same map, 226
- maps protected under Engraving Acts, 407—414
 - not necessary to register, 408—414
- a print of any building, house, or garden protected by Engravings Acts, 401
- copyright obtained by person unable to draw, 403
- meaning of the term "design," 403
- terms of the American Act, 403, note (c)
- Christmas cards protected under Engravings Acts, 414
- an engraver always a copyist, 416, 417
- means by which effect produced, 417
- statutes do not apply to sale of prints made originally with consent, 424
- in what class of, no copyright, 425

ENGRAVINGS—*continued*.

- no copyright in obscene or immoral, 425
 - libellous, 425
- infringement of copyright in, 415
- may be infringed by photography, 418
- infringement effected by copies made by mechanical or chemical process, 419
- not infringed by designs transferred to an article of manufacture, 419
- case of *Dicks v. Brooks*, 420—423
- exhibition of picture not an infringement, 424
- ignorance of copyright in, no excuse for piracy, 415
- penalty for piracy of, 425
 - special action on the case, 426
- assignee may maintain action for piracy, 425
- not in Scotland necessary to allege where piracy committed, 425
- limitation of time as to actions, 426, 471, note (a)
- summary proceedings for the recovery of penalties, 426
 - in England and Ireland, 426
 - in Scotland, 427
- order for inspection of accounts, 427
- evidence on behalf of plaintiff, 428
- international copyright in, 567
- may be protected by international treaty, 567
 - registration of order, 568, 569
- form of injunction as to collection of etchings, clxxxiii
 - etchings improperly obtained and published, clxxxiii
 - illustrated book, clxxxiii
- form of agreement between a publisher and engraver for engraving a painting, clxxv

ENTERTAINMENTS,

- place of dramatic, 339, 340, and note (a)
- who those who cause dramatic, 344

ENTRY IN REGISTRY: *see also* REGISTRATION.

- forms of, cxliii *et seq.*
- of book necessary to support action, 145, 162, 163
- full name of firm must be set out, 146
- of first publication under name of firm, 148
 - date of publication, 149
- as to the place of residence, 150
 - abode of the assignees, 150, 151
- of title of work not yet published, 154
- stamp on copies of, 145, note (a)
- assignment of copyright, 183: *see* ASSIGNMENT OF COPYRIGHT.
- application by assignor, 183, 184
- expunging or varying, 152, 571
 - on what evidence, 152
 - under Designs Act, 506
 - under 25 & 26 Vict. c. 68...456

ENTRY IN REGISTRY—*continued.*

making false, 152, 506

not of trusts, 505

exceptions, 505

EPHEMERAL PUBLICATIONS: *see* TEMPORARY.EPITOME: *see* ABRIDGMENT.

EQUITABLE COPYRIGHT.

remedy: *see* INJUNCTION.EQUITY, COURT OF: *see also* REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

principles on which injunctions granted, 15, 29, 265

interfere to prevent publication of private letters, 47, 48, 49

'ERA,' 74

ERRORS,

similarity of, test of piracy, 206, 207, note (a)

in register of designs may be corrected by comptroller, 510

ESSAYS: *see* ARTICLES.ETCHINGS: *see* ENGRAVINGS; PRINCE ALBERT'S CASE.

ETON,

copyright in perpetuity, 324

'EUNUCHUS,' sale of, by Terence, 2

'EVE OF THE BATTLE OF EDGEHILL,' by Landseer, 470

'EVENING MAIL,' 548

'EVENING POST,' 564

'EVERY WEEK,' 551

EVIDENCE,

what defendant may give under general issue, 258, 259

necessary for obtaining an injunction, 266

for plaintiff in engraving suits, 428

before expunging entry or varying register, 152

letters used in, not deemed published, 116, note (d)

of copying by similarity of errors, 206, 207, note (a)

effect of offer to compromise, 262

of witnesses taken by examiners, 301, 302

as to damages under 3 & 4 Will. 4. c. 15... 392

registration, *prima facie*, of title, 261, 444, note (b)

under International Copyright Act, 623

of what took place on sale of a painting ignored, 444, note (b)

EVIDENCE—*continued*.

- “primary and secondary,” 467
- of payment for articles by proprietor of periodical, 261
- burden of proof, 532
- costs where plaintiff puts in unnecessary, 535
- of foreign copyright, 597, 598
- certificates of registration under Patents, &c., Act what, 506, 511

EXAMINER, attendance of witnesses before, 301, 302

EXCUSE FOR DELAY: *see* ACQUIESCENCE; DELAY.
piracy: *see* CUSTOM.

EXECUTION,
copyright not subject to seizure on, 176

EXECUTORS,
right to publish, 175, note (c)
to receive payment of price of portion of work, although
author die before completion, 175, note (c)
of author discharged from obligation of author to write, 938

EXHIBITION
of 1851, articles exhibited at, 536
of pictures not infringement of copyright, 424
a publication, 459
of designs provisionally registered, 536
designs at industrial or international, 536

EXISTENCE OF WORK NECESSARY FOR COPYRIGHT, 6, 7, 38, 68

EXPORTATION,
printer liable to action for printing copyright work for, 252,
note (a)

EXPUNGING ENTRY
in registry book, 152, 571
on what evidence, 152
under 25 & 26 Vict. c. 68...456
under Patents, &c., Act, 1883...506

EXTENSION OF COPYRIGHT.
when, under the 5 & 6 Vict. c. 45, s. 4...127
see TERM OF COPYRIGHT.

EXTRACTS
from different authors, a digest, 64
from poetical works, 211
from Thackeray's works, 213
from another work simply arranged alphabetically, piratical,
235
omitting unimportant points not an abridgment, 61, 228
amount taken no criterion of piracy, 63, 210
value of, 209—211

EXTRACTS—*continued.*

of caricatures from 'Punch,' 212, and 213, note
for criticism, to what extent protected, 214
under International Copyright Acts, 589

FACE OF A BAROMETER NOT ENTITLED TO COPYRIGHT, 106

FACULTIES OF ADVOCATES AT EDINBURGH,
delivery of copies of books to, 170, 172

FALSE ENTRY IN REGISTRY OF DESIGNS, 506

FARCE: *see* DRAMATIC COMPOSITION.

FEES FOR REGISTRATION

under the Literary Copyright Act, 145
Patents, Designs, &c., Act, 507, 508

'FESTIVALS AND FASTS,' Nelson's, pirated, 28

FIGURES: *see* ARITHMETIC.

FINE ARTS,

encouraged by the Stuarts, 399
their gradual development, 439, 440
Copyright Act, 441
registration under the, 447
see also WORKS OF ART.

FIRE-DOOR KITCHEN RANGE INFRINGED, 489, 514, 515, 516, 517,
529

FIRM.

full name of, must be set out in entry at Stationers' Hall, 146
sufficient to enter first publication under name of, 148
name of first, publishing must be given, 147

FIRST

recognition of copyright, 19
Act for protection of literary copyright, 26
engravings, 400
sculptures, 431
paintings, 441
designs, 483
publication of play abroad deprives it of protection here, 364,
365, 373
see PUBLICATION.

FLOOR-CLOTHS,

copyright in designs applied to, 492

FOREIGN BOOKS: *see* TRANSLATIONS.

FOREIGN REPRINTS.

prohibited to be imported, 248—250, 609
 countries which have availed themselves of the, Act, 610, 611
 suggestions of the Copyright Commissioners on the, Act, 612
 Act: see 10 & 11 Vict. c. 95...Appendix A.

FOREIGNER,

what necessary for, to obtain copyright here, 122—130, 162,
 589, 595
 may prevent translations, 86
 assignment by, 124, note (a), 125, 189
 rights of, in British Dominions, 589
 claiming copyright in engravings must take what steps, 603
 in dramatic or musical compositions, 569
 sculpture, 569

FORFEITURE OF COPIES,

under the 5 & 6 Vict. c. 45...253—255
 under the Customs Consolidated Act, 248—250
 under the 25 & 26 Vict. c. 68...465
 suggestions of Copyright Commissioners, 465
 imported under the 25 & 26 Vict. c. 68...473
 no provisions for, of pirated articles under Designs Act, 533
 but order made on one occasion, 533
 provisions of 5 & 6 Vict. c. 45, as to, extended to works pro-
 hibited to be imported under International Copyright Acts,
 589

FORMS,

requiring entry of proprietorship of book, cxliii
 dramatic piece or musical composition, cxlvi
 of concurrence of the party assigning in any book, previously
 registered, cxlv
 of concurrence of the party assigning in any musical composi-
 tion, cxlviii
 of entry of assignment of copyright in book previously regis-
 tered, cxlv
 Works of Art Act, 1862, cxlix
 of application to register designs, 507
 of certificate of design, 511
 of appeal to Board of Trade on refusal of Comptroller to
 register a design, 512
 of request to transfer a design, 524
 copyright in substance not in, 238
 of agreements between authors and publishers, clxix
 of agreement for sale of copyright in a work, clxix
 half-profit agreement between author and publisher, clxix
 of licence to print one edition of a work, clxxi
 of limited assignment by an author of a new edition of his
 work, clxxi
 of agreement to enlarge a second edition of a book and correct
 proofs of same, clxxii
 of agreement between an author and publisher for sale of a
 work where a sum is paid for the copyright, with variations
 where profits divided, clxxii

FORMS—continued.

of agreement between an author and publisher for sale of a work by commission, clxxiii

of agreement for editing of a work between the publisher and editor, clxxiv

variations where for translating work, clxxiv

between a publisher and engraver for the engraving of a painting, clxxv

of agreement to write an opera, clxxvi

Under 25 & 26 Vict. c. 68,

for entire reservation of copyright by author when his work has been commissioned, clxxviii

for entire reservation of copyright by author when he first sells his non-commissioned work, clxxviii

for partial reservation of copyright by author where his work has been commissioned, clxxix

for partial reservation of copyright by author when he first sells his non-commissioned work, clxxix

of licence by proprietor of copyright, clxxix

Designs,

of application to register, 507

of certificate of registration, 511

of appeal to the Board of Trade, 512

of request to enter name of subsequent proprietor, 524

Of Injunctions :

Literary Copyright,

restraining publication of poems, clxxx

topographical dictionary, clxxx

order restraining publication of books, awarding damages and directing an account, clxxx

use of name—injury to employer's property, clxxxi

publication of a magazine as a continuation of plaintiff's magazine, clxxxi

publication of a magazine in breach of contract, clxxxi

name and title-page of song, clxxxi

Titles,

name of newspaper, clxxxii

soliciting customers, clxxxii

injury to periodical, clxxxii

Dramatic and Musical Copyright,

as to an operative magazine, clxxxii

Engravings and Etchings,

collection of etchings, clxxxiii

etchings improperly obtained and published; catalogues improperly published, decree, delivery up, clxxxiii

illustrated book, clxxxiii

Designs,

as to catalogue of, clxxxiv

as to woven fabrics and delivery up of articles, clxxxiv

Miscellaneous,

staying publishing of newspaper, clxxxiv

as to partial infringement, clxxxiv

as to selection from poems, clxxxv

as to handbook, clxxxv

FORMS—*continued.**Of Injunctions—continued.**Miscellaneous—continued.*

as to directories, clxxxv

as to portion of a work, clxxxv

as to piracy of book and order as to damages, clxxxv

as to directory, not to extend to advertisements, clxxxv

as to printing a dramatised novel, clxxxv

piracy of maps and inquiry as to damages, clxxxv

under Designs Act as to mantilla shawls, clxxxv

of judgments making injunction perpetual as to
copyright, clxxxv

under Customs Act, 254, note (a)

'FRA DIAVOLO,' 153, 272

FRANCE,

protection afforded to designs in, 483

order in council as to designs, 538

copyright in, 627

term of, 628, 629, 634, 635, 637, 641

reciprocity decree, 28th March, 1852...634

international copyright treaty with, 578

law as to compilations in, 41, note (b)

lectures, 59

dramatization of novels, 378, note (c)

treaties between, and other countries, 639, 640

Literary Copyright, 640

decree of 19th July, 1793...629

posthumous works, 631

procedure and remedies, 633

law of 8th June, 1806...632

20th Feb., 1809...632, 633

5th Feb., 1810...632

29th July, 1881, liberty of press. 636

deposit of literary works, 638

law of 29th Oct., 1887, as to colonies, 638

law as to charitable representations, 639

and Algeria and her colonies, 639

newspapers, 641

manuscripts and translations, 641

posthumous works, 641

penal code on piracy, 633

law of 8th April, 1854...635

law of 14th July, 1866...637

what protected, 638

duration of copyright, 641

rights of author's widow, 641

rights of widower of an authoress, 641

state copyright, 642

registration and deposit, 642

assignment of copyright, 642

piracy, 643

whether whole or partial forbidden, 643, 644

unauthorized translations, 644

points of note which have been decided. 644, 645

FRANCE—*continued.**Dramatic Copyright*, 645

decree of 13th Jan., 1791...628

decree of 19th July, 1791...628, 629

law of 3rd August, 1844...634

6th Jan., 1864, as to theatres, 635, 639

registration and deposit, 645

of representation, 646

not lost by publication, 646

rights of foreign dramatic authors, 651

piracy of unpublished play, 648

combined effect of laws of 1791 and 1793...648

penalties, 648

Musical Works, 647

piracy, 647

adaptation, 647

Artistic Copyright, 648

duration, 649

what protected, 649

photographs, 649

right of engraving, 649

registration and deposit, 649

penalties of piracy, 649

reciprocity, 650

designs, 652

'FRASER'S MAGAZINE,' 942

FRAUD,

provisions for the repressing of, 468

no copyright in works intended to deceive, 96

Statute of, in relation to contracts between authors and publishers, 932, 933

FRAUDULENT

alterations of pictures, 468, 469

entry in register, 152

imitation under the Designs Act, 527, 528, 529, 534

intent not necessary to shew, 75

representation of work to be the production of another, 278

taking of part of a title, 74, 75

FRIENDLY LETTERS, 46

FRITH'S PICTURE, 'THE RAILWAY STATION,' 471

'FROU-FROU,'

imitated or adapted to the English stage, 584

"FULL AND REASONABLE INDEMNITY," what, 393

full costs, what, 394

FURNITURE GUIDE,

copyright in, 101 *et seq.*

'GADBURY'S ALMANAC,' 321

GAZETEERS : *see* DICTIONARIES.

‘ GENTLEMAN’S JOURNAL AND YOUTH’S MISCELLANY,’ 411

‘ GENTLEMAN’S MAGAZINE,’ 228, note (*b*)

GERMAN EMPIRE.

Literary Copyright, 680

acts regulating, 680

law of 11th June, 1870...680

what works protected, 680

duration of, 681

anonymous works, 682

posthumous works, 682

registration, 683

piracy by copies made by hand, 683

what are considered to be piracies, 683

piratical translations, 684

what not piracies, 684

piracy of music, 685

what not, 685

remedy of authors in case of infringement, 685

prescription, 685

confiscation of pirated works, 686

penalties for piracy, 686

sale of pirated copies, 687

nationality and reciprocity, 687

dramatic and musical representations, 687

duration of right of representation, 688

Artistic Copyright, 688

what is protected, 689

persons protected, 689

duration, 689

registration, 690

alienation, 690

piracy, 690

what acts piratical, 690

exceptions, 690

remedies and penalties, 691

nationality and reciprocity, 691

Copyright in Photographs, 691

what protected, 691

duration, 691

alienation, 692

piracy, 692

remedies, penalties, 692

nationality, 692

Copyright in Industrial Designs and Models, 692

what protected, 692

who protected, 692

duration, 693

registration, 693

infringement, 693

what is not piracy, 693

nationality and reciprocity, 693, 694

GERMAN EMPIRE—*continued.**Copyright in Industrial Designs and Models—continued.*

copyright convention with, 578

join the Berne Convention, 694

regulations made in consequence, 694 *et seq.*provision as to works published in other countries before
convention, 695

dramatic or musical works, 695

‘GIACONDA,’ opera, 822

GIFT OF MANUSCRIPT not a parting with copyright, 49

‘GIPPS’ LAND MERCURY,’ 107

‘GLASGOW HERALD,’ 553

GLASS,

copyright in designs as applied to, 492

‘GLORY,’ 384

GLOVED HAND ON CARD entitled to copyright, 106

‘GOING TO WORK,’ picture by Eddis, 448

‘GOLD,’ 382

‘GOOD-NIGHT! HEAVEN BLESS YOU!’ 279

‘GOOD WORDS,’ 383, 384, 447

GOODS AND CHATTELS,

copyright in newspaper included in that term in Bankruptcy
Act, 557

GOVERNMENT,

right of, to publish or withhold private letters, 54

as to copyright same as individuals, 133

may own copyright, 133

principle on which the right is founded, 54, 55

no claim to work by an officer independently of his official
duties, 134

GRAMMAR, LATIN,

right to print, 323

prerogative right to, claimed by Crown, 323

GRATUITOUS CIRCULATION a publication, when, *see* 97, note (a),
117, 118an infringement of copyright, 243, 244
view taken by Scotch courts, 244

GRAY’S POEMS, published with additions, 40

GREAT WESTERN RAILWAY INQUIRY (THE), 215

GREECE,
 copyright in, 797
 duration of, 798
 reciprocity, 798

GRENADA,
 adopts the provision of the 10 & 11 Vict. c. 95...610

GRIFFIN'S NOVEL OF 'THE COLLEGIANS,' 333

'GUARDIAN ANGEL,' (THE), clxxxv: *see Low v. Ward.*

GUATEMALA,
 order in council as to designs, 538
 one of the signatories to the treaty of the five States of Central America in 1887...873
 to what copyright extends, 873
 duration of literary copyright, 873
 rights of assignee, 874
 posthumous works, 874
 anonymous works, 874
 Journal of Institutions, 874
 collaborative works, 874
 periodicals, 875
 translations, 875
 abridgments, 876
 publisher has only rights under agreement, 876
 cessor of copyright, 876
 registration, 877
 deposit of four copies, 877
 penalties for infringement of copyright, 877
 injunction, 878

GUIDE,
 copyright in Brewer's, to science, 67
 illustrated furniture, 101

GUILTY KNOWLEDGE: *see* IGNORANCE.

HAITI,
 copyright in, 878
 definition of "literary and artistic works," 878
 deposit of five copies, 878, 879
 how to be made, 879
 posthumous works, 879
 duration of copyright, 879
 extended to widows and children and other heirs, 879
 piracy, 879
 penal code, 880

HAMBURG,
 copyright treaty with, 1853...578

HAND, GLOVED, WITH LETTERPRESS, entitled to copyright, 106

‘HANDBOOK FOR TRAVELLERS IN SWITZERLAND,’ 239, clxxxv

HANDKERCHIEFS,
copyright in designs as applied to, 492

HANOVER,
copyright treaty with, 1847...578

‘HAPPIEST DAY OF MY LIFE’ (THE), 181

‘HAPPY LAND’ (THE), 355, note (b)

HAWAII, OR SANDWICH ISLES,
law as to registration of copyright, 1888...907
what works protected, 908
certificate of registration and deposit of copy, 908
duration of copyright, 909
interpretation of “print,” “plate,” and “engraving,” 909
law to encourage science of 1864...909

HEAD-NOTE OF REPORT,
copyright in, 64
definition of, 65, 234
may be considered as a digest, 65, 234
Mr. Justice Crowder’s opinion of the, 65

HEARING,
before, not necessary to apply for interlocutory injunction,
291
as to bringing cause to, where interlocutory injunction has
been granted, 291
plaintiff entitled to bring the cause to, 304
where he does so in face of offer of defendant, 305, 306
as to dissolution of injunction on, 291, 292
injunction may be continued to, though equity of case fully
answered, 292

‘HECYRA,’
sale of, by Terence to Roscius, 2

‘HERO (A) AND MARTYR,’ 553

‘HERO AND LEANDER,’ 279

HISTORY OF LITERARY COPYRIGHT: *see* Chapter I.

HOGARTH REFERRED TO, 398, 401

‘HOLIDAY TIME,’ 448, 449

HOLLAND,
copyright in, 664
what works protected, 664

HOLLAND—continued.

- deposit of copies, 665
- new law, 28th June, 1881...665
- character and extent of copyright, 665
- anonymous works, 666
- public documents, 666
- translations, 666, 668
- quotations, 667
- speeches, 667
- assignment and transmission, 667
- registration, 667
- duration for published works, 668
 - unpublished works, 668
 - works published in parts, 668
- musical and dramatic copyright, 668
- protection of copyright, 668
- seizure of pirated copies, 669
- transitory provisions, 669
- extent of application of law, 670
- international treaties with, 671

HONDURAS,

- no special copyright laws, 881
- no treaties with other nations, 881
- one of signatories to the treaty between the five States of Central America, 881

HOPPS'S 'LIFE OF JESUS,' 94**HORACE**

- quoted, 193, 223
- examples of imitations from, 223

'HORSE FAIR,' Rosa Bonheur's picture, 416**HOSIERY,**

- copyright in designs as applied to, 492

'HOW I LOST THE COUNTY,' 217**'HOW TO DRESS ON £15 A YEAR,' 971****'HUGUENOT' (THE), picture by Millais, 420, 421****HUNGARY: *see also* AUSTRIA.**

- copyright in, 701
- no copyright law, up to 1884...701
- Law of 1884...702
- infringement, 703
- translations, 704, 707
- acts which are not infringement, 705
- duration of copyright, 705
- anonymous works, 706, 709
- posthumous works, 706, 709

HUNGARY—*continued*.

- academies, 706
- works in parts, 706
- punishment for infringement, 707
- forfeiture of instruments, &c., used in piracy, 708
- when offence of piracy committed, 708
- jurisdiction as to procedure, 709
- commission of experts, 710
- prescription, 710
- registration, 711
- musical works, 712
 - infringement of, 712
- representation or performance of theatrical works and operas, 713
- works of art, 715
 - infringement, 715
 - what not infringements, 715
- maps, technical drawings, &c., 716
- photographs, 717
 - duration of copyright in, 717
- general provisions of copyright laws, 718
- foreign authors, 718
- not joined Berne Convention, 719

HUNT'S (HOLMAN), 'LIGHT OF THE WORLD,' 418

HYMNS,

- copyright in collection of, 44

IDEAS,

- what, 1
- free, 6
- not capable of visible possession, 5
- no copyright in, 5, 38, 68, 107, 194
- when embodied in words, 6, 38
- imitation of, 223
- must be taken in abridging a work, 228

IDENTIFICATION,

- literary copyright capable of, 3, 5

IDENTITY,

- substantial test of piracy, 226
- see* ORIGINALITY; SIMILARITY.

IGNORANCE,

- of committing piracy no excuse, 70, 254, 343, 415
- of wrong in selling altered copies of works of art may be pleaded, 470, note (a)

'I'LL CAST MY ROSE ON THE WATERS,' 98

ILLUSTRATED BOOK,

- form of injunction restraining publication and sale of, clxxxiii

'ILLUSTRATED FURNITURE GUIDE,' 101—104

ILLUSTRATIONS: *see* ENGRAVINGS, PRINTS AND PHOTOGRAPHS.

IMITATION: *see also* INFRINGEMENT OF COPYRIGHT.

examples of, 223

infringement of copyright by, 222 *et seq.*

not every, a proof of plagiarism, 227

fraudulent, under Designs Act, 527, 528, 529, 534

not within the old International Copyright Act, 584

what is a fair, 223

of Homer by Virgil, and Horace, 223

of wrapper, 75

of foreign works, 584, 587

distinction between a copy and an, 222

IMMORAL WORKS,

no copyright in 87. 355, 425

contracts concerning not enforceable, 95, 96, 934, note (c)

IMMORTALITY OF THE SOUL,

work denying, not protected, 91

IMPORTATION,

of pirated works prohibited, 27, 120, 248—250

action for damages against, given by 5 & 6 Vict. c. 45...252

as to separate penalties, 253, note (a)

ignorance no defence, 247

may be sustained though no copy sold, 247

copies to be seized and destroyed, 246, 247

provisions of customs laws respecting, 248—250

for gratuitous circulation, unlawful, 252, note (a)

of paintings, drawings, and photographs protected by 25 & 26
Vict. c. 68...472, 473

prohibited by International Copyright Act, 589

from colonies, 609, 610

IMPORTER

cannot plead want of knowledge of piracy, 254

IMPRINT: *see* NAME.

IMPROVEMENTS: *see* ADDITIONS.

INCIDENTS: *see* SCENES.

INDECENT PUBLICATIONS: *see* IMMORAL WORKS.

INDEMNITY,

"full and reasonable," what, 393

INDIA,

copyright in, 812

Literary works,

the register, 813

court in which proceedings are to be taken, 813

INDIA—continued.

Literary works—continued.

definition of book, 814
 deposit of copies, 814, 815
 registration, 815, 816
 things exempted from registration, 816, 817
 limitation of actions, 817
 injunctions, 817
 importation, 817
 stamps on assignment of copyright, 817
 procedure, 817, 818

Musical and dramatic works,

no provisions as to these, 818

Designs,

definition of, 818
 application for order for registration of designs, 819
 registration in register of designs, 819
 duration of copyright, 819
 marking registered designs, 819
 effect of exhibiting unregistered designs at exhibitions,
 820
 mutation of names in register of designs, 820
 suit for infringement of copyright, 820
 registration of cessation of copyright, 820
 rectification of register of designs, 820
 power of High Court to stay proceedings on or dismiss
 application for rectification of register, 821

INDICES OF TITLE,

copyright in, 48, note (a)

INDIRECT COPYING, *i.e.*, NOT FROM REGISTERED WORK, 245

INFRINGEMENT OF COPYRIGHT,

In Books,

considerations for judging of an, 193, 198
 the *animus furandi* not to be relied on,
 194, and note (b)
 plagiarism not necessarily an, 194, 223
 the latter work to be an, need not serve as a substitute for
 the former, 197
 modes adopted for, 209
 by reproducing the whole *verbatim*, 209
 verbatim a part, 209
 by piratical criticism, 214, 215
 by imitation of wrapper, 75
 by quotation, 211, 217
 by reviewing, 217, 222
 by reproduction in an abridged form, 227
 by copying general arrangement, 242
 by way of digest, 234
 by translation, 237, 240
 by abridgment, 61—64
 by gratuitous distribution of copies, 243, 244
 by importation, 246, 250

INFRINGEMENT OF COPYRIGHT—*continued.**In Books—continued.*

- by importation, offence committed though no copy sold, 247
- in directories, 200
- in dictionaries, 204, 205
- in reports, 220
- in titles: *see* TITLES.
- quantity but slight criterion, 63, 210
- substantial identity test of, 226
- ignorance no excuse for, 70, 217, 222, 343
- no answer to, that book contains untrue statements, 97, note (a)
- one of several joint proprietors may sue for, 140
- rival publications, 194, 195
- of telegraph codes, 195, 196, 243
- before registration, 163
- of lists of bills of sale, 245
- custom of trade no excuse for, 217, 218, 220, 222, 253, 254
- what not an, 222, 223, 227
- of part of work only to what extent injunction to go, 273, 274
 - Lord Hardwicke's opinion, 274
- acquiescence in, fatal to subsequent action, 284, 288, 289, 298
- trifling, 272, 354, 355
- by copying magazine articles in newspapers, 217, 218

In a Dramatic Piece,

- committed only by one taking part in performance, 343
- case of *Lyon v. Knowles*, 344
 - Marsh v. Conquest*, 346
- an, not committed by dramatizing a novel, 242
- by taking certain 'scenes or points,' 353—355, 368, 381
- by dramatizing novel, 378, 383
- a spectacular piece, 350

In a Musical Composition, 235, 236, 237, 370, 371, 372

- a song, 348, 350, 352
- what constitutes a piracy, 236, 237

In Engravings, 415

- what is, 415
- what not, 423, 424
- by photography, 418
- but not by copies made by hand, or designs transferred to
 - an article of manufacture of, 419
 - case of *Dicks v. Brooks*, 420—423

In Sculpture, 436

- not infringed by drawings or photographs, 437

In Paintings, Drawings, and Photographs, 457

- a criminal offence, 471
- where effected by copying a copy, 458
- by public exhibition, 459
- penalties for, cumulative, 464
- in action for, production of original picture not necessary, 465

INFRINGEMENT OF COPYRIGHT—*continued.**In Designs*, 525—538

penalty for, 526

proceedings in case of, 526, *et seq.**In Foreign Countries,*

France,

in books, 643

in musical and dramatic works, 648

in unpublished play, 647

in photographs, 649

Belgium, 653, 659

Holland, 669

The German Empire

in books, 683

in translations, 684

in music, 685

in artistic works, 690

what acts piratical, 690

exceptions, 690

in photographs, 692

in industrial designs and models, 693

Austria and Hungary, 699

Norway,

in books, 721

in translations, 721

in artistic works, 724, 725

what is not piracy, 725

works of art in public places, 725

in photographs, 726

Sweden,

in books, 731

in translations, 731

what is not piracy, 731

in dramatic and musical works, 732, 733

Denmark,

in books, 735

in dramatic and musical works, 735

Spain, 741

Portugal, 753, 754

Italy, 762, 763

Switzerland, 768

Monaco, 778, 779, 782

Turkey, 784

Russia,

in books, 787, 790

in artistic works, 787, 792

Greece, 797

Roumania, 802

China, 803

Japan, 807, 808, 812

India, 813, 820

Republic of South Africa, 827

Tunis, 829, 830

South America, 832

Argentine Republic, 833

INFRINGEMENT OF COPYRIGHT—*continued.**In Foreign Countries—continued.*

Bolivia, 841
Brazil, 843, 844
Chili, 847, 848
Columbia, 859, 860
Ecuador, 871, 872
Guatemala, 877, 878
Haiti, 879, 880
Mexico, 890—894
Peru, 901
Salvador, 902
Venezuela, 906
United States, 919
Remedies for ; see REMEDIES FOR INFRINGEMENT.

INJUNCTIONS,

remedy by : see REMEDY IN EQUITY.
definition of, 264
on common law right, 27, 28, 29, 265
 principles on which issued, 15, 29, 265
on what evidence issued, 266
the publication of private letters restrained by, 44, 45
Mr. Justice Storey's opinion, 49
breach of contract, ground of, 50
Lord Mansfield's opinion on the issuing of, 29, 265
modern practice on the issuing of, 266
auxiliary to legal right, 267, 268
in granting Court will exercise its discretion, 269
in what cases issued, 266, 269
 Lord Eldon's opinion, 266, 267
 in Scotland, 271
not issued when action could not be maintained, 270, 271
 where fair doubt as to whether damages could be
 recovered, 271
 in trifling cases, 272
 where evidence of plaintiff contradicted by defendant,
 271
as to continuation of, or its dissolution, 272, 291, 292
when part only of work piratical, 75, 273
to what extent it is to go, 274
 Lord Eldon's opinion, 275
due diligence to be observed in applying for, 280
 what sufficient excuse for delay, 280, 281
 tendency of modern decisions, 281
to obtain not necessary to show fraud, 75
to restrain sale of sheet almanac printed from a directory, 201
to restrain articles from a periodical being copied into a news-
 paper, 217—222
equitable title which will support, 267
 mere agent has not such title, 268
 prima facie title must be shown, 268
where there is a similarity of appearance in works, 278
where publication is falsely represented to be the work of
 another, 278

INJUNCTIONS—continued.

not granted generally where there has been acquiescence, 284
 what is delay, 282
 objections to granting before the hearing, 273
 where the publication is of a temporary character, 289, 290
 as to bringing cause to hearing, where granted, 291
 not necessary to apply for interlocutory, 291
 usual method of obtaining dissolution of, 292
 may be granted without proof of damage, 292, 293
 damages by defendant against plaintiff having obtained an, 293
 will not be refused against seller because proceedings not taken
 against publisher, 294
 will not be granted by one partner against another for publish-
 ing account of invention, 294
 application for, before answer to be supported by affidavit, 295
 nature of affidavit, 295, note (*f*), 296, note (*a*)
 forms of, Appendix (H)

Literary Copyright

restraining publication of poems, clxxx
 topographical dictionary, clxxx
 order restraining publication of books awarding damages
 and directing an account, clxxx
 use of name—injury to employer's property, clxxxi
 publication of a magazine as a continuation of plaintiff's
 magazine, clxxxi
 in breach of contract, clxxxi
 name and title-page of song, clxxxi
 in play of copyright in book, clxxxi

Titles,

name of newspaper, clxxxii
 soliciting customers, clxxxii
 injury to periodical, clxxxii

Dramatic and Musical Copyright,

as to an operatic magazine, clxxxii

Engravings and Etchings,

collection of etchings, clxxxiii
 etchings improperly obtained and published—Decree—
 Delivery up, clxxxiii
 illustrated book, clxxxiii

Designs

as to catalogue of designs, clxxxiv
 as to woven fabrics and delivery up of articles, clxxxiv

Miscellaneous,

staying publishing of newspaper, clxxxiv
 as to partial infringement, clxxxiv
 selection of poems, clxxxv
 handbook, clxxxv
 directories, clxxxv
 portions of work, clxxxv
 piracy of book and order as to damages, clxxxv
 directory, not to extend to advertisements, clxxxv
 printing a dramatized novel, clxxxv
 piracy of maps and enquiry as to damages, clxxxv
 reference to various others, clxxxv

points as to costs in connection with, 304—307

INJUNCTIONS—*continued.*

instances where assignee by parol obtained an, 297, note (d)
to stop performance of pirated dramatic works. 329, note (c)
infringer must pay costs of motion for injunction, 529
case different with retailer only, 530

INJURY : *see* DAMAGE.

INNOCENT,

work must be, to be entitled to copyright, 87

INQUESTS,

statements made *ex parte* at, 319

INSPECTION,

register of Designs at Patent Office open to, 505, 521
who may search and as to what designs, 521
under International Copyright Act, 1844.. 571
orders for, under 25 & 26 Vict. c. 68... 427
register of newspapers open to, 547

INSTRUMENTAL MUSIC,

copyright in, 329

INTENTION,

dishonest, not necessary to constitute piracy, 70, 194, 367
need not be shewn in printer or importer under 5 & 6 Vict.
c. 45... 247, 254

INTERDICT,

when issued, 50, 247

INTERIM COPYRIGHT in Canada, 614

INTERLOCUTORY INJUNCTION : *see* INJUNCTIONS.

INTERNATIONAL COPYRIGHT,

the first Act, 566
offspring of modern civilization, 565
regulated by 7 & 8 Vict. c. 12, and 15 & 16 Vict. c. 12... 566
Act of 1837 refers solely to books, 567
increased power conferred to conclude treaties, 567
order may specify different periods for different foreign countries
and for different classes of works, 572
order made under Act to be published in Gazette, 572
articles of political discussion in newspapers may be reproduced,
575
translations, 573, 574, 582, 583
short titles of Acts relating to, 566, note (a)
Act of 1886... 579
order in council of 28 Nov., 1887... 579, 587, Appendix cxxiii
Berne Convention, 579, Appendix cxii
Copyright Union, 580
In what way Act of 1886, Berne Convention and Order in
Council of 1887 differ, 580

INTERNATIONAL COPYRIGHT—*continued.*

- Simultaneous publication in two countries, 580, 581, 625, 626
- rights of English authors in foreign countries, 580
- country of origin, 580
- definition of "literary and artistic works," 581
 - of "author," 582
- translations, 574, 582
 - what are, 588
- authorized translations protected as original works, 582
- restriction on translations, 583
- effect of statutory and conventional clauses as to, 588
- Wood v. Chart*, 583—587
- adaptations restricted, 578, 587
- newspaper articles, 575, 589
- extracts from literary and artistic works, 589
- name of authors to appear, 589
- seizure of pirated copies on importation, 589
- rights of foreign authors in British dominions, 589
- term of, 590
- construction of 14th Article of Convention, 591
 - 6th Section of Act of 1886...591—597
- right of representation under, 597
- evidence of foreign copyright, 597
- Eleventh Article of Berne Convention, 598
- 16th Article, 598
- International Union for the protection of literary and artistic works, 598
 - how expenses to be borne, 598, 599
 - what is a translation, 588
 - dramatic pieces or musical compositions, 569, 576, 577
 - engravings and prints, 569
 - articles of sculpture, 569
 - unauthorized translations, 573, 584
 - provisions as to forfeiture, 573, 574
 - prohibition as to importation, 574
 - fair imitations, 578
 - orders in council and conventions, 578
 - official language of office, 599
 - office to furnish special information, 599
 - adhesion to Berne Convention of other countries, 599
 - as to their Colonies or foreign possessions, 599
- photographs, 599
- choreographic works, 600
- registration, 568, 569, 600—608
- mode of entry, 569, 570
- registration of books published anonymously, 571
 - effect of, 571
- as to expunging or varying entry grounded on wrongful first publication, 571
- dramatic pieces in MS., 569
- proprietor of foreign print to comply with Engravings Acts, 603

INTERNATIONAL COPYRIGHT—*continued.*

- as to whether necessary to register in this country, 606—608
 - Fishburn v. Hollingshead*, 606
 - examination of this decision, 606.
 - 607
 - result of decision, 608
- Fishburn v. Hollingshead* doubted, 608
- with America, 624

INTESTACY,

- provision for transfer or devolution of copyright in case of, 175

IRELAND,

- Engraving Acts, extended to, 417
- summary recovery of penalties under Engravings Acts in, 426
- remedy under Designs Act in, 530, and note (b)
- in what way letters patent for Bible regarded in, 311

IRRELIGIOUS,

- no copyright in, work, 87, 99

ISLE OF MAN,

- Patents, Designs and Trade Mark Act, 1883, extend to, 530
- punishment for a misdemeanour in, 530

ISSUE OF WRIT: *see* WRIT.

ITALY,

- order in Council as to designs, 538
- Literary Copyright*, 755
 - definition of copyright, 755
 - what reserved by law to authors, 756
- joint works, 757
- collective works, 757
- expropriation of copyright, 759
- works published in foreign countries, 764
- duration of copyright, 757
- translation, 758
- works of academies and public bodies, 758
- registration, 760
- assignment, 758, 759
- piracy, 762
- what not piracy, 763
- penalties, 764
- Dramatic and Musical Copyright*, 765
 - deposit of MS. in case of, 765
 - right of representation, 766
- Artistic Copyright*, 766
 - one of signatories to Berne Convention, 767
 - has treaties with Germany, Austria, Belgium, Great Britain, Sweden and Norway, Switzerland and France, 767

‘IT IS NEVER TOO LATE TO MEND,’ 33, 378, 382

IVORY,

- copyright in designs as applied to, 491

JAMAICA

adopts the provisions of the 10 & 11 Vict. c. 95...610

JAPAN,

copyright in, 804

definition of copyright and piracy, 804

lectures and speeches, 805

translations, 805

duration, 806

of copyright in work by joint authors, 806

published in parts, 806

prolongation of term of copyright, 807

revised articles, 807

piracy, 807

injunctions, 808

who are considered pirates, 808

prescription of liability, 809

penalties for infringement, 809

musical and dramatic works, prescription as to, 840

Photographs, 810

registration, 811

duration, 811

piracy, 812

JEFFERYS *v.* BOOSEY, celebrated case of, 31, 124—130, 183, 187, 189, 382

‘JERUSALEM AND THE CRUCIFIXION OF CHRIST,’ 606

JEWELLERY,

copyright in designs as applied to, 491

JOINT AUTHORSHIP.

what is, 137—142, 362

what is not, in a musical arrangement, 138, 362

adventure, what is a, 961

not assignable, 963

terminable by notice, 961, *et seq.*

owners may contract between themselves as to printing and publishing, 961, note (a)

one of several may sue for infringement, 140

‘JOHN BULL’ (The), 75

JOHNSON’S (Dr) ‘RASSELAS’ abridged, 62, 229

opinions as to imitations, 222, 223, 227

‘JON DUAN,’ 943

JUDGE: *see* DIVISIONAL COURT.

discretion as to costs, 306, 392—394

JUDICATURE ACTS,

effect of, 251, 288, 289

JUDICIAL COMMITTEE OF PRIVY COUNCIL,

may license republication of books, 115

JUDICIAL DECISIONS : *see* JUDGMENTS.

JUDGMENTS : *see* ORDER.

right of using, in text books, 65

belong to the government, 133

making injunction perpetual as to copyright, clxxxv

'JUDY,' 74, 278

JURISDICTION : *see* REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

of court as to delivery up of pirated copies of book, 255, 300

'JURIST,' (The), 79

JUSTICE,

sales of original compositions founded on natural, 2

no copyright in works parodying, 95

'JUSTICE OF THE PEACE,' (Burn's), 938

'KATHLEEN MAVOUREEN,' 232, note (a)

KING'S INN AT DUBLIN,

delivery of copies of books to, 170—172

'KING'S WAGER,' (The), 138, 362

KNOWLEDGE OF PIRACY,

ignorance no defence for piracy generally, 70, 254, 415

printer or importer of books without, liable under 5 & 6 Vict.

c. 45...246, 247, 254

must be shewn in seller, 254

seller of engravings and prints not liable to penalties and forfeitures under 8 Geo. 2, c. 13, when ignorant of piracy, 415

but is liable to damages under 17 Geo. 3, c. 57...415

must be shewn to subject importer, seller, or publisher to penalties under 25 & 26 Vict. c. 68...457

but not copyists or printer, 457

plaintiff in equity not responsible for delay when ignorant of piracy, 142

LABEL,

no copyright in, 106

for Champion Mustard, 442, 443

LACE,

copyright in designs applied to, 492

LACHES : *see* ACQUIESCENCE.

'LADY AUDLEY'S SECRET,' 136, 137, 379, clxxxv : *see* *Tinsley v. Lacy*.

'LADY OF THE LAKE,' 111

LANCASTER, COURT OF CHANCERY OF THE COUNTY PALATINE OF,
jurisdiction as to copyright in designs, 531

LANDSEER'S PICTURE 'EVE OF THE BATTLE OF EDGEHILL,' 470

LATIN GRAMMAR,
right to print, 323
prerogative right to, claimed by the Crown, 323

LAURENCE'S LECTURES ON PHYSIOLOGY, &c., 90, 91

'LAW OF PLEADING AND EVIDENCE IN CRIMINAL CASES,' 556

LAW, REMEDIES IN: *see* REMEDIES FOR INFRINGEMENT OF COPY-
RIGHT.

LAW REPORTS: *see* REPORTS.

LEADING CASES: *see* SMITH'S LEADING CASES.

LEATHER,
copyright in designs as applied to, 492

LECTURES,
copyright in, 18, 19, 55
nature of, 55
when reduced into writing, 55
when not reduced into writing, 56
in University, 57
when not a publication of, 18, 59
the Act of 5 & 6 Will. 4, c. 65...57
what not within the 5 & 6 Will. 4, c. 65...58
what to be done to obtain copyright in, 58, note (a)
few, protected by Act, 58
unpublished, may be delivered by any person, 59, note (b)
but delivery of, by other than author, seems to infringe
author's rights in the MS., 59
admission of persons to hear, does not permit subsequent
publication of the same, 56, 57
on physiology, &c., by Lawrence, 90, 91
decision in France as to, 59
alterations suggested by Copyright Commissioners, 59, 60

LEGAL FORMS: *see* PRECEDENTS.

LEGAL REPORTS: *see* REPORTS.

LEGAL TITLE: *see* INJUNCTIONS; REMEDIES FOR INFRINGEMENT
OF COPYRIGHT.

LENT
MS. does not confer right to print, 8
photographs do not confer right to copy, 425

'LESTOCQ,' AUBER'S OPERA, 236

LETTER-PRESS,

meaning of expression, 'sheet of,' 103, 105
engravings published with, 406

LETTERS,

copyright in private, 44
distinction between literary and commercial, 46
not now drawn, 47
why not, 47
Story's opinion as to, 49
what is a publication of private, 53
when the publication of private, permitted, 51
not permitted 51, 52
in Scotland, 50
Cicero's opinion on the publication of private, 50
to newspapers, 52, 53
to public officers, 53
by solicitors of a company, 44, note (c)
written by one person for or on behalf of another, 53
used in evidence not deemed published, 116, note (d)
whether, can operate as assignment of copyright, 185
Burn's, 50, note (c)
Lord Chesterfield's, 45, 50, note (c)
Lady Tyrawley's, 46
Pope's, Swift's, and others, 45

LETTERS PATENT,

for printing the Bible and Prayer-book, 308, 310
how regarded in Ireland, 311, 312
in England, 312
for Acts of Parliament and matters of state, 314
no copyright in specification of letters patent, 99

LEXICON, PIRACY OF, 198

LIBELLOUS WORK,

no copyright in a, 87, 425
contracts concerning, 934, note (c)

LIBRARIES,

delivery of copies of books to, 27, 120, 170—174
distinction between delivery to the British Museum and the other, 170
delivery of copies of books to Smithsonian Institution, 172,
note (a)
Library of Congress, 913, 916

LIBRETTI,

to music of non-copyright operas, &c., 329

LICENCE,

to publish, 21, note (a), 180
attestation of, 180, 184
to perform dramatic pieces, 355, 356 ; *see also* THEATRES.

LICENCE—*continued*.

- to publish not an assignment, 192
- Privy Council may, the publication of any book, 115
- effect of, 143
- difference between, and assignment of copyright, 180, note (b), 449, 450
- to reproduce picture need not be registered, 449, 450
- assignment of copyright may be limited to, 448
- form of, to print one edition of a work, clxxi
- see also* CONSENT OF AUTHOR.

‘LICENSED VICTUALLERS MIRROR’ (The), 562, 563

LICENSING ACT, 22

- continued by other Acts, 23
- attempts to obtain a new, 25

LIEN

- of bookseller on copyright, 946, note (a)
- of printer on undelivered copies, 955, note (c)

‘LIFE OF JESUS WRITTEN FOR YOUNG DISCIPLES,’ 94

‘LIGHT OF THE WORLD,’ Holman Hunt’s picture, 418, 419

‘LIKE TO LIKE,’ 584—587

LIKENESS WITHOUT IDENTITY : *see* IDENTITY ; IMITATION ; SIMILARITY.

LIMITATIONS.

- of actions to be brought, 259
- to what actions does not apply, 259, 282, 283
- under 8 Geo. 2, c. 13, does not apply to actions on the case under 17 Geo. 3, c. 27, 471, note (a)
- against printers for not printing name and abode of, 545

LIMITED ASSIGNMENT

- as to locality, 186
- as to time, 188

LIST OF BOOKS TO BE SUPPLIED TO COMMISSIONERS OF CUSTOMS, 248

- of shipping protected, 41, note (c)
- form of notice of, 254, note (a)

LISTS

- of bills of sale, copyright in, 99, note (e)
- pirated, 245

LITERARY PROPERTY,

- definition of, 1
- its nature, 1
- early rules, 2
- mode by which early, made profitable, 2
- sales in early times, 2

LITERARY PROPERTY—*continued.*

- copyright not at first known as a species of, 3
- distinct properties not adjusted at same time, 3
- a distinguishable property, 3
- Mr. Justice Erle's view of, 4
- definition of property by some too narrow, 3
- has a distinguishable existence and is of value, 5
- no, in mere ideas, 5
 - reason, 5, 6
- in material embodying them, 6
- author's right to the first publication of his own MS., 6
- cannot be seized by creditors as property, 7
- may have conditions and restrictions annexed to user by author, 7
- right of authors in, described by Lord Mansfield, 7
 - Mr. Justice Erle, 8, note (a)
- injunctions granted to protect, 8, 9
- the statutes do not affect right to, before publication, 10
- before publication, 11, 14
- what amounts to publication of, at common law, 17
 - what does not, 18
- author's right to, does not pass by, 19
- effect of publication, of, 19
- primary recognition of copyright in, 19
 - original charter of the Stationers' Company, 19
 - abolition of Star Chamber, 21
 - the Licensing Act of Car. 2...22
- ordinance of the Stationers' Company in 1681...24
- a by-law of the Stationers' Company in 1694...25
- a petition presented to Parliament in 1709 for protection of, 25
- the first Act relating to, 26, 27
- what renders a work a, 48
- letters whether to be regarded as, 48, 49
- a dramatic work in MS. protected like a, 335
- falsely represented to be the work of another, 278
- see also* COPYRIGHT.

LITHOGRAPHIC COPIES

- privately distributed a publication, 117
 - a piracy, 243

LITHOGRAPHS: *see* ENGRAVINGS.

- copyright in, 418
 - may be infringed by photography, 418, 419

'LITTLE (A), TOUR IN IRELAND,' 960

'LITTLE LORD FAUNTLEROY,' 368, 381, 382

'LLOYD'S WEEKLY LONDON NEWSPAPER,' 942

LOCAL RIGHT

- copyright a, 175

LOCALITY

- divisibility of copyright as to, 186

LOCKHART'S NOTES TO SIR WALTER SCOTT'S WORKS, 242

'LONDON JOURNAL,' 71, 940, clxxxii

'LONDON RIGHT,'

meaning of assignment of, in dramatic composition, 397

'LONDON SOCIETY,' 941

LORD CHAMBERLAIN: *see* THEATRES.

'LOVE A LA MODE,' 9, 330

'LOYAL,' 242, note (a)

LUXEMBOURG (THE GRAND DUCHY OF),

copyright in, 671

the Berne Convention, 672

duration of copyright, 672, 673, 678

punishment for infringement, 673, 676

importation, 673

classic authors and the Bible, 673

conditions of obtaining copyright, 673

deposit of copies, 674

decree of 2nd July, 1822...674

official documents, 674

decree of 28th Sept., 1832...675

right of German authors, 675

decree of 11th May, 1838...675

protection afforded, 676

decree of 13th July, 1838...677

decree of 17th July, 1847...677

extension of duration of copyright, 678

decree of 29th May, 1857...678

musical compositions and dramatic works, 679

drawings, paintings, and engravings, 680

MAD MARRIAGE, 242, note (a)

MAGAZINE: *see also* PERIODICAL PUBLICATIONS.

form of injunction restraining sale of operative, clxxxii

injury to, clxxxii

publication of, as a continuation of another, clxxxi

publication of, in breach of contract, clxxxi

articles, copying in newspapers, 217, 218

not newspapers, 552, note (a)

MAGICAL APPARATUS,

catalogues of, 99, note (e)

'MAN OF HIS TIME' (The), 212

MANSFIELD'S (LORD)

- definition of author's right, 7, note (c)
- opinion on issuing injunctions, 29, 265
- in *Donaldson v. Becket*, 30

MANTILLA SHAWLS : *see* SHAWLS.

MANUFACTURE,

- an article of, not a subject of registration, 488
- when a design transferred to an article of, is a piracy of an engraving, 419, 420—423

MANUSCRIPT,

- gift of, does not confer right to publish, 49
 - except where this the intention, 143
- injunction will be granted to restrain publication of, obtained surreptitiously, 278
- does not pass to assignees in bankruptcy, 176
- author's right to first publication of his own, 6, 59, 87
 - cannot be seized by creditors, 7, 176
- claim in respect of destruction of, 90
- assignment of, 8, note (a), 177, 178
- Lord Cottenham's opinion as to right of author in, 10
- may be owned by government, 133
- musical compositions in, 18, 327, 335 : *see* MUSICAL COMPOSITION.
- the right of representation of plays, 363
- common law right to exclusive representation of, play, 335
- how common law right of representation of, lost, 335
- musical compositions in, what necessary to register, 335, 336
- quære* where, being registered and piece after printed and not registered, copyright affected, 336
- date when copyright in, play begins, 337, 338
- dramatic piece or musical composition in, under International Copyright Act may be registered, 569
 - need not be deposited, 569
- lectures in, orally delivered protected, 55—57
- not in, protected, 56, 57

MAPS,

- description of, 410, 411
- degree of originality necessary in, 43, 67, note (a), 206, 207
- copyright in, 42, 116
- published separately, protected under Engraving Acts, and also Literary Copyright Act, 406, 407
 - with letter-press protected by the Act of 1842...407
- registration of, 166—169, 407, 408
- protected as engravings, 407, 408
- of the city of New York, 241
- of the city of Philadelphia, 241

MARGINAL NOTES : *see* SIDE NOTES.

'MARINO FALIERO' (BYRON'S), 34

- MARK OF REGISTRATION, 517, 518
 no, required in sculpture, 437
 wrongfully using, 530
 on articles provisionally registered, 535, 536
 articles sold abroad, 520, 531
 not necessary in statement of claim to allege, 519
 how to be placed on butter dish and cover, 520
 on trimming sold in pieces, 520
 becoming illegible in process of manufacture, 520
 omitted by inadvertence, 521
- MARTIN'S PICTURE, 'BELSHAZZAR'S FEAST,' 424
- MATERIALS, COMMON,
 no copyright in : *see also* COMPILATIONS, 43, 240
- MATHEMATICAL TABLES,
 copyright in, 44
- 'MATTER OF INVENTION IN SCULPTURE,'
 what is, 432, 434
- MAURITIUS,
 adopts the provisions of the 10 & 11 Vict. c. 95...610
- MAXIMS,
 copyright in collections of, 44
- MEANING : *see* CONSTRUCTION ; DEFINITIONS.
- 'MELBOURNE ARGUS,' 107
- MELODY,
 new words and accompaniment to old, 329
- MELVILLE'S (LORD) TRIAL, 318
- 'MEMOIR OF HARRIETTE WILSON,' 95
- 'MEMOIRS OF THE LIFE OF MRS. BELLAMY,' 230
- MENDELSSOHN'S MUSIC TO SHAKESPEARE'S 'MIDSUMMER NIGHT'S
 DREAM,' clxxxii
- 'MERCHANTS' AND MANUFACTURERS' POCKET DIRECTORY OF
 LONDON,' clxxxv : *see Morris v. Ashbee.*
- MERIT : *see* VALUE.
 artistic, whether absence affects copyright, 460---464
- METAL,
 copyright in designs as applied to, 491
- MEXICO,
 copyright in, 881
 treaty with France, 881

MEXICO—*continued.**Literary property*, 882

copyright perpetual, 882

power of alienation, 882

posthumous works, 883

anonymous works, 883

modification by author of work after assignment, 883

works published by academies, 883

collaborative works, 883

newspapers, 884

translations, 884

annotations, 884

abridgments, 885

publishers' rights, 885

publication of laws, 885

Dramatic property, 886

duration, 886

authors and managers, 886

right of representation, 887, 889

assignment of right of publication, 888

Artistic property, 888

definition of author, 888

rights of purchaser of a work of art, 889

piracy, what is, 890

what is not piracy, 891

penalties for piracy, 892

piracy of musical and dramatic works, 893

proceedings for recovery of penalties, 894

who can enforce rights, 894

registration, 894

deposit, 895

name, &c., of author to appear on copyright works, 896

MSS. belonging to the States, 897

works published by Government, 897

works already published, 897

prescription, 898

rights of foreigners, 898

reciprocity, 898

order in council as to designs, 538

'MIDSUMMER NIGHT'S DREAM,'

injunction to restrain solos from, clxxxii

picture of, 442, 443

MILLAIS' PICTURE, 'THE HUGUENOT,' 420, 421

MILLAR v. TAYLOR,

case of, 29, 34

MILLINERY,

copyright in designs as applied to, 492

MILTON'S 'PARADISE LOST,'

pirated, 28, 274

MINING REPORT,

copyright in, 99, note (c), 279, 280

‘MINNIE,’ SONG, 75, 389

‘MINNIE DALE,’ SONG, 389, clxxxi

‘MINNIE, DEAR MINNIE,’ SONG, 390

‘MINSTRELSY OF THE SCOTTISH BORDER,’ 109, 242

MISCELLANIES, POPE’S AND SWIFT’S, PIRATED, 28

MODE OF REGISTERING DESIGNS, 507—510

MODELS: *see* SCULPTURE.

MONACO (PRINCIPALITY OF),

joined the Berne Convention, 776

English Order of 28th Nov. 1887, extended to, 776

literary copyright in, 776

definition clause, 776

duration in literary and artistic works, 776

dramatic works, 776

works in collaboration, 776

assignment, 776

posthumous works, 777

anonymous works, 777

modification of rights of authors, 777

literary and artistic works personal property, 777

registration, 778, 781

piracy, 778

punishment for illegal representation of dramatic work, 779

civil actions flowing from copyright, 779

rights of foreigners, 780, 781

periodical works, 781

MONEY

taking, at the door how far affects the question of public or private entertainment, 367, 368

MONKSWELL’S (LORD) COPYRIGHT BILL, 84

‘MONTHLY CHRONICLE,’ 216

‘MORNING POST,’ 564

MORTGAGE OF SHARE IN NEWSPAPER,
whether requires registration, 559

MUNICIPAL LAW,

copyright only conferred by, 121

MURRAY’S HANDBOOK FOR TRAVELLERS IN SWITZERLAND, 239

MUSICAL COMPOSITION,

- what is a, 327
- copyright in a, 327
- value of property in a, 17
- originality required in a, in America, 67, note (a)
- effect of words "written and composed" on, 99
- written to the order of another, 134
- joint authorship in, 137—140
- in manuscript how protected, 327
- within the Literary Copyright Act, 327
- case of *Bach v. Longman*, 327, 328
- sale of copyrights in recent years, 327, note (a)
 - songs, 327, note (a)
- adaptation of words to an old air, 328, 389
- instrumental music, 329
- the 3 & 4 Will. 4, c. 15...334
- double costs given by last Act, taken away, 334
- extension of the 3 & 4 Will. 4, c. 15, to, 334, 335
- the 5 & 6 Vict. c. 45, does not deprive proprietors of remedies given by Will. 4...335, 336
- single sheets of music entered at Stationers' Hall, 327, note (a), 328
- interpretation clause of Copyright Act, 1842...328
- for stage, 328
- term of copyright in, 334, 336, 337
- date when copyright begins, 337
- provisions of Dramatic Copyright Act extended to, 339
- two several rights in authors of, 329
- formerly representation equivalent to publication, 329
 - American law, 330
- representation made equivalent to publication, 335
- publication of as book before representation, effect of, 336
- sole liberty of performing, 328
- what amounts to a representation, 347
- where the copyright in unpublished work dates from, 337, 338
- copyright song cannot be publicly sung, 335, note (b)
 - cannot be publicly played without consent, 335, note (b)
- the 5 & 6 Vict. c. 45, retrospective as to right of performing, published before the Act, 335, note (c)
- in MS. sufficient to register, what, 335, 336
- how the common law right of representation of MS. lost, 335
- statutory protection attaches on public representation, 335
- query whether MS. being registered and piece after printed, and not registered copyright affected, 336
- as to the consent of the author of, 338
 - Dramatic Authors' Society, 338
 - may apply to works not in existence, 338
 - authors, where more than one, 339
- performance at a place of dramatic entertainment, 339 *et seq.*
- what is a place of dramatic entertainment, 340 note (a)
- author of, right not affected by custom of place for which composed, 363
- the pianoforte score of an opera, 385

MUSICAL COMPOSITION—continued.

- arrangement for the piano of quadrilles, waltzes, &c., 385, note (a)
- distinction between the pianoforte score and original score, 386, 387, 389, note (a)
- the piece of music called 'Pestal,' 389
- assignment of right of representation, 356
 - need not be registered, 357
 - must be in writing, 358
 - no, necessary where work composed for another, 360, 361
- registration of, 337
 - under International Copyright Act in print, 569
 - in MS., 569
- omission to register does not affect the copyright, 327
- suggestion of Copyright Commissioners as to registration of, 173, 174
- deposit of, under the International Copyright Act, 569
- cases of *Wood v. Boosey*, and *Boosey v. Fairlie*, 570
- infringement of copyright in a, 235, 236, 237, 260, 261, 372
 - what constitutes an, 236, 237
- what use may be made of a prior, 235, 237
- songs with similar titles restrained, 389, 390
- remedies for infringements of: see REMEDIES FOR INFRINGEMENT OF COPYRIGHT.
- punishment for infringement not to be visited on an actor not actually taking part in the performance, 343
- suggestions of Copyright Commissioners as to, 366
- Copyright Act, 1882...343, 344, 395
 - 1888...347
- when right to copyright in one and to representation in another, 343
- alterations effected by the Act of 1882...395
 - court may allow less than 40s., 396

MUSICAL ENTERTAINMENT: see DRAMATIC COMPOSITION; DRAMATIC ENTERTAINMENTS.

MUSLIN,

- copyright in designs as applied to, 492

NAME,

- registration of, of intended work gives no copyright, 68, 154
- full, of person to be set out in registry, 145, 146
 - sufficient if first publication be entered in, of firm, 146, 148
 - of newspapers assumed, 562—564
- of first publisher on register not sufficient, 147—148
- where publisher's, forms part of title, 942, 943
- form of injunction restraining use of, and title page of song, clxxxi
 - use of newspaper, clxxxii
 - soliciting customers, clxxxii
 - injury to periodicals, clxxxii
- of author under Berne Convention, 589

- NAME AND ABODE,
of printer to be placed on every book, 545
of proprietor to be entered on register, 145, 146—151
and date to be placed on engravings, 405
- NAMES,
no copyright in dry list of, 99
- NAPOLEON'S opinion of a perpetuity, 113
life of, illustrated by caricatures, 212, and 212, note (a)
- NATAL,
adopts the provisions of the 10 & 11 Vict. c. 95...610
- NATIVE AUTHORS: *see* AUTHORS; FOREIGNERS.
- NATURE OF COPYRIGHT, 1, 126, 175
- NAUTICAL ALMANAC,
right to print, 323
- NEGATIVE OF PHOTOGRAPH,
to whom belongs, 447, 475
what use may be made of, by photographer, 476—481
- NELSONS' 'FESTIVALS AND FEASTS' PIRATED, 28
- NETHERLANDS,
order in council as to designs, 538
- NETT PROFITS: *see* PROFITS.
- 'NEVER TOO LATE TO MEND,' READE'S NOVEL, 33, 378
- NEVIS,
adopts the provisions of the 10 & 11 Vict. c. 95...610
- NEW: *see* EDITION; ORIGINAL.
and original design, 492—502
- NEW BRUNSWICK,
adopts the provisions of the 10 & 11 Vict. c. 95...610
- 'NEW ERA,' 155
- NEWFOUNDLAND,
adopts the provisions of the 10 & 11 Vict. c. 95...610
- NEWSPAPERS,
when first used in England, 540
the oldest extant, 540, note (a)
the Acts of Parliament relating to, 540
copy of each, to be kept, and if required produced, 540
bill for discovery as to name of printer, &c., not demurrable,
541

NEWSPAPERS—*continued.*

- case of *Dixon v. Innoh*, 541—544
- prosecution to be commenced within three months, 545
 - how to be conducted, 545, 546
- name and abode of printer to appear, 540, 544, 545
 - when printed at Universities, 545
- printer's name not appearing cannot recover for work, 545, note (a)
- copyright in, 68, 547—549
 - included in terms "goods and chattels" in Bankruptcy Act, 557
- provision as to, in Lord Monkswell's Bill, 84
- no copyright in prospective series of, 68
 - but may attach upon each successive publication, 68, 159
- must be registered, 549, 550
- mortgago of a share in a, not an assignment of copyright, 559
 - whether to be registered, 559—662
- letters written to, 52, 53
- articles in foreign, of political nature, 589
- lists of Bills of Sale and deeds of arrangement in, 99, note (c)
- copying magazine articles in, 217, 218
- several proprietors of, may jointly employ author, 261, note (c)
- definition of, 546
- Act of 1881...546
- "proprietor" of, 546
- annual returns as to, to be made, 547
- transfer of shares in, 547
- register of, open to inspection, 547
- copyright in, 547
- decision that no copyright in, 549
 - not followed, 549
- a "book," 549, 552
- points as to registration of, 550, 551
- copies of, for public libraries, 552
- difference between registration under Copyright and, Acts, 552
- certain magazines, &c., not, 552, note (a)
- copyright in news in, 553
- speeches reported in, 554
- articles in, 554
- property in letters, &c., sent to, 555
- alterations in communications made to, 555, 947
- alterations in books by publishers, 556, note (b), 947 *et seq.*
- copyright in, included in term "goods and chattels" in Bankruptcy Act, 557
- no copyright in title of, 562
- where part of title of only taken, 563
- case of 'Morning Post' and 'Evening Post,' 564
- name of, may not be assumed for purpose of deception, 563
 - nor for supplanting good will, 563
- may not copy whole tales sent to them to review, 217, 222
 - custom of trade no excuse, 217, 222
- form of injunction restraining use of name of, clxxxii
 - soliciting customers, clxxxii
 - injury to periodical, clxxxii
 - publication of, clxxxiv

NEWSPAPER TELEGRAMS,
copyright in, 107

NEWTON'S NOTES TO 'PARADISE LOST,' 28, 274

NEW YORK,
maps of, infringed, 241

NICARAGUA,
no law on copyright, 899
no treaty on copyright with other States, 899
one of signatories to the treaty with States of Central America,
899

NORWAY,
order in council as to designs, 538
copyright in, 719
 laws relating to, 719, 720
 Works of Literature, 720
 what protected, 720
 persons protected, 720
 translators, 720
 duration, 720
 registration, 721
 alienation, 721
 piracy and infringement, 721
 what is piracy, 721
 piratical translations, 721
 what is not piracy, 721
 works long out of print, 722
 penalties, 722
 right to protection lost by delay, 722
 nationality and reciprocity, 722, 723
 Musical and Dramatic Works, 723
 representation within the meaning of the law, 723
 consent of joint authors, 723
 right of representation not assignable without consent of
 author, 723
 duration of right of representation, 723
 Artistic Copyright,
 what protected, 723
 duration, 724
 registration, 724
 alienation, 724
 piracy, 724
 what is not piracy, 725
 works of art in public places, 725
 penalties, procedure and remedies, 725
 nationality and reciprocity, 725
 Photographic Copyright,
 who and what protected, 725
 regulations, 726
 duration of copyright, 726
 commissioned photographs, 726
 penalties, 726

NORWAY—*continued.**Photographic Copyright—continued.*

- procedure, 726
- prescription, 726
- reciprocity, 726
- register to be kept under Act of 1882...726
- deposit of copies, 727
- additional treaty of commerce with France, Sweden and, 728
 - subsequent arrangement between in 1884...728
 - similar arrangement with Italy, 729
- not yet joined Berne Convention, 729

‘NOT ABOVE HIS BUSINESS,’ 383

NOTES,

- Newton’s, to ‘Paradise Lost,’ 28, 274, clxxx
- how far, constitutes new work, 108
- to the Bible, 311
- to statutes, 320
- Lockhart’s, to Sir Walter Scott, infringed, 110, 242

NOTICE,

- of objection to plaintiff’s title, 255, 256
- does not apply to County Courts, 257
- forms of particulars, 257, note (a)
- position of defendant when not given, 258
- when sufficient, 256, 257
- amendment of, 257
- to terminate a joint adventure, 961 *et seq.*
- to be given to Commissioners of Customs, 248, 249
 - form of, 254 (a)
- by Universities of copies of books to be delivered to them, 170, 171
- want of, before proceeding, effect as to costs, 306
- to be given to Comptroller of Designs, 507
- under Old Designs Acts to be given before action, 526
 - what insufficient, 526
- no, need be given under present Act, 527, 529
- retailer only of pirated article entitled to, 530

NOVA SCOTIA,

- adopts the provisions of the 10 & 11 Vict. c. 95...610

NOVEL,

- arrangements, copyright in, 39, 40, 43, 64, 197, 241
- may be dramatized without infringement of copyright, 242, 378
- drama from copyright, may not be printed, 379
- ‘It is Never too Late to Mend,’ 33, 378
- author may protect, by dramatizing before publication, 382, 383
 - but not after publication, 383, 384
- suggestions of Copyright Commissioners as to dramatization of, 384, note (a)

NOVELTY : *see* ORIGINALITY.

OBJECTION

to plaintiff's title in action : *see* NOTICE.

OBNOXIOUS PUBLICATIONS : *see* IMMORAL WORKS ; OBSCENE WORKS, &c.

OBSCENE WORKS,

no copyright in, 87, 425

action cannot be maintained by printer for printing, 934,
note (c)

where part may be recovered, 934, note (c)

'OBSERVER' (TITLE), 318

'OCEAN! THOU MIGHTY MONSTER,' 348

OCCUPANCY,

right of an author founded on, 1

property founded on, 5

OFFENBACH'S OPERA, 'VERT-VERT,' 570

"OFFENCE,"

meaning of word in Copyright Act, 260, 283

committed every time copy sold, 259, note (d)

before registration not actionable under 25 & 26 Vict. c. 68...
452

"OFFENDER,"

meaning of under 3 & 4 Will. IV. c. 15. . 391

OFFICE OF INTERNATIONAL UNION, 598

OFFICES (PUBLIC),

letters addressed to, 54

OFFICIAL,

language of International Office under Berne Convention, 599

correspondence : *see* LETTERS

documents : *see* CROWN COPYRIGHT.

reports : *see* REPORTS.

OIL-CLOTHS,

copyright in designs applied to, 492

OLD COPIES,

common law right to, 27

'OLD JOE AND YOUNG JOE,' COMEDY, 358

OLD MELODY,

new words and arrangement to, 329

'OLD MORTALITY,' 111

OLDENBURGH COPYRIGHT TREATY, 578

OMISSION

to print name and abode of printer, 540, 544, 545

to register, effect of, 337

OPERA: *see also* MUSICAL COMPOSITION.

infringing airs in, 261, 372

of the 'Duenna' infringed, 330, note (b)

there may be copyright in waltzes and quadrilles taken from unprotected, 385, note (a)

rights in, infringed by adapting therefrom waltzes and quadrilles, 372

libretti to music of non-copyright, 329

'Vert-vert,' by Offenbach, 570

permission to perform not sufficient consent, 358-360

OPINIONS, JUDICIAL: *see* JUDGMENTS; MANSFIELD.

ORAL LECTURES: *see* LECTURES.

ORATORIOS,

libretti to music of non-copyright, 329

'ORB' (THE), 159

'ORCHARDIST' (THE), 281

ORDER,

of Council under International Copyright Act, 572, 579

to be published in 'London Gazette,' 572

of 28 Nov., 1887, Appendix cxxiii

of Divisional Court as to expunging entry, no appeal from, 154

of vacation judge equivalent to order of Divisional Court, 154

'ORDERED ON FOREIGN SERVICE,' 451

ORDINANCES OF THE STATIONERS' COMPANY: *see* STATIONERS' COMPANY.

Long Parliament, 22

ORIGIN (COUNTRY OF): *see* COUNTRY.

ORIGINAL WORK,

every fair abridgement an, 227, 228

translation an, 85, 582

a book need not be entirely an, to obtain copyright, 39, 40

whether copyright may exist in book not an, 67

a compiler must produce an, 204

affected to some extent by abridgement, 227, 228

as to photograph being an, 460

a photograph of an engraving is an, 460

need not be produced in action for infringement of copyright in painting, 465

ORIGINALITY,

- legal definition of, 204
- some, necessary in every composition, 38
 - arrangement, 39, 40
- not necessary in the doctrines treated of, 67, 202, 203
- want of, in modern works, 196
- in result necessary in a compilation, 204
- degree of, necessary in maps, 42, 43, 67, note (a), 206, 207
 - dictionaries, 205, 206
- required in a musical composition in America, 67, note (a)
- hardly possible in engravings, 416, 417

ORNAMENTAL DESIGNS: *see* DESIGNS.

"OUR BOYS," 367

'OUR YOUNG FOLKS,' 77, note (b)

OUT OF PRINT: *see* BOOKS.

OWNER: *see* ASSIGNEE; AUTHOR; PROPRIETOR.

OWNERSHIP: *see* PROPERTY.

OXFORD, UNIVERSITY OF: *see* UNIVERSITIES.

PAINTINGS AND DRAWINGS,

- copyright in, Chapter XIV.,
 - term of, 441
 - by whom may be claimed, 441, 442, 443
- last branch of fine arts protected, 439
- the claims of an artist to copyright in, considered, 439
- in most European countries copyright in, exists, 440
- existence of copyright is a protection to the purchaser of picture, 440
- the Act of 25 & 26 Vict. c. 68...441
- to preserve copyright in, what agreement to be signed, 441, 442
- any person may copy picture in which there is no copyright, 446
- who the "author" of, 445
- who the "proprietor" of, 445
- executed on commission, copyright in, 442, 444, 445
 - suggestion of Copyright Commissioners, 444, note (c)
- architectural designs protected, 441, note (c)
- artist prohibited from reproducing after sale, 456, 457, 474
- artists' studies and sketches, 474
 - replicas, 474, 475
- assignment of copyright in, 442, 443, 447
 - when limited in effect, 448
- registration of copyright in, 144, note (b), 447, 449, 450: *see also* REGISTRATION.
 - how to be effected, 450
 - what description to be given, 450, 451

PAINTINGS AND DRAWINGS—*continued.*registration of copyright in—*continued.*

description of 'Ordered on Foreign Service,' 451

' My First Sermon,' 451

' My Second Sermon,' 451

no action sustainable until, 451, 452, 455, 457

enactment of the 5 & 6 Vict. c. 45, as to, applicable, 455

except as to forms of entry, 455

aggrieved person, 456

expunging entry in register, 456

last assignment of copyright in, only need be registered, 455

infringement of copyright in, 457

by the author, 457

by any other person, 457

by making a copy of a copy, 458

by a photograph of a drawing, 458

by drawing of a painting, 458

penalties attached thereto, 457

cumulative, 464

in action, production of original picture not necessary, 465

suggestions of Copyright Commissioners as to registration of,
455, note (d)

photographs, 473

provisions for repressing fraud in production and sale of works
of art, 468penalties imposed as a punishment for a criminal offence, 471,
472cannot be escaped by deed of composition with creditors,
471, 472

rights in, not infringed by exhibition, 459

as to license required to copy photographs, 457, note (b)

importation of piratical, 472, 473

penalties, 472

special action on the case, 472

no limitation of time in which actions to be brought, 473

provisions of International Copyright Acts extended to, 473

Forms of Agreement under Works of Art Act, 1862

memorandum of registration used at Stationers' Hall, cxlix

 agreement between artist and purchaser as to a painting
 and the copyright therein, clxxv entire reservation of copyright by the author, where work
 commissioned, clxxviii

where he first sells non-commissioned work, clxxviii

 partial reservation of copyright by the author when his
 work has been commissioned, clxxix

where he first sells his non-commissioned work, clxxix

license by proprietor of copyright, clxxix

PALATINE (COURT OF CHANCERY OF COUNTY) OF LANCASTER : *see*
LANCASTER.

' PALL MALL BUDGET,' 541

' PALL MALL GAZETTE,' 541

PAMPHLET : *see* BOOK.

PANTOMIME,

- protected, 334, note (b)
- introduction of, a dramatic entertainment, 342

PAPER,

- copyright in designs applied to, 492
- hangings, copyright in designs applied to, 492
- property in, on which a composition is penned, 44, 45

PAPIER MACHÉ,

- copyright in designs applied to, 491

'PARADISE LOST,' 28, 274, clxxx

PARAGRAPHS: *see* ARTICLES.

PARAGUAY,

- no special copyright law in, 899
- order in council as to designs, 538
- constitution of 1870 gives author property in his work, 899
- one of the signatories to the South American Convention of 1889...899

PARIS,

- purchase by, of Agave, 2

PARLIAMENT,

- ordinance of the Long, 22
- Acts of: *see* STATUTES.
- petition to, to protect copyright, 25

'PARLOUR LIBRARY,' (THE), 81

PAROL assignment not sufficient to pass copyright, 184, 358

PART,

- there may be copyright in, of work, 133
- infringement of copyright by copying, 273, 274
- injunction as to, 273, 274, 275
- of compilation, not new, not protected, 43
- a title taken, 76
- of work published in this country protected, 131
- publication of, not a publication of the whole, 119
- of book infringed, cancellation of, 300

PARTIAL

- infringement of copyright, 273—276
- assignment of copyright, 186—188, 504
- as to registration of, 188

PARTICULARS OF OBJECTIONS, 255—258

PARTNERSHIP,

- not constituted between authors and publishers by agreement to divide profits, 967

PASSAGES may be selected from reports, 65

PATENT,

no copyright in specifications of, 99

PATENTED,

statements in catalogue that articles, when not, 97, note (a)
articles falsely described as, 244

PATENTS, COMMISSIONERS OF, 485

empowered to extend time for protection of designs, 485

PATTERN,

registration of, under Designs Act, 1842, not permissible, 512
permitted by 21 & 22 Vict. c. 70, 513
when advisable so to register, 513
when not so, 513, 514
when registration by, what protected, 514
whether now by, alone permissible, 513, 514

PATTERN FOR BERLIN WOOLWORK,

design for a, not a piracy of an engraving, 420

PATTERSON'S ROAD BOOK, 40

PAYMENT,

of articles in magazines must be actually made to vest copy-
right, 78, 79
evidence of, must be given, 261

'PEACEMAKER' (THE), 465

'PEDIGREE OF THE ENGLISH PEOPLE,' clxxxv : *see Pike v. Nicholas.*

'PEG WOFFINGTON,' 961

PENAL CODE,

extract from, 633

PENALTIES : *see also* REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

action for, to be brought within twelve months, 259, 282, 396
under Copyright (Works of Art) Act, 426, 457, 470
cumulative, 464

summary proceedings for recovery of penalties under Engrav-
ing Acts, and 25 & 26 Vict. c. 68...426

action for, under 3 & 4 Will. 4, c. 15...334, 393, 394, 395
Sculpture Acts, 436

the 40s. under 3 & 4 Will. 4, c. 15, not strictly, 391

less than 40s. may be awarded under Copyright (Musical
Compositions) Act, 1888...395, 396

for not delivering copies at the various libraries, 171

for omission to print name and abode of printer, 262, 544, 545

for wrongfully using registration mark, 530

for infringing copyright in designs, 525, 526

separate for each offence, 253, note (b)

PENALTIES—*continued.*

- for importation of copies of protected work, 246—250
 - in Scotland, 247, 253
- may be recovered under 3 & 4 Will. 4, c. 15, though assignment not by deed, 356
- under 25 & 26 Vict. c. 68, importing pirated copies, 472, 473
 - for sale of copies made before registration after registration, 452—454
- must be waived in equity, 293
- incurred when representation of dramatic piece without author's consent, in writing, 336
- cannot be escaped by executing composition deed, 471, 472
 - see* FORFEITURE; LIMITATION OF TIME.

PERFORMANCE OF AGREEMENTS: *see* AGREEMENTS BETWEEN AUTHORS AND PUBLISHERS; SPECIFIC PERFORMANCE.

PERFORMANCE, RIGHT OF: *see* DRAMATIC COMPOSITION; REPRESENTATIONS.

PERIODICAL PUBLICATIONS: *see also* MAGAZINES; NEWSPAPERS; REVIEWS.

- copyright in, 78
 - provisions of Lord Monkswell's bill as to, 84, 218
 - runs from publication of each part, 131
- proprietors of, entitled to copyright in articles in, 955, note (c)
- registration of, 159, 160, 161
 - the title of, 154
 - where intended only, 68, 154, 155
- articles in, 157, 955
 - alteration of, by editors, 947
 - copied into newspapers, 217—220
 - foreign, 589
- proprietor of, must give evidence of payment for articles, 261
- letters written to, 52
- editors of, may destroy letters, 53
 - may not insert if requested not, previous to publication, 53
 - how far may alter communications, 947
- titles of, 69
 - properly registered, 70
 - change of, 77
- in France, 77, note (b)
- each part of, a book, 82, 159

PERPETUITY

- in copyright, 112
 - of Universities, 35
- the Emperor Napoleon's opinion of a, 113

PERSONAL

- copyright, property, 175
- an agreement for division of profits a, contract, 957

'PERSONS AGGRIEVED' who, 152, 153, note (a), 456, 506

PERU

copyright regulated by law of 1849...899
 no treaty with other nations, 900
 one of signatories to South American Convention, 1889...900
 duration of copyright, 900
 posthumous works, 900
 deposit of copy, 900
 penalties for infringement, 901
 translation, 901

'PESTAL,' 256, 389

PETER PINDAR'S LECTURES, 90

PETITIONS,

to parliament to protect copyright, 25

PHILADELPHIA,

maps of infringed, 241

PHONOGRAPHIC LECTURER (The), 56

PHOTOGRAPHS.

copyright in, 441
 term of, 441
 by whom may be claimed, 442, 443, 447
 who is the 'author' of, 444, 445, 446, 475
 author the person who takes the negative, 475
 registration of, 447
 on, what description to be given, 450, 451
 benefit of 25 & 26 Vict. c. 68, cannot be claimed until after
 registration, 451, 452
 action only in respect of offence committed after registration,
 452
 provisions of 5 & 6 Vict. c. 45, as to registration applied to,
 455
 who is an aggrieved person, 456
 expunging entry in register, 456
 assignment of copyright in, 447, 448
 infringement of copyright in, 457
 penalties for, 457, 470
 cumulative, 464
 cannot be escaped by executing a composition with
 creditors, 471, 472
 a criminal offence, 471
 effected by chromo-lithograph taken from, 448, 449
 penalties inflicted for fraudulently signing photograph, 468
 selling, publishing, or ex-
 hibiting, 469
 selling a copy or colourable
 imitation, 469
 penalties inflicted for knowingly selling altered work of author
 without consent, 469, 470
 engravings may be infringed by, 418, 419, 458
 so also may paintings, 458

PHOTOGRAPHS—*continued.*

of engravings may be regarded as original productions, 460
 taken from a painting original, 460
 lent for particular purpose cannot be copied, 425
 to illustrate 'Good Words,' 447
 as to the license required to copy, 457, note (b)
 whether, designs, 496, 497
 under International Copyright Acts, 599
 suggestion of Copyright Commissioners as to, 473, 474
 negative of, to whom belong, 475
 use which may be made of, by photographer, 476
 album for holding, not a book, 106

PHRASE,

three or four bars may form a, 236, 237
see also MUSICAL COMPOSITION.

'PIANISTA AND ITALIAN OPERA PROMENADE CONCERT MAGAZINE,' &c., clxxxii

PIANOFORTE,

score of an opera, copyright in, 385
 distinction between this, and original score, 387
 registration of an arrangement of an opera, 570
 arrangement of 'Vert-Vert,' 570
see also MUSICAL COMPOSITION.

PICTURE,

exhibition of, not a publication, 19
 engravings from, 416
 photograph from, 460
 books for the blind, 104
see also ENGRAVINGS; PAINTINGS AND DRAWINGS; PHOTOGRAPHS.

PIECE: *see* PATTERN; REGISTRATION; SAMPLE.

'PILGRIM'S PROGRESS,' 24

PIRACY: *see* INFRINGEMENT OF COPYRIGHT.

PLACE,

first publication must be in United Kingdom, 119, 120, 364, 365, 373, 566, 618
 native author may be abroad, 121
 whether foreign author must be within British dominions, 122, 129
 first performance of MS. play must be in United Kingdom, 119, 577
 of dramatic entertainment, 339, 340, note (b), 341, 342
 of business given in register instead of abode under Copyright Act, 1862...450

PLAGIARISM

not necessarily an invasion of copyright, 194
 not every imitation a proof of, 223, 227

- PLAINTIFF,
 evidence for, in engravings suits, 428
 necessary to obtain an injunction: *see* IN-
 JUNCTION.
 offering to compromise, effect of, 262
- PLAN: *see also* ARRANGEMENT; MAP.
 not subject of copyright, 43, 44, note (a), 107, 241
- PLATES: *see* STEREOTYPE PLATES.
- ‘PLAY,’ 330
- PLAY: *see* DRAMATIC COMPOSITIONS.
- PLEA,
 where allowed usually end of injunction, 292
- PLEAD,
 what defendant may, 258
 notice of objections to plaintiff’s title, 226—256
 form of, 257, note (a)
- POEMS,
 Byron’s ‘Cain,’ 91
 ‘Childe Harold,’ 133
 ‘Don Juan,’ 93
 Gray’s, 40
 Milton’s ‘Paradise Lost,’ 28
 Selections of, 44
 Southey’s ‘Wat Tyler,’ 89
 said to be Byron’s, 99
 copyright in collections of, 44
- POPE’S AND SWIFT’S MISCELLANIES PIRATED, 28
- ‘POPULAR FAVOURITES FOR THE PIANOFORTE,’ 327, note (a)
- PORCELAIN,
 copyright in designs applied to, 492
- PORTIONS: *see* PART; PATTERN; REGISTRATION; SAMPLE.
- PORTUGAL,
 order in council as to designs, 538
 not joined Berne Convention, 755
 treaties with France, Belgium, Spain, and Brazil, 755
 under law with Brazil, photographs to be protected, 755,
 note (a)
 Literary copyright in, 747
 right to publish a literary work, 747
 laws and official decrees, 747
 speeches, 747
 lectures and sermons, 747
 duration of copyright, 747

PORTUGAL—*continued.**Literary Copyright in—continued.*

- translation, 748
- reciprocity, 748
- rights of heirs of authors, 748
- works in collaboration, 749
- anonymous works, 749
- expropriation, 749
- publisher's rights and obligations, 750
- when publisher must commence publication, 750
- literary property personal, 750
 - cannot be prescribed, 750

Dramatic copyright, 751

- right of representation, 751
- what to observe when work in MS., 751

Artistic copyright, 752

- obligations of authors, 752
- registration, 752
- piracy, punishment for, 753
- publication of private letters with consent, 753
- criminal proceedings, 754

POSSESSION : *see* OCCUPANCY ; PROPERTY.

ideas not capable of visible, 5

POST OFFICE DIRECTORIES, 76

PRACTICE OF GRANTING INJUNCTIONS : *see* INJUNCTIONS.

'PRACTICE OF PHOTOGRAPHY' (The), clxxx

PRAYER BOOK,

- copyright in the Crown, 308, 310
- on what ground, 310
- view taken in Ireland, 311, 312
- view taken in England, 312

PRECEDENTS IN CONVEYANCING : *see also* FORMS.

- stolen, 9
- copyright in, 66

PREROGATIVE COPIES : *see* CROWN COPYRIGHT.

PRESS,

- restraints on ; removed, 21

PRESUMPTION,

- no, of assignment of copyright, 178

PRINCE EDWARD'S ISLAND,

- adopts the provisions of the 10 & 11 Vict. c. 95...610

'PRINCE IMPERIAL GALOP,' 327, note (a)

PRINCIPLES: *see also* RULES.

- on which injunctions granted, 29, 265—277
- on which Courts of Equity act, 48, 49
 - in Scotland act, 40, 271
- on which copyright in an advertising medium depends, 103
- on which piracy of dictionary depends, 204
- on which translation of protected work piratical, 238
- by which a piracy may be discovered, 198, 207, note (a)
- as to costs, 304—306

PRINTER,

- his name and abode to be printed on every book, 262
 - newspaper, 540, 544, 545
- name of, need not appear on cards or on articles in which he deals, 545
 - papers for sale of estates or goods by auction, 545
- prosecutions of, for not printing name to be commenced within three months, 545
 - how to be conducted, 545
- when cannot maintain action against publishers, 95, 96, 545, note (a)
- has lien on books printed, 176
- liable to action for printing for “sale or exportation,” 252, note (a)
- no defence to action for piracy that name of, not on book, 262
- contract by, to print and find paper not contract for sale of goods, 932, note (b)
- lien of, on copies printed for cost of printing, 427, 955, note (c)
- cannot plead want of knowledge, 254
 - demurrer to bill of discovery as to names, &c., 541
- cannot recover for printing work until whole be completed and delivered, 932, note (b)
- cannot maintain action for printing obscene book, 934, note (c)
 - but entitled to recover in what cases for un-objectionable part, 934, note (c)
- to make annual returns as to newspapers, 547

PRINTING,

- restraints on, 20, 21
- effect of, 19
 - a drama taken from a novel, 378, 379
- what equivalent to printing, 381, 382
- or “otherwise multiplying” meaning of in Copyright Act, 1842...382
- printer not, name and residence in any book, 379, 544, 545

PRINTS: *see* ENGRAVINGS.

- a collection of, a book, 104

PRIVATE,

- letters, copyright in, 44
 - distinction between commercial and, 46
 - Cicero's opinion on the publication of, 50
 - when the publication of, permitted, 51
 - not permitted, 51, 52
 - principles on which publication prevented in Scotland, 50
 - ground on which Court of Chancery will prevent publication of, 49, 50
 - what is a publication of, 53
 - written by one person for another, 53
 - circulation not a publication, 18, 117
 - distribution of lithographic copies deemed a publication, 117
 - distribution an infringement of copyright, 244
 - distribution among pupils by a system of bookkeeping, 118
 - theatricals, 341, 342, 366, 367

PRIVY COUNCIL,

- may license the publication of any book, 115

PROBABILITY OF INJURY

- to be shewn, 278, note (a)

PROCEDURE,

- mode of, in seeking an injunction, 293 *et seq.*
- see also* REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

PROCEEDINGS: *see also* REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

- in cases of infringement of copyright generally, 532, 533
- for not printing name and abode of printer, 545
- for fraudulently selling a work of art, &c., 469
 - signing a work of art, 468
- see also* ACTION FOR DAMAGES; INJUNCTIONS.

PROCESS OF MANUFACTURE,

- not registrable as a design, 488

PROCLAMATION OF THE STAR CHAMBER IN 1623...20

PRODUCTION,

- the essential principle of one source of property, 3
- of original picture not necessary in action for infringement, 465
- see also* PROPERTY.

PROFANE PUBLICATIONS: *see* BLASPHEMOUS PUBLICATIONS.

PROFITS,

- arising from recital of works, 2
- due to author, 930
- agreements for division of, 957
 - not assignable, 957
 - create a joint adventure, 961
 - terminable by notice, 961 *et seq.*

PROFITS—continued.

- property in work considered as rights to, 87
- account of, incident to plaintiff's relief in equity, 301
 - where not allowed, 302
 - to what limited, 303
 - as to past as well as future sales, 303
 - in equity only nett, 293, 303
 - what in America included in such, 303
 - if small, usually waived, 304
 - points as to costs in connection with, 304—306
 - between authors and publishers, 974
 - when ordered to be kept by defendant, 286

PROHIBITIONS: *see* CUSTOMS CONSOLIDATION ACT.

PROPERTY,

- how originally adjusted, 3
- copyright a distinguishable, 3, 5
 - personal, 175, 177
- in literary compositions, 3, 177, 178
 - does not pass by publication, 19
- definition of, 3, 5, 16
- rights of, must be instituted before violation, 3
 - alone protected by Courts of Equity, 49
- in the order of words a mental abstraction, 5, 6
- in a stream of water, 6
- in private and commercial letters, 43—46
- in the paper on which letters written, 44
- in lectures, 18
- in the Bible, 308, 310
- production the principle of one source of, 3
- value of, in musical composition, 17, 327, note (a)
- considered as the right to profits of work, 87
 - publish or withhold, 87
- no, in works of libellous, immoral, or obscene nature, 87

PROPRIETARY RIGHTS

- ideas not the subject of, 5

PROPRIETORS: *see also* AUTHORS; PUBLISHERS.

- of copyright, who, 177
- copyright of articles in, of periodicals, 955
- need not publish work bought of author, 947
- to what extent may delay publication, 947
- alterations by, of author's work, 947 *et seq.*
- of periodicals, right to publish articles, 52, 53, 78—81
- of paintings, &c., 444, 445
- of photographs, 446, 447
- of newspapers, 546
 - what alterations may make in articles, 947
- "representative," 546
- of place of dramatic entertainment, 347
 - how far liable if copyright song sung without permission, 346, 347
 - presumption of permission, 347

PROPRIETORS—*continued.*

- provisions of Copyright (Musical Compositions) Act, 1888...347
- how far can, of periodicals interfere with editor, 955
- may sue for recovery of copies pirated, 254
 - otherwise at Common Law, 255
 - value of pirated copies sold, 255
 - in Equity entitled to nett profits only, 293
- of designs, may have pirated copies delivered up, 255, 533
- of design may be body corporate, 504
- registered, only may sue under 58 and 59 sect. of Act of 1883 ...531
- of foreign designs, rights of, 537
- of colonial designs, rights of, 5 8
- where, name part of title, 942, 943

PROSPECTIVE COPYRIGHT,

- none in newspaper, 547, 548

PROTECTION

- obtained by the Universities, 35
- registration of sample : *see* DESIGNS ; REGISTRATION.

PROTECTOR-LABEL

- not a proper subject of registration, 487

PROVERBS,

- copyright in collections of, 44

PROVISIONAL REGISTRATION, 535 : *see also* SCULPTURE.

- at an end, 536
- exceptions, 536, 537
- rules as to, 537
- of articles exhibited, 535, 536

PRUSSIA,

- international convention with England, 578

PSEUDONYMOUS WORKS : *see* ANONYMOUS WORKS.

PUBLIC

- offices, letters addressed to, 54
- documents, copyright in, 133
 - publication of, may be prevented by Government, 54, 55
- libraries : *see* BRITISH MUSEUM ; UNIVERSITIES.
- performance : *see* DRAMATIC COMPOSITIONS ; REPRESENTATION.
- reading : *see* LECTURES.

'PUBLIC CORRESPONDENT' (The), 72

PUBLIC DELIVERY OF LECTURE : *see* LECTURES.

PUBLICATION

- what is a, 17, 116, 117, 118
- what not, 18, 117

PUBLICATION—*continued*.

- in what way works originally published, 2
- Common Law right to first, 10
- statutes do not affect right of author before, 10
- author may prevent, 8, note (a), 11, 87
- effect of, 19
 - unlimited right of, 143
- what passes by, 19
- of private letters, 44, 49—53
- of letters not permitted for the purpose of representing that to be true which has been admitted to be false, 51
- of letters sent to newspapers, 52, 53
 - government offices, 54
- of articles in reviews, &c., 78
- of part not a publication of the whole, 119
- of the Bible: *see* BIBLE.
- of separate books of the Bible, 311
- of translations of the Bible, 311
- of statutes, 308, 314: *see* CROWN COPYRIGHT.
- of reports in courts of justice, 317—320
 - during trials, 318
- of ex parte statements upon coroner's inquest, 319
- of head notes: *see* HEAD-NOTES.
- of newspapers when copyright attached, 68
- of a series of parts, 81, 131, 161
- copyright runs from, of each part, 83, 131
- of books by order of Privy Council, 115
- of a design, 503, note (a)
- of a temporary character, 289, 290
- separate may be reserved, 78, 80
- by recital, 2
- by writing, 2
- by executors, 175, note (c)
- gratuitous circulation not necessarily a, 18, 19, 117
- private distribution of lithographic copies deemed a, 117
- presentation of copies not a, 117
- repeating from memory not a, 116
- public exhibition of sculpture a, 433
 - a picture not a, 18, 459
- must be first in this country, 119, 120, 364, 365, 373, 566, 618
- first in this country by foreigner, 122, 577
- simultaneous abroad and in this country, 119, 124, note (a), 132, note (a), 161
- effect of, of portion here, 131
- date of first, must be stated in the registry book, 149, 164
- date of, of 3rd edition not sufficient, 164
- effect of insertion of wrong day of, in registry, 149
- before, no copyright acquired by registration, 154
- representation of dramatic piece formerly not a, 116, 329
 - now a, 117
- in this country of dramatic piece a musical composition as a book before representation, effect of, 336
- representation of dramatic piece, a, under American Law, 330
 - abroad, effect of, 364, 365, 373, 566, 618

PUBLICATION—*continued*.

- whether copyright in dramatic piece governed by representation or, 364
- no copyright in libellous, immoral, or obscene, 87
 - irreligious, 90
- the use of letters as evidence in Court is not, 116, note (d)
- rival, may not take material parts of another, 194, 195
- registration under P. D. & T. M. Act, 1883, in one class, 503
- disclosure to confidential agent, not, 503
- when disclosure amounts to, 503
- name of, to appear in register, 146—148
 - persons who registered not sufficient, 147, 148
- to make annual return as to newspapers, 547
- contract as to, of unlawful book, invalid, 934, note (c)
- until actual, court will not interfere, 938
- agreement as to style of, 953

PUBLISHERS,

- when copyright vests in, 955, note (c)
- light in which, regard compositions, 929
- arrangements between author and, 929
- construction of agreements between authors and, 956
- contracts between authors and, should be in writing, 932
- what necessary to satisfy the Statute of Frauds, 933
- may bring action against author for not supplying work, 934
- should work be stopped, must pay author for work done, 934
- payment to representative of author, 935
- agreement between editor and, not to alter title of journal, 943, note (c)
- agreement for division of profits, personal, 957
- the benefit of the right to publish not transferable, 957, 958
 - not even whether the author receives a royalty, 959
 - otherwise when he receives a sum down, 959
- agreement for division of profits a joint adventure, 961
 - terminable by notice, 961—965
- agreement not to sell under a certain price, 966
- agreement as to style of publication, 953
- ordinary agreements between authors and, not a partnership, 967
- construction of the word "edition," 967
- right of, to sell copies on hand prior to expiration of his limited copyright, 969
- accounts between authors and, 974
- dissolution of partnership between, 78, note (d)
- copyright in, when they employ and pay editor, 79, note (b)
- of piratical work not liable unless guilty knowledge brought home to them, 253, note (a)
- injunction may be obtained against seller though plaintiff has not proceeded against, 294
- no specific performance of agreement to write book, 935
- an author may bind himself not to write upon a particular subject, 937
 - but Court will only interfere until actual publication, 938

PUBLISHERS—*continued.*

- when not contrary to agreement with, author may publish continuation of his work, 939
 - 'The Edinburgh Philosophical Journal,' 939
 - 'London Journal,' 940
 - 'London Society,' 941
- as to alteration by, of author's work, 943
 - lien on the copyright for disbursements, 946, note (a)
- when agreement is for a specified number of copies, 952, 953
- after purchase of copyright by, author cannot reproduce matter in any other book, 954
- not bound to publish a second edition, 953
- as to accounts of, 974
- effect of bankruptcy of, 959
 - where author entitled to share profits, 973
- alterations by, of author's work, 943, 947
- where no agreement, need not publish a work bought, 947
- to what extent may delay publication of periodical work, 947
 - see also* AGREEMENTS BETWEEN AUTHORS AND PUBLISHERS.

PUFFENDORF, cited, 3

'PUNCH,' 74, 212, 278

QUADRILLES

- taken from copyright opera, a piracy, 372
- where may be copyright in, taken from unprotected opera, 385, note (a)

QUANTUM

- little criterion of piracy, 63, 210
- in trifling cases injunction not issued, 272

QUEEN : *see* PRINCE ALBERT'S CASE, 11, *et seq.*

QUOTATIONS

- copyright in, 44
- to what extent may be made in encyclopædias, 197
- extensive from poetical works, 211
- quantity of, but slight criterion, 210
- when amount to piracy, 243
- adaptation of, 242
 - see also* REVIEWS.

'RAILWAY STATION,' PICTURE OF, BY FRITH, 471

'RAILWAY TIMES' (The), 215

RAISONNÉS (CATALOGUES), 100

'RASSELAS,' (DR. JOHNSON'S), abridged, 62, 229

READE'S 'Never too Late to Mend,' 33

- 'Peg Woffington,' 961
- 'Christie Johnstone,' 962
- 'A Hero and a Martyr,' 553

'REAL JOHN BULL' (The), clxxxiv

'REASON WHY,' 202

RECEIPTS,

copied from book on other subject, 212, note (b)
copyright in arrangement of, 43, 44, note (a)
no copyright in simple collection of, 42
whether, for purchase money will operate as an assignment,
184

RECEIVER OF LETTER,

property in paper, 44
not permitted to publish it, 51

RECITAL OF WORKS IN ANCIENT TIMES, 2

RE-DELIVERY OF LECTURE: *see* LECTURES.

REGISTER

of newspapers to be open to inspection, 547

REGISTERED,

word to be attached to every article under Designs Act, 517,
518, 519, 520
not necessary in statement of claim to allege this done,
295, 533
stating in catalogue articles to be, when not, 97, note (a)
correct titles must be, 149, 150
articles falsely described as, 244, 530
word need not now be marked on sculpture, 437

REGISTRATION,

Literary Copyright,

object of, 120, 144
only legal of a work actually composed, 68, 154, 155
certificate of, 145
of title of intended work, 68, 154
of copyright, 144, *et seq.*
effect of neglect of, 145, 146, 162, 163, 337
must be accurate to support action, 146
full name of person, 146
but sufficient to enter first publication under name of
firm, 148
of first date of publication must be given, 149
place of residence, 150, 151
abode of assignee, 150, 151
expunging or varying entry, 152, 456
name of first publisher who registered not sufficient, 147,
148
correct title, 149
parties registering must be owners of copyright at time of,
154
issue of writ same day as, but after, valid, 163, 252

REGISTRATION---continued.

Literary Copyright—continued.

of third edition where first and second not registered,
164

date of, of third edition only given, 164

defect in, effect of in plaintiff's evidence, 258

certificate of, *prima facie* evidence of proprietorship, 261

under Fine Art Copyright Act, 444,
note (b)

but entry must be clearly shown to be false, 152

who has a right to have entry expunged, 152

condition of work to secure sufficiency of, 154

of the first number of periodical sufficient, 159, 161

not necessary of the particular part in which article in-
fringed appearing, 159, 160

a condition precedent to sue under 5 & 6 Vict. c. 45 . . 146,
162

but not under Works of Art Act of 1862 . . 452

of new editions, 164

of maps, 166, 407—414

of partial assignment, 188

of assignment for certain number of years, 188

of certain number of copies or editions, 188

of share in copyright, 192

of newspapers, 549, 552

points as to, of newspapers, 550, 551

difference between, under Copyright Acts and, under
Newspaper Acts, 552

mortgage of share in newspaper does not require, 559

of periodicals, 157

of university copyright, 325

suggestions of Copyright Commissioners as to, 172, 173

Musical and Dramatic Copyright.

dramatic pieces, 337

in manuscript, 335, 336, 364

omission to register does not affect copyright, 337

the right of representation, 357, 358, 363, 364, 365

not necessary where expressly assigned, 357, 358

necessary where intended to pass by assignment of
copyright, 356

proprietor of "performing rights" may sue without,
164, note (a)

Engravings, Prints, and Lithographs,

no, necessary, 406

Sculpture and Models,

mode of, under 13 & 14 Vict. c. 104, s. 6, 435

not now necessary, 436, 437

Paintings, Drawings, and Photographs,

provisions as to, of, 450, 451

photographs, descriptions sometimes necessary on, 451

no action under 25 & 26 Vict. c. 68, can be maintained
until, 452

except as to offences committed after, 452

whether the sale after, of copies made before, an offence,
452, 453, 454

REGISTRATION—*continued.**Paintings, Drawings, and Photographs—continued.*

- of intermediate assignments not necessary if last assignment be entered, 455
- who an aggrieved person, 456
- certificate of, *prima facie* evidence of title, 444, note (b)
- suggestions of Copyright Commissioners as to, 455, note (d)

Designs,

- design merely protected by, 486
- subject must not be an article of manufacture, 488
- of a picture of a basket, 488
- of a table lamp shade, 488, 489
- of a kitchen range fire door, 489
- by, a mechanical contrivance may be protected so far as design concerned, 491
- classification for purposes of, 491
- must be new or original, 492
- original combination may be registered, 492
 - “The Honeycomb Pattern,” 492
- what not an original combination, 493
- combination for, must be one design and not a multiplicity, 493
- shape of body of four-wheel dog cart rejected, 493, note (a)
- of design of a shawl, 494
- of a red-coloured border on a body of yellow chamois-leather cloth, 495
- not new, if similar design previously published, 496
- copy of photograph of well-known public character not a new design, 496
 - case not followed, 497
- card basket formed by combination not entitled to, 497
- rule as to what is a proper subject of, 497
- design for a scarf or tie not capable of, not being sufficiently original, 498, 499
- of design already registered in one class, 499
 - for a particular purpose, for a different purpose, 500
- of design for a fairy lamp shade, 501
- who entitled to register, 503, 504
 - when work executed for another, 503
 - person entitled to limited interest, 504
 - body corporate, 504
- register book, 505
 - what to be entered therein, 505
 - to be *prima facie* evidence, 505
 - notice of trusts not to be entered, 505
 - but this not to apply to simple trusts, 505
- Comptroller may refuse to register in what cases, 505
- register to be open to inspection, 505, 521, 522
- certified copies of entries to be given, 505, 510
- rectification of register, 506
 - who may apply for, 506
 - costs of, 506
 - notice of to be given to Comptroller, 506

REGISTRATION—*continued.**Designs—continued.*

- right of party to be heard before Comptroller, 511
- penalty for making false entry in register, 506
 - tendering in evidence false, 506
- of application to register, 507
 - fees to be paid, 507, 508
 - what to accompany, 510
- statement of nature of design to be made on, 508
- when in more than one class extra fee, 508
- when advisable to register in more than one class, 508
- correction of clerical errors in register, 510
- form of certificate of, 511
 - copies of, may be given in what cases, 512
 - appeal to Board of Trade, 512
 - what to accompany, 512
- letter from Comptroller giving result of search not evidence of, 512
- by pattern not permitted by Designs Act, 1842...512
 - permitted by 21 & 22 Vict. c. 70...513
- specimens may be furnished instead of copies under Patents, Designs and Trade Marks Act, 1883...513
- when advisable to register by specimen, 513
 - when not, 513
- doubtful when, by specimen alone can be now effected, 514
- difference between, of Patents and Designs, 515
- applicant for, must state for what design is applicable, 517
- as to registration mark, 517
 - classes 1 to 12, "Rd.", 518
 - classes 13 and 14, "Regd.", 518
- provisions as to registration mark strictly construed, 518
- sale of single article without registration mark, 518
- each piece sold must be marked, 519
- where trimming sold in pieces how to be marked, 520, and 520, note (b)
- butter dish and cover how sufficiently marked, 520
- registration mark becoming illegible during process of manufacture, 520
- sale of articles abroad without registration mark, 520
- saving provision of 51 section of Patents, Designs and Trade Marks Act, 1883...521
- book containing copies of registered design need not be marked, 521
- registration of transfer, 523
 - request for, 523
 - how and by whom to be made, 523
 - what to be accompanied by, 524
 - form of, 524
- provisional, under 13 & 14 Vict. c. 104...535
 - now abolished, 536
 - exceptions, 536
- exhibition designs provisionally registered not to prevent future registration, 535

REGISTRATION—*continued.*

Under International Copyright Acts, 600—608

of books, 568, 569, 600, 602, 604

of dramatic pieces and musical compositions, 568, 577, 601

of engravings and prints, 569, 600, 601, 603

proprietor of foreign prints to comply with Engravings Acts, 603

whether necessary for foreign author to register in this country, 605—608, 621, 622

certificate of registration under, 623

of articles of sculpture, 568, 569, 601

of translations, 582, 583, 588

of books published anonymously, 571

of pianoforte arrangement of an opera, 570

mode of entry, 571

effect of, 571

as to expunging or varying entry, 571

delivery of copy to Stationers' Hall, 571. 575

In Foreign Countries: see PARTICULAR COUNTRY.

see also PROVISIONAL REGISTRATION.

REGISTRY, BOOK OF,

provided under the 5 & 6 Vict. c. 45...144, 145

open to inspection, 144

certificate of entry in, 145

stamp on, 145, note (a)

varying or expunging entry in, 152. 153

making false entry in, of Designs, 506: *see also* REGISTRATION.

'REINE DE SABA,' (LA), 279

RELIGION,

no copyright in works against the Christian, 91, 92

REMEDIES FOR INFRINGEMENT OF COPYRIGHT,

At Law,

for violation of common law rights. 8, 9

for unlicensed publication of M.S., 9

since Judicature Act, 251

Books,

penalties and forfeitures imposed by Statute of Anne, 26

remedies provided by 5 & 6 Vict. c. 45...252

action for damages against unlawful printing, importing, selling, or letting on hire, 251. 252, 253

notice of objections to plaintiff's title to be given, 255

when sufficient, 256, 257

amending notice of objection, 257

the defendant may plead the general issue and give special matter in evidence, 258

venue, 260

plaintiff need not aver that defendant published plaintiff's book, 262

REMEDIES FOR INFRINGEMENT OF COPYRIGHT—*continued.**At Law—continued.**Books—continued.*

- offer to compromise on certain terms, 262
- security for costs, 262, 263
- knowledge of piracy must be shewn in selling, but not in printer or importer, 247, 253, note (b), 254
- owner may sue for recovery of piratical copies, 254
 - profits on copies sold, 255
- penalties against unlawful importing, 253
 - separate, on same day, 253, note (b)
- remedies against gratuitous circulation, 243, 252, note (a)
- within what time actions must be brought, 258, 259
- omission to register will not affect, 337

Dramatic and Musical Compositions,

- under 3 & 4 Will. 4, c. 15...333, 334, 390
 - costs, 392
- under 5 & 6 Vict. c. 45, s. 21...390
- penalties recoverable by whom, 390, 391
- the 40s. under 3 & 4 Will. 4, c. 15, not strictly a penalty, 391
- where material part taken, actual damage need not be proved, 392
 - Lord Hatherley's opinion, 392
- suggestions of the Copyright Commissioners as to penalties, 394
- actions to be brought within twelve months, 396
 - to what actions apply, 396
- what offence to be described, 396
- whether remedies given by 3 & 4 Will. 4 c. 15, only incorporated with Copyright Act, 1842...340
- whether condition of circumstances also incorporated, 340

Engravings, Prints, and Lithographs,

- an assignee may maintain action, 425
- not necessary in Scotland to allege where piracy committed, 425
- penalty under Engraving Acts, 425
- special action on the case by 17 Geo. 3, c. 57...426
- limitation of time as to actions, 426
- summary proceedings for recovery of penalties, 426
 - in England, 426
 - in Ireland, 426
 - in Scotland, 427
- order for inspection and injunction, 427
- evidence on behalf of plaintiff, 428
- not necessary to produce plate, 428

Sculptures and Busts,

- action for damages given by 54 Geo. 3, c. 56...436
- penalty imposed on offender, 436
- remedy provided by the 13 & 14 Vict. c. 104...436

Paintings, Drawings, and Photographs,

- action only maintainable as to offence after registration, 451, 452

REMEDIES FOR INFRINGEMENT OF COPYRIGHT—*continued.**At Law—continued.**Paintings, Drawings, and Photographs—continued.*

whether action maintainable as to copies made before registration but sold after, 452—454

assignee may sue though prior assignments not registered, 451, 452

who is an aggrieved person, 456

expunging entry in register, 456

penalties on infringement, 457

penalties cumulative, 464

forfeiture of copies, 465

suggestions of Copyright Commissioners as to this, 465

Penalties imposed for :—

fraudulently signing painting, drawing, or photograph, 468

selling, publishing, or exhibiting same, 469

selling any copy or colourable imitation, 469

knowingly selling work having altered it without author's consent, 469, 470

to whom penalty is payable, 470

penalties imposed as a punishment for a criminal offence, 471, 472

cannot be escaped by a composition deed, 471

importing piratical copies, 472, 473

Designs,

remedy under Patents, Designs and Trade Marks Act, 1883...525

under old Acts what necessary to prove, 526

notice to be given by proprietor of copyright, 526

what insufficient, 526

under present Act no notice need be given, 527, 529

meaning of "fraudulent and obvious" imitation, 527
"obvious," 528

retailer only of pirated article entitled to notice before action, 530

penalty for wrongfully describing article as registered, 530

proceedings in Isle of Man, 530

jurisdiction of the County Palatine of Lancaster, 531

action for damages under Act of 1883...531

right to sue only in registered proprietor, 521

burden of proof in action, 532

consideration as to remedy to select, 532

no provision for delivering up of pirated designs, 533

but order made in *M'Crae v. Holdsworth*, 533

proceedings may be taken in Chancery Division of High Court of Justice in all cases, 533

what statement of claim should contain, 533

articles should be produced in Court, 533, 534

as to costs, 534

REMEDIES FOR INFRINGEMENT OF COPYRIGHT—*continued.**At Law—continued.**Designs—continued.*

terms on which particulars of objection may be amended, 534

in actions under s. 58 of Act of 1883 interrogatories cannot be administered, 544

costs where defendant succeeds generally, 534

where he raises a distinct issue and fails, 534

plaintiff puts in unnecessary evidence, 534

damages, 530

In Equity,

for violation of common law rights in unpublished works, 8, 28

in cases when work not literary, 46, 50

in letters, 44—51

injunction, 264

definition of, 264

Lord Mansfield's opinion upon the issuing of an, 265
the modern practice, 266

where this remedy applied and on what evidence, 266

Lord Eldon's opinion, 266, 267

equitable title which will support, 267

mere agreement not such title, 267

prima facie title must be shown, 268

auxiliary to legal right, 269

in granting, court will exercise its discretion, 269

in what cases it will be granted, 269

refused, 269, 270

not granted where action not maintainable, 270, 271

not issued against work on ground that it is injurious to feelings, 271

where fair doubt as to whether damages could be recovered at law, 271

where evidence of plaintiff contradicted by defendant, 271

in trifling cases, 272

Scotch law on this subject, 271

as to continuation of, or its dissolution, 272

where portion only of the work is piratical, 273

to what extent it is to go, 274

Lord Eldon's opinion, 275

where there is a similarity of appearance in works, 277

where publication is falsely represented to be the work of another, 278

due diligence to be observed in applying for, 280

what sufficient excuse for delay, 280, 281

tendency of modern decisions, 281

not granted generally where there has been acquiescence, 284

institution of proceedings after lapse of twelve months, 282

custom of trade no excuse for piracy, 285, 286

REMEDIES FOR INFRINGEMENT OF COPYRIGHT—*continued.**In Equity—continued.*

methods usually adopted by the court in particular instances, 286
 procedure in Equity, 287, 289, 293
 in cases where publication of temporary character, 289
 as to bringing to hearing where interlocutory injunction obtained, 291
 not necessary to apply in first instance on interlocutory application, 291
 dissolving of interlocutory injunctions, 291, 292
 usual method of obtaining dissolution, 292
 where copyright infringed injunction granted without proof of damages, 292, 293
 proprietor entitled to nett profits only, 293
 invasions by several persons, 293, 294
 proceedings may be taken against seller, instead of against publisher, 294
 one of several partners will not be restrained from publishing account of invention, 294
 if plaintiff has merely equitable title, person having legal title should be party, 295
 proceedings under the Judicature Acts, 296
 not necessary to specify in statement of claim, parts of work pirated, 296
 on claim by assignee what must be shown, 297
 nature of relief usually sought and obtained, 298
 forms of injunction, 300, Appendix (H): *see* FORMS, INJUNCTIONS.

Account

right to, incident to other relief, 301
 where no, allowed, 302
 as to past as well as future sales, 303
 limited to nett profits, 303
 commissions in America included in such, 303
 if small usually waived, 304
 examination of witnesses before examiner, 301, 302
 nature of discovery given, 302
 points as to costs, 304
 effect of offer by defendant on, 305
 bankruptcy of plaintiff after hearing but before judgment, 307
 rule for estimating damages, 307

In Foreign Countries: see INFRINGEMENT.

REPEAL

of the Foreign Reprints Act not recommended, 616, 617

REPETITIONS: *see* REPLICAS.

REPLICAS,

whether artist having sold picture may make, of it, 444, note (c), 474, 475

REPORT OF ROYAL COPYRIGHT COMMISSIONERS: *see* COPYRIGHT COMMISSIONERS.

REPORTS,

passages may be selected from, 65
to what extent cases may be taken bodily, 220
head-notes of, 64
publication of, in Courts of Justice, 317, 318
of *ex parte* statements on a coroner's inquest, 319
violation of the copyright in, 234, 235
official, belong to the Government, 55, 133
mining: *see* MINING.

'REPOSITORY OF ARTS, MANUFACTURE, AND AGRICULTURE,' 85

REPRESENTATION,

of dramatic pieces, 116, 117, 358, 376, 377
what is, within the meaning of the Acts, 347
equivalent to publication, 117, 335, 373
 even under International Copyright Acts, 374, 375, 376, 377
 not formerly so, 329
publication as book before, effect of, 336
period from which copyright dates, 337
at place of dramatic entertainment, 339, 340, 341
in the room of a hospital, 341, 367
in a nursery by children, 341
in a drawing room, 341
for charitable object, 342
oral consent to, not sufficient, 358, 360
how far taking money at the door affects the question of
 public or private, 367, 368
who those who cause, 343, 344, 345
right of, of dramatic pieces in MS., 363
 when commences, 364
 lost by previous publication, 364, 365, 373
whether copyright in MS. governed by, or publication, 364
 right of, of MS. lost by publication in print, 365
how the Common Law right of, of MS. lost, 335
what is a private performance, 341, 342, 367
of drama taken from novel not an infringement, 378, 384,
 note (b)
 otherwise if printed, 379
assignment of right of, 356
 must be in writing, 358
right of, does not pass by assignment of copyright with registration, 356
express assignment of, need not be registered, 357, 358
effect of assignment of right of, in London, 397
penalties for assignment violated only in those taking part in, 343
suggestion of the Copyright Commissioners as to the right of, 365, 366
of musical composition, how retained, by proprietor, 343

REPRESENTATION—continued.

of musical composition, provisions of 45 & 46 Vict. c. 40, as to, 343, 344
right of, in one and copyright in another, 343

REPRINTING.

invasion of copyright by, the whole, 209
a part, 209 *et seq.*
in colonies : see FOREIGN REPRINTS ACT.

REPRINTS.

how far copyright in, 165

REPUBLICATION OF BOOKS, by order of Privy Council, 115

REQUEST : *see* STATEMENT.

to transfer design, 523
by whom to be made, 523
form, 524

REQUISITES FOR SECURING COPYRIGHT: see REGISTRATION.

RESEMBLANCE BETWEEN WORKS.

not amounting to piracy, 222, 223
amounting to substantial identity test of piracy, 226
in general appearance, 277, 278
see ORIGINALITY; SIMILARITY.

RESERVATION.

of copyright in paintings, 441, 442, 444, note (b)
of separate publication of articles written for periodicals, 78,
83
form for entire, of copyright under the 25 & 26 Vict. c. 68...
clxxviii
partial, of copyright under the 25 & 26 Vict. c. 68...
clxxviii

RESIDENCE.

proprietor's place of, must be entered in registry book, 145
 abroad by Englishmen does not affect copyright, 121, 150
 as to necessity for, in British dominions for alien to obtain
 copyright here, 122—130
 meaning of, in United States, 911
 as to the, of an assignee, 150, 151
 not now necessary in United States to obtain copyright, 911

RESTRRAINTS ON PRESS REMOVED, 21

RESTRICTIONS

on importation of pirated copies, 246, 247, 248
contained in Customs Consolidated Act, 1876...248, 249, 253

RESULT IN COMPILATION MUST BE ORIGINAL, 198, 201, 204, 224,
241

RETURNS,

annual, to be made as to newspapers, 547

REVIEWS: *see* PERIODICAL PUBLICATIONS.

copyright in articles written for, 78, *etc.*, 131

when, are invasions of copyright, 211, 215, 217

registration of title of, 157

extracting whole stories for, 217, 222

REVISED EDITION: *see* EDITIONS.

REWARD DUE TO AN AUTHOR, 36, 929, 930

RIGHT: *see also* PROPERTY.

of action: *see* ACTIONS.

of author in his works before publication, 8, note (a), 10

early decisions in Scotland, 31, note (a)

of property, 3, 6

of assignor to sell copies of books after assignment, 191, 971

but not an exclusive right, 971

ideas not the subject of proprietary, 5, 6

of separate publication, 78, 80

of proprietor of foreign designs, 537

colonial designs, 538

of author on bankruptcy of publisher, 959

RIVAL PUBLICATION,

material parts of, may not be taken by another, 194, 195

ROAD BOOK,

infringement of copyright in, 40

in compiling, milestones must be counted, 199

use may be made of earlier writers, 207

ROLL-CALL (The), 152, note (a)

ROSCIUS'S, THE PLAYER, PURCHASE FROM TERENOE, 2

ROUMANIA,

literary and artistic property, 799

Press Law of 1862...800

dramatic compositions, 800

translations, 801

penalties for piracy, 801

regulations for carrying out Press Law, 801

penalties for importation, 802

ROYAL COPYRIGHT COMMISSIONERS: *see* COPYRIGHT COMMISSIONERS.

ROYALTIES,

as to payment of, to author on bankruptcy of publisher, 959

RULE

respecting abridgments, 61, 62, 63, 227, 228

by which a piracy judged, 204, 207, note (a), 208

RULES

of Supreme Court do not override provisions of special statutes,
394
Designs Rules, 491, 499, and Appendix (E.)

RUSSELL'S SONG, 'THE SHIP ON FIRE,' 339

RUSSIA,

Literary Copyright in, 785

what protected, 785

duration, 786, 789

registration, 786

assignment, 786

remedies of author against piracy, 786, 793

penalties, 787

on the right of publication of writings, 788

definition of writings, 788

joint works, 789

translations, 790

piracy, definition of, 790

reproduction in newspaper, 791

sermons, lectures, and addresses, 791

Dramatic and Musical Works, 787—791

posthumous dramatic works, 792

right of representation, 792

Artistic Copyright, 787, 792

what protected, 787

assignment, 788

registration, 788

duration of copyright in, 792

photographs, 793

piracy, 787, 793

what not, 793

penalties for, 793

prescription of actions, 795

General Provisions,

assignment, 795

right of publication of MS. does not pass to creditors, 796

reciprocity, 796, 797

not joined Berne Convention, 797

has treaties with France and Belgium, 797

ST. CHRISTOPHER

adopts the provisions of the 10 & 11 Vict. c. 95...610

ST. KITTS

adopts the provisions of the 10 & 11 Vict. c. 95...610

ST. LUCIA

adopts the provisions of the 10 & 11 Vict. c. 95...610

ST. VINCENT

adopts the provisions of the 10 & 11 Vict. c. 95...610

SALES : *see also* ASSIGNMENTS.

- of copyright by the Universities, 325
- warranty on, 954
- may be made by letter, 185
- of books by assignee after assignment of copyright, 191, 971
- of pirated copies made before registration under Act of 1862,
after registration, 452—454
- forms of, under Literary Copyright Act, clxx—clxxiv
the 25 & 26 Vict. c. 68, clxxviii, clxxix
- restraining sales : *see* INJUNCTIONS.

SALVADOR,

- no special law as to copyright, 901
- treaty with France, 1880...901
- translations, 902
- dramatic works, 902
- extracts, 902
- works published in parts, 902, 903
- duration of copyright, 903
- one of signatories to treaty of 1887 between five republics of
Central America, 903

SAMPLE,

- permissible to register by, 512, 513
- when advisable to register by, 513
- when not advisable to register by, 513
- what protected when registration by, 514 *et seq.*

SANDWICH ISLES : *see* HAWAII.**SAN MARINO (REPUBLIC OF),**

- no copyright in, 767
- treaty with Italy, 1872...767

SARDINIA,

- convention between, and Austria, 578
- this country, 578

SAXONY,

- joins the international convention, 578

SCANDALOUS WORK,

- no copyright in, 95

SCENES,

- piracy by taking of certain, of play, 352—355, 369—371

SCENIC ENTERTAINMENT : *see* DRAMATIC ENTERTAINMENT.**SCHOOL BOOKS,**

- copyright in, 48, note (a), 67, 202, 203

SCIENCE (GUIDE TO) : *see* BREWER (DR.).**SCORE,**

- copyright in a pianoforte, 385
- distinction between pianoforte, and original, 386, 387

SCORING TABLET,
copyright in, 106, 149

SCOTLAND,
early decisions as to author's common law right in, 31, note (a)
principles upon which Court of Session in, have acted in issuing injunctions, 50, 271
case in, as to book of designs for trade circulation, 97, note (a)
remedy in, under the Copyright (Works of Art) Act, 426

SCOTT (SIR WALTER),
works infringed, 109—111, 242

SCRIPTURES; *see also* BIBLE.
work denying truth of, not protected, 91

SCULPTURE AND BUSTS,
construction of Acts relating to, 431
copyright in, 429
 extent of, 431
 term of, 432
 term of, suggestion of Copyright Commissioners as to, 433, note (b)
 when date from, 433
 what necessary to obtain, 433
 what protected by the Act, 433
 casts of flowers and fruit, 433
 assignment of, 434
 registration of, under 13 & 14 Vict, c. 104, s. 6...435
 that Act repealed by Patents, Designs and Trade Marks Act, 1883...436
 not now necessarily to register, 436
 infringement of, 436
 penalties for, 436.
 formerly no offence to *sell* a pirated cast of, with additions, 431
 make a pirated cast of a *fac simile* of original, 431
 otherwise by 54 Geo. 3, c. 56...431, 432
 what is publication of a piece of, 433
 registration mark on, 436, 437
 not now necessary, 437
 public exhibition of a piece of, 433
 not protected against drawings or engravings, 437
 protected under the International Copyright Act, 567
 registration under, 568, 569
 suggestions of Copyright Commissioners on copyright as to, 437
 as to remedies for infringement, 465
 provisions of Lord Monkswell's Bill, 438
 definition of "design" not to include, 486

SEARCH: *see* REGISTER BOOK.

'SEASONS' (THOMSON'S), pirated, 29

SECURITY FOR COSTS: *see* COSTS.

SEDITIONOUS WORK,

no copyright in, 88
seizure of pirated copies, 589

SELECTIONS : *see* **COLLECTIONS.**

SELLER : *see* **ASSIGNOR.**

SELLING PRICE OF BOOK,

may be fixed by publisher when not specified in agreement,
953

SEPARATE

publication of articles in reviews, 78, 80

books of the Bible, 311

articles advertised to form part of periodical publication, not a
book, 116

penalties for each offence, 253, note (b)

SERIES : *see* **PERIODICAL PUBLICATIONS.**

publication of a, of parts, 82

of parts, copyright runs from publication of each, 131

‘ **SERIOUS FAMILY POLKA** ’ (The), 77, note (b)

SERMONS,

copyright in, 59

SERVIA,

order in council as to designs, 538

no law of copyright, 803

treaty contemplated with France, 803

SESSION, COURT OF (SCOTLAND),

principles under which an interdict is issued, 50, 271

remedy in, under the Copyright (Works of Art) Act, 427

SHAPE,

protection under Designs Act only afforded to, 486

trifling difference in, not protected, 497, 498

SHARES,

transfer of, in newspapers, 547

‘ **SHAUGHRAUN** ’ (The), 374, 577

SHAWLS,

copyright in designs as applied to, 492

registration of, 509

form of injunction as to mantilla, clxxxv

SHEET OF LETTER-PRESS,

meaning of expression, 116

engravings published with, 407

SHERIDAN'S OPERA OF THE 'DUENNA,' 330, note (b)

'SHIP ON FIRE,' Russell's Song, 339

SHOES,

copyright in designs as applied to, 492

'SHOP,' 384

SHORTHAND,

play may not be taken down in, and published, 9

lecture may not be taken down in, and printed, 18, 56, 58

SIDE-NOTES OF REPORTS,

copyright in, 64

definition of, 65

may be considered as digest, 65, 234

SIMILARITY

of errors test of piracy, 206, 207, note (a)

of appearance of two works, 277

between two engravings, 416

SIMULTANEOUS PUBLICATION

abroad and in this country, 110, 124, note (a), 132, note (a)

SION COLLEGE,

copies of books for, 172

SKETCHES (Artists'), 474

'SLAP BANG! HERE WE ARE AGAIN!' 327, note (a)

SMILES'S 'THRIFT,' 615

SMITH'S 'LEADING CASES,' 220, 221, 285

SMITHSONIAN INSTITUTION (America),

copy of every book for, formerly required, 172, note (a)

SOLICITOR,

copyright in letter written by, of a company, 44, note (a)

SOLID SUBSTANCES,

copyright in designs as applied to, 491

SONATA,

copyright in a, 327

SONGS,

number of some popular, sold, 327, note (a)

prices given for copyright of some, 327, note (a)

words of taken, 347

"written and composed" on, 99

copyright, may not be publicly sung, 59, note (b), 335, note (b),
347, 350

SONGS—*continued*.

- copyright in, not lost by custom of place where sung, 363
 - term of, 334, 335, 337
- when dramatic, 348, 349
- arrangement of new words of, and accompaniment to old airs, 385, note (a), 389
- stated to be composed by Gounod, 278, 279
- assignment of copyright in, must be in writing, 184, 358
- form of injunction restraining use of name and title page of, clxxxi

‘SONNAMBULA’ (La), 187 .

‘SOUNDING THE CHARGE,’ 452

SOUTH AFRICA (REPUBLIC OF): *see* AFRICA.

SOUTH AMERICA,

- International Congress of 1888 . . 830
- treaty come to differs from Berne Convention, 831
- translations, 831
- newspaper articles, 832
- speeches, 832
- what are unlawful reproductions, 832

SOUTHEY’S ‘WAT TYLER,’ 89

SPAIN,

- order in council as to designs, 538
- copyright treaty of 1857 with, 578
 - expiration of and renewal, 578, note (e)
- Literary Copyright* in, 737
 - what protected, 737
 - persons protected, 737
 - duration, 737, 740
 - anonymous and pseudonymous works, 737
 - newspapers and periodicals, 737, 738
 - lectures, 738
 - posthumous works, 738
 - laws, &c., is used by public authorities, 738
 - parliamentary speeches, 739
 - translations, 739, 740
 - foreigners’ rights, 739
 - registration, 741
 - date of protection, 741
 - forfeiture, 741
 - penalties, 741
 - reciprocity, 743
- Musical and Dramatic Works*, 744
 - duration, 745
 - registration, 745
- Works of Art*, 745

SPECIFIC PERFORMANCE,

- no, of contract to write book, 935
- for sale of copyright, 935, note (c)

SPECIFICATIONS,
no copyright in, 99

SPECIMEN,
registration by, 510: *see* PATTERN.

SPECTACULAR PIECE: *see* DRAMATIC COMPOSITION.
copyright in, 350, 351

SPEECHES: *see* LECTURES.
copyright in, 59

'SPINNING BY HER COTTAGE DOOR,' 98

'SPLENDID MISERY,' 551

'SPORTING LIFE' (The), 559

'SPRING CAROL,' 98

STAMP,
not necessary on assignment of copyright by entry, 145, 184
on assignments not made by entry, 185, 186
on certificate of entry in registry, 145, note (a)
necessary on agreements under the 25 & 26 Vict. c. 68 . . 444,
note (a)

STANDARD TELEGRAPH CODE (The), 243

STAR CHAMBER,
decrees of the, 20, 309
abolition of the, 21

STATE DOCUMENTS: *see* CROWN COPYRIGHT; GOVERNMENT.
copyright in, 314

STATEMENT
under, of claim, Judicature Act, 295
Patents, Designs and Trade Marks Act, 1883,
what necessary to allege, 533
what not necessary, 295, 533
in, of claim, not necessary to specify parts of work pirated, 296,
and note (d)
of claim by assignee of copyright, 297
usually prays for account, 298
practice in America, 298, note (d)
of nature of design to be made by applicant for registration,
508, 517

STATEMENTS MADE *ex parte* ON CORONER'S INQUEST, 319
untrue, effect on copyright, 97, note (a)

STATIONERS' COMPANY,

- original charter of the, 19
- effect of the Licensing Act upon the, 22, 23
- traffic of members in, 24
- ordinances and by-laws of the, 25
- book of registry to be kept at, 26, 144
- registration at, 144, 188, 192 : *see* REGISTRATION.
- delivery of books to, for public libraries, 27
- practice of, as to partial assignments, 188, 192
- forms of entry used by the, Appendix (D.)
- monopoly of printing almanacs, 320, 321
- none now existing, 323

STATISTICS,

- copyright in, 41
- being infringed, 199

STATIUS, sale of 'Agave,' to Paris, 2

STATUARY : *see* SCULPTURE AND BUSTS.

STATUTE OF ANNE,

- object of registration under the, 144
- assignment under the, 180
- operation of the, enlarged, 126, 127

STATUTE OF FRAUDS,

- in relation to contracts between authors and publishers, 932, 933

STATUTES,

- do not affect copyright (generally) before publication, 10
- notes to, 320
- Crown, right to publication of, 133, 308, 314
- forms framed under, 66
- relating to copyright in British dominions, Appendix (A.)
- United States, Appendix (C.)

STATUTORY REQUISITES FOR SECURING COPYRIGHT : *see* REGISTRATION.

STEREOTYPE PLATES,

- purchaser of, is not authorized to print, 176

STOLEN MANUSCRIPTS, 9

STORY (MR. JUSTICE),

- opinion as to copyright in private letters, 49
- opinion as to letters to public officers, 55
- Blackstone's Commentaries, 66
- Commentaries on Equity Jurisprudence infringed, 231

STOWE'S 'UNCLE TOM'S CABIN,' 240

STUARTS, encouraged fine arts, 399

STUDIES (ARTISTS'), 474

STYLE,
agreements as to, of publication, 953

STYLES: *see also* FORMS; PRECEDENTS.
copyright in, 66

SUBJECT
of copyright; *see* COPYRIGHT.
of book need not be new, 38, 39, 40
of new edition, of copyright, 108—111
original combination a proper, for registration, 488, 492, 493
what a proper, under the Designs Act, 497: *see* DESIGNS.
a new ventilator not a proper, for registration, 486
a "protector label," not a proper, for registration, 487
author may bind himself not to write on particular, 937
copyright the, of bequest, 175
or phrase, three or four bars of music may form, 236, 237

SUBSCRIPTIONS
to works coming out in parts, 933

SUBSTANCE,
copyright is in the, and not in the form, 238, 492

SUE'S 'WANDERING JEW,' 353

SUGDEN ON 'VENDORS AND PURCHASERS,' 198

SUGGESTIONS OF COPYRIGHT COMMISSIONERS: *see* COPYRIGHT
COMMISSIONERS.

SUIT: *see* ACTION; REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

SUMMARY PROCEEDINGS: *see also* REMEDIES FOR INFRINGEMENT
OF COPYRIGHT.
for recovery of penalties under Engravings Acts, and 25 & 26
Vict. c. 68...426
in England and Ireland, 427
before two justices, 427
or stipendiary, 426, note (c)
in, justices may order payment of costs under Patents, Designs
and Trade Marks Act, 1883...530

SUPREME COURT,
rules of, Order LXV., 393
do not override provisions of special statutes, 394

SWEDEN,
order in council as to designs, 538
Literary Copyright, 729
what protected, 729
persons protected, 729

SWEDEN—*continued.**Literary Copyright—continued.*

translators, 730
 publishers of periodicals, 730
 duration, 730
 works of learned societies, 730, 731
 registration, 731
 alienation, 731
 piracy and infringement, 731
 piratical translations, 731
 what is not piracy, 731
 penalties, 731
 nationality and reciprocity, 732

Musical and Dramatic Works, 732

duration, 732
 right of representation, 732
 penalties, 732
 general provisions, 733
 additional law of 10th August, 733

Artistic Copyright, 733

‘SWEETLY PRETTY VALSE,’ 327, note (a)

SWIFT AND POPE’S MISCELLANIES PIRATED, 28

‘SWISS EXPRESS’ (The), 597

SWITZERLAND

order in council as to designs, 538
 copyright in, 767
 works protected in, 767
 duration of copyright in, 768
 piracy of copyright in, 768
 penalties for infringement, 768
 reciprocity, 768
 law of 1883...768
 duration of copyright under, 769
 posthumous works, 769
 registration, 769
 portraits, 770
 architecture, 770
 musical and dramatic works, 770
 photographs, 770
 reciprocity, 771
 what are not infringements, 771
 as to fine arts, 771
 penalties for infringement, 772
 prescription, 773
 retrospective action, 773
 additional period of copyright in what cases, 774
 registers to be kept at Berne, 774
 rights of foreigners in Switzerland, 774
 chief originator of Berne Convention, 774
 treaties with France, Germany, and Italy, 775, 776
 treaty with Belgium ceased since Berne Convention, 776

SYSTEM

of bookkeeping, peculiar, not protected, 105, note (a)
 of electric telegraphy protected, 107

TABLES,

copyright in mathematical, 44, 205
 statistical, 41

TALFOURD (SERJEANT),

on copyright term, 36
 on the reward due to an author, 36, 929, 930

TELEGRAPH CODE,

copyright in, 195, 243

TELEGRAMS,

copyright in newspaper, 107

TELEGRAPHY,

words used for, 107, 195

'TEMPLE BAR,'

publication of, magazine restrained as being in breach of
 contract, clxxxi

TEMPORARY

injunction where publication is, in character, 289, 290

TENDER,

effect of, by defendant to plaintiff, 300
 what effectual, as to costs, 300

TENNYSON'S WORKS PRINTED IN AMERICA AND IMPORTED, 248**TERENCE**

sale of his 'Eunuchus,' 2
 'Hecyra,' 2
 accused of stealing his fable, 2

TERM OF COPYRIGHT,

under 8 Anne, c. 19...27,
 8 Geo. 2, c. 13, and 7 Geo. 3, c. 38...400, 402
 54 Geo. 3, c. 156...36
 3 Will. 4, c. 15...335, 337
 5 & 6 Vict. c. 45...114
 5 & 6 Vict. c. 100...484
 25 & 26 Vict. c. 68...441
 in works published before the Act of 1842...114, 115
 in periodical works, 78, 83, 131, 218
 in dramatic compositions, 334, 335, 337
 in engravings, 400, 402
 in sculpture, 432
 in designs, 484, 485, 522
 under International Copyright Act, 590, 591

TERM OF COPYRIGHT—*continued*.

in foreign countries : *see* PARTICULAR COUNTRY.

considerations respecting increase of, 113

suggestions of Copyright Commissioners as to, 115, 116

‘TERM REPORTS,’ 235

TEST OF PIRACY, 197, 198, 206, 207, note (a), 221

TEXT,

how far alteration of the, constitutes new edition, 108, 109

‘THACKERAYANA, NOTES AND ANECDOTES,’ 213, 214

THEATRES,

contracts between managers of, and actors, 938, note (a)
to write only for particular, 937

THEATRICAL REPRESENTATION : *see* REPRESENTATION.

THEORIES,

no copyright in mere, 194

THOMPSON’S (Miss), ‘ROLL CALL,’ 152, note (a), 456

THOMSON’S ‘SEASONS’ PIRATED, 29

THOUGHTS : *see* IDEAS.

‘THRIFT,’ by Smiles, 615

THURINGIAN UNION (The)

joins the International Convention, 578

TILES,

copyright in designs as applied to, 492

TIME : *see also* LIMITATION OF TIME ; TERM OF COPYRIGHT.

divisibility of copyright as to, 188

‘TIMES,’ 548

TITLE,

copyright in a, 68—77

abstracts of, 48, note (a)

registration of intended, confers no copyright, 68, 154

correct, must be registered, 149, 150

attempt to secure copyright in, by dummy work, 155, 156

when, innocently assumed, 70

notice of objection to plaintiff’s, to be given, 255

when sufficient, 256

amending, 257

nature of a, 70

TITLE—*continued.*

- more properly a trade-mark, 70, 71
- part of book, 70
- to 'Bell's Life in London,' 71, clxxxii
- 'London Journal,' 71, clxxxii
- 'The Correspondent,' 72
- 'Trial and Triumph,' 73
- 'Punch and Judy,' 74
- 'The Era,' 74
- 'The Wonderful Magazine,' 75
- 'Minnie,' 75
- 'John Bull,' 73
- 'The Serious Family Polka,' 77, note (b)
- Post Office Directories, 76
- 'Our Young Folks,' 77, note (b)
- 'The Licensed Victuallers' Mirror,' 562, 563
- where the exact, taken, 72
 - not taken, 74
- where part of the, taken without fraud, 76, 563
- assuming a, which has been disused, 77
 - in France, 78, note (a)
- change of, and resumption of, by another, 77
- of almanac, 70, note (d)
- necessary to support an injunction, 266
- equitable, 267
- prima facie*, 268
- injunction auxiliary to legal, 268, 269
- forms of injunctions restraining use of titles, clxxxii
- of newspaper, no copyright in, 562
 - wrongfully assumed, 563
 - part of, taken, 563
- where publisher's name part of, 942, 943

'TOPOGRAPHICAL DICTIONARY OF ENGLAND,' clxxx

TOWNSHIPS,

- boundaries of, shown on maps, 67, note (a)

TRADE,

- custom of, cannot override the law, 85, 217, 222, 285
 - no excuse for piracy, 285, 286
- advertisements of, no copyright in, 101

TRADESMEN'S CATALOGUES: *see* CATALOGUES.

TRAGEDY: *see* DRAMATIC COMPOSITIONS.

Lord Byron's of 'Marino Faliero, infringed, 34

TRANSFER: *see* ASSIGNMENT OF COPYRIGHT.

of shares in newspapers, 547

TRANSLATION,

- what is a, 588
- copyright in a, 84, 237

TRANSLATION—*continued.*

- an original work, 85
- infringement of copyright by, 237, 238
- distinction between an imitation and a, 588
- of the Bible, 308, 310
 - separate books of the Bible, 311
- may be numerous of unprotected original, 237—351
- principle on which, of protected work piratical, 238
- different rule as to translations in America and here, 240
- of 'Uncle Tom's Cabin,' 240
- of foreign work infringing a protected work, 239
- opinion of some that piracy not committed by translation of protected work, 239, 240
- of foreign drama, 351
- under the International Copyright Acts, 86, 573, 574, 582, 588
- protected as original works, 582
- restrictions on, 583
- effect of statutory and conventional clauses as to, 588
- of articles of political discussion for newspapers, &c., 575
- requisites to obtain copyright in, under International Copyright Act, 574, 582, 583
- registration of, under International Copyright Act, 600 *et seq.*
- the 9th sect. of 15 Vict. c. 12, extended to unauthorized, 573

TREATISES,

- upon particular subjects, 65
- use which may be made in, of reports, 65
- judgments, 65

TRIAL,

- at, evidence of which notice not given not to be adduced, 255, 256
- report of, of Lord Melville pirated, 318
- publication of proceedings during, 317, 318

'TRIAL AND TRIUMPH,' 73, 149, note (a)

TRICKS: *see* MAGICAL APPARATUS.

TRINITY COLLEGE (DUBLIN),

- copy of every book, for, 170
- copyrights belonging to, 325

'TROUBLED LIFE' (A), 217

'TRUE BRITANNIA,' 76

'TRUE TO THE CORE,' 73

TRUST,

- breach of, ground for injunction, 50

TUNE,

- copyright, cannot be played in public without the composer's consent, 335, note (b)

TUNIS,

- order in council as to designs, 538
- one of signatories to Berne Convention, 828
- law of 1889...828
- duration of copyright, 828
- definition of 'literary and artistic works,' 828
- quotations for criticism, &c., 829
- penalty for infringement, 829
- piracy is a misdemeanour, 829
- what are infringements, 830

TURKEY,

- copyright in, 782
 - term of, 783
- translations in, 783
- piracy in, 784
- special works, 784
- law of 1884...785
- deposit of copies, 785

TYPE WRITTEN COPIES, 381

'TYRAWLEY'S (Lady) LETTERS, 46

'UNCLE TOM'S CABIN,' 240

UNDERTAKING AS TO DAMAGES BY PLAINTIFF, 286

'UNDER THE GAS-LIGHTS,' 368

'UNDER THE WILLOWS,' 98

UNITARIAN VIEWS,

- copyright in work expressing, 94

UNITED KINGDOM,

- definition of, 122, note (b)
- publication must be in, by alien to obtain copyright, 122—130
- publication of part of work in, 131—133
- order in council as to designs, 538

UNITED STATES,

- copyright in, 909
- what the subject of, 912, 913
- who entitled to, 910, 913
- must be a citizen to acquire, 910, 911
- temporary residence not sufficient, 911
 - not now necessary, 912, 913
- term of, 910, 913
- continuance of term, 913
- deposit of title and published copies, 913, 914
- book of entry and attested copy, 916
- copies of new editions of works to be deposited, 916, 917
- copies to be printed from type set in, 914
 - effect of this, 922, 927

UNITED STATES—*continued.*

- not necessary in case of dramatic or musical compositions, 915
- importation prohibited, 914
- copyright depends on delivery of copies, 915
- foreign books admitted free of which only translations copyrighted, 915, note (a)
- how far English authors entitled to copyright in alterations, 917
- penalty for omission to deliver copies, 917
- right of representation of dramatic works, 919
- how to secure exclusive right of performance, 920
- damages for printing or publishing manuscripts, 920
- periodicals, 921
- practice to be adopted by publishers of English magazines using matters copyrighted in America, 921
- stories published serially, 921
- benefit of late Act afforded to countries giving reciprocal protection, 922
- benefit extended to Great Britain, &c., 922
- regulations issued by Treasury under Act of 1891...923
- effect of Act of 1891 on rights of foreign-born residents of United States, 924
- directions issued by Librarian of Congress to American authors, 924
- registration of copyright in Canada, 925
- treaty between, and Germany, 926
- Act of 1st July, 1891...c25, Appendix (C).
- effect of recent American Copyright Act, 927
- publication of notice of entry for copyright prescribed, 918
- penalty for false publication of notice of entry, 918
- assignment of, 917, 918
- damages and forfeiture for violation of copyright in books, 919
- maps, charts, prints, &c., 919
- international copyright with, 624
- right of English authors in, 624
- reason why so long no convention between this country and, 624, 625
- title not protected apart from work, 910, note (b)

UNIVERSITIES,

- obtained an Act for protection of their copyrights, 35
- may hold copyright in perpetuity, 324
- suggestions of the Copyright Commissioners as to copyrights of the, 326
- delivery of copies of books to, 170
 - origin of claim, 171
 - penalty for default, 171
- distinction between delivery of copies to the British Museum, and to the, 170
- suggestions of Copyright Commissioners as to delivery of books to, 172, 173
- right of, to print Bibles and Prayer Books, 314
 - Acts of Parliament, 317

UNIVERSITIES—*continued.*

- books printed at, 324, 325
- registration and sale of copyrights by, 325,
- copies of newspapers to be delivered to, 552

UNLAWFUL PUBLICATION: *see* BLASPHEMOUS PUBLICATIONS; IMMORAL WORKS; SEDITIONOUS WORKS.

UNPUBLISHED WORKS: *see* LETTERS; MANUSCRIPTS.

UNTRUE STATEMENTS: *see* STATEMENTS.

URUGUAY (The Republic of),

- no special copyright law in, 903
- order in council as to designs, 538
- no treaty with other States, 903
- one of signatories to South American Convention, 1889...903
- negotiations with Spain as to treaty, 903

USE permitted of antecedent literature, 39, 42, 193, 197, 201, 206
prior musical composition, 235, 236
negative by photographer, 476—481

UTILITY,

copyright in designs of: *see* DESIGNS.

VACATION JUDGE: *see* DIVISIONAL COURT.

VALUE OF EXTRACTS, an ingredient in piracy, 209
injunction refused where, slight, 272

VARIATIONS,

adding, to a musical composition, 237

VARYING,

entry in registry, 152, 153, 571: *see* ENTRY; REGISTRATION.

VENDOR: *see* ASSIGNOR.

VENDORS AND PURCHASERS (The Law of), pirated, 198

VENEZUELA (United States of),

- copyright in, 904
- duration of, 904
- representation of dramatic works, 905
- as to royalties payable to authors, 905
- penalty for unauthorized performances, 905
- copies from papers, drawings, engravings, &c., 905
- registration and deposit, 906
- penalties for declaring deposit made when not so, 907
- forfeiture of right where registration not made, 907
- not entered into any treaties with other nations, 907

VENTILATOR,

not a subject of registration under Designs Act, 486, 487

VENUE, 260

VERBAL ASSIGNMENT: *see* PAROL ASSIGNMENT.

VERBATIM PIRACY, 209

‘VERGERS’ DAUGHTER,’ (The), 159

‘VERT-VERT,’ opera by Offenbach, 570

‘VERY SUSPICIOUS,’ 327, note (a)

VESTED

copyright in whom, 121—130

VINDICATION OF CHARACTER,

private letters may be published for, 51

VINER’S ABRIDGMENT, 65, note (a), 232

VIOLATION

of agreement: *see* SPECIFIC PERFORMANCE.

of copyright: *see* INFRINGEMENT OF COPYRIGHT; REMEDIES
FOR INFRINGEMENT OF COPYRIGHT.

VIRGIL,

examples of imitation from, 223

VOLUME,

each, a book, 116

see also BOOK; EDITION.

‘VOYAGE IN SWITZERLAND’ (The), 597

WALFORD’S ANTIQUARIAN, 942

WALTZES

taken from copyright opera, a piracy, 372

taken from unprotected opera, 385, note (a)

‘WANDERING JEW’ (The), 353

WARRANTY,

on sale of copyright, 954

‘WAT TYLER,’ 89

‘WE ARE GOING TO REFORM SOME DAY,’ 346

WEARING APPAREL,

copyright in designs as applied to, 492

WEBB, ‘PRECEDENTS OF CONVEYANCING,’ 9

‘WELCOME GUEST’ (The), 81

WELLINGTON’S (Duke of). DESPATCHES, 55

WESTMINSTER,

copyright of, perpetual, 324

‘WHAT AN AFTERNOON,’ 263, note (b)

‘WHITE CAT’ (The), 260

‘WHOLE DUTY OF MAN’ (The), 28

‘WILL O’ THE WISP,’ 340

WINCHESTER

copyright of, perpetual, 324

WITNESSES

to an assignment, 180—183

evidence of, taken before examiners, 301, 302

‘WONDERFUL MAGAZINE’ (The), 75

WOOD,

copyright in designs as applied to, 491

WOOD (VICE-CHANCELLOR),

opinion as to abridgments, 63

WOOL,

copyright in designs as applied to, 492

WORD,

whether there can be copyright in a single, 69

WORDS,

external signs of ideas, 2

permanent endurance of, 6, note (b)

copyright not in the form of, but in the intellectual conception
expressed thereby, 38

‘written and composed,’ on songs, 99

used for telegraphy, 107

new, and arrangement to old melody, 329

WORK,

attempt to secure copyright by dummy, 155, 156

WORKS OF ART: *see* PAINTINGS AND DRAWINGS; PHOTOGRAPHS.
Act of 1862...441

remedies under, 457, 464, 469

no copyright in, until registration, 451, 452

provisions for the repressing of fraud in the sale of, 468

of the ancient Greek and Romans well preserved, 6, note (b)

WORKS OF LITERATURE AND ART REFERRED TO :

*Books.**Novels and Tales,*

‘Aurora Floyd,’ clxxxv

‘Uncle Tom’s Cabin,’ 240

‘Christie Johnstone,’ 962

WORKS OF LITERATURE AND ART REFERRED TO—*continued.**Books—continued.**Novels and Tales—continued.*

- 'The Chronicles of Stansfield Hall,' 81
- 'Dangerous Connections,' 159
- Dick's 'English Novels,' 73
- Griffin's 'Collegians,' 333
- 'The Guardian Angel,' clxxxv
- 'How I Lost the County,' 217
- 'It is Never too Late to Mend,' 33, 378
- Johnson's 'Rasselas,' 62, 229
- 'Lady Audley's Secret,' 136, 379, clxxxv
- 'Not Above his Business,' 383
- 'Old Mortality,' 111
- 'The Parlour Library,' 73
- 'Peg Woffington,' 961
- 'Splendid Misery,' 551
- Sue's 'Wandering Jew,' 353
- 'Trial and Triumph,' 73
- 'A Troubled Life,' 217
- 'True to the Core,' 73
- 'The Verger's Daughter,' 159

Poems,

- 'The Book of the Poets,' 211
- Byron's 'Cain,' 91
- Byron's 'Childe Harold,' 133
- Byron's 'Don Juan,' 93
- Campbell's Poems, 211
- Gray's Poems, 40
- Terence's 'Hecyra,' 2
- Terence's 'Eunuchus,' 2
- 'The Lady of the Lake,' 111
- Milton's 'Paradise Lost,' 28, 274, clxxx
- 'The Minstrelsy of the Scottish Border,' Scott, 109, 110, 111, 242
- Southey's 'Wat Tyler,' 89
- Thomson's 'Seasons,' 29
- Tennyson's Works, 247, 248

Newspapers and Magazines,

- 'The London Journal,' 940
- 'The Edinburgh Philosophical Journal,' 939
- 'The Bath Chronicle,' 175
- Beeton's 'Boys' Annual' for 1869...160
- Boeton's 'Christmas Annual,' 943
- 'The Belgravia Annual,' 286
- 'The Belgravia Magazine,' 68, 155, 217, 286
- Bell's 'Life in London,' 71, clxxxii
- 'Bow Bells,' 420
- 'Boys' Own Magazine,' 160
- 'The Britannia,' 75, clxxxii
- 'The Bristol Mercury,' 217, 286
- 'The Court Miscellany, or Gentleman and Lady's Magazine,' 330
- 'Daily Advertiser' (The), 939, note (a)
- 'The Daily London Journal,' 71, 940

WORKS OF LITERATURE AND ART REFERRED TO—*continued.**Newspapers and Magazines—continued.*

- 'Daily Recorder,' 564
- 'Daily Recorder of Commerce,' 564
- 'English Society,' 941
- 'Era,' 74
- 'Evening Mail,' 548
- 'Evening Post,' 564
- 'Every Week,' 551
- 'Fireside Companion,' 160
- 'Fraser's Magazine,' 942
- 'The Gentleman's Journal and Youth's Miscellany,' 411
- 'The Gentleman's Magazine,' 229, note (b)
- 'The Glasgow Herald,' 553
- 'Gipps' Land Mercury,' 107
- 'Good Words,' 384
- 'Illustrated News of the World,' 425
- 'The John Bull,' 75
- 'Jon Duan,' 943
- 'The Jurist,' 79
- 'Judy,' 74, 278
- 'The Licensed Victuallers' Mirror,' 562, 563
- 'London Society,' 941
- 'Lloyd's Weekly London Newspaper,' 942
- 'The London Chronicle,' 230
- 'The Melbourne Argus,' 107
- 'The Monthly Chronicle,' 215
- 'Morning Post,' 564
- 'The New Era,' 155
- 'The Observer,' 318
- 'The Orb,' 159
- 'Our Young Folks,' 77, note (b)
- 'The Pall Mall Budget,' 541
- 'Pall Mall Gazette,' 541
- 'Punch,' 74, 212, 278
- 'The Railway Times,' 215
- 'The Real John Bull,' clxxxiv
- The Rudyard Kipling Articles, 218—220
- 'The Sporting Life,' 559
- 'Temple Bar,' clxxxi
- 'Times,' 548
- 'The True Britannia,' 75
- 'Walford's Antiquarian,' 942
- 'The Welcome Guest,' 81
- 'The Wonderful Magazine,' 75
- 'The World,' 551
- 'Punch and Judy,' 74
- 'The Public Correspondent,' 72

Works of General Literature,

- 'Apology for the Life of George Anne Bellamy,' 230
- 'Archæologia Philosophica,' 238
- 'A Bird's-eye View or Plan of Paris and its Fortifications,' 408, clxxxv
- 'Blackstone's Commentaries,' 66

WORKS OF LITERATURE AND ART REFERRED TO—*continued.**Works of General Literature—continued.*

- Brewer's 'Guide to Science,' 67, 202
 Digby's 'Broad Stone of Honour,' 115, note (a)
 Burn's 'Justice of the Peace,' 938
 Burns' Letters, 50, note (c)
 Lord Chesterfield's Letters, 45, 50, note (c)
 Lord Clarendon's History, 8
 'The Clyde Bill of Entry and Shipping List,' 41, note (c)
 'The Comical History and Tragical End of Reynard the Fox,' clxxxiii
 'The Court Guide,' 99.
 Croker's Notes to 'Boswell's Life of Johnson,' 133
 'Illustrated Catalogue of Shop Fittings,' 149
 'The Dog as the Friend of Man,' 56
 'The Duke of Wellington's Despatches,' 55
 'Nelson's Festivals and Fasts,' 28
 'Illustrated Catalogue and Price List,' 149
 'Gadbury's Almanac,' 321
 'The Great Western Railway Inquiry,' 215
 Reade's 'A Hero and Martyr,' 553
 'How I Lost the County,' 217
 'How to Dress on £15 a Year,' 971
 'Illustrated Furniture Guide,' 101
 'Lawrence's Lectures on Physiology, &c.,' 90, 91
 'Life of Jesus, re-written for Young Disciples,' 94
 'A Little Tour in Ireland,' 960
 'The Man of his Time,' 212
 'Memoir of Harriette Wilson,' 95
 'The Merchants' and Manufacturers' Pocket Directory of London,' clxxxv
 Pope's and Swift's Miscellanies, 28
 Murray's 'Handbook for Travellers in Switzerland,' 239
 'One Thousand Contracted Outlines,' 194
 'The Orchardist,' 281
 Patterson's 'Road Book,' 40
 'Pedigree of the English People,' clxxxv
 'Peter Pindar's Lectures,' 90
 'Pianista, an Italian Opera Promenade Concert Magazine, &c.' clxxxii
 'The Pilgrim's Progress,' 24
 'Law of Pleading and Evidence in Criminal Cases,' 556
 'Post Office Directories,' 76
 'The Practice of Photography,' clxxx
 'The Reason Why,' 202
 'Repository of Arts, Manufactures and Agriculture,' 85
 'Shadbolt's Telegraph Code,' 195
 Smiles' 'Thrift,' 615
 Smith's 'Leading Cases,' 220, 221, 285
 Story's 'Commentaries,' 231
 'The Standard Telegraph Code,' 195
 Sugden's 'Vendors and Purchasers,' 198
 'The Term Reports,' 235
 'Thackerayana, Notes and Anecdotes,' 213

WORKS OF LITERATURE AND ART REFERRED TO—*continued.**Works of General Literature—continued.*

- 'Topographical Dictionary of England,' clxxx
- 'Lady Tyrawley's Letters,' 46
- Webb's 'Precedents of Conveyancing,' 9
- 'The Whole Duty of Man,' 28
- 'A Boy's Adventures in the Wilds of Australia, 969—
971
- Viner's 'Abridgment,' 65, note (a), 232
- Comyns' 'Abridgment,' 232
- Rolle's 'Abridgment,' 315
- 'Abridgment of Cases in Equity,' 234
- 'Castle Album,' 106

*Musical and Dramatic Works,**Plays,*

- 'The Agreeable Surprise,' 330
- 'The Area Bello,' 393
- 'The Colleen Bawn,' 333
- 'The Shaughraun,' 374, 577
- Byron's 'Marino Faliero,' 34
- 'Fra Diavolo,' 153, 272
- 'Doing for the Best,' 185
- Sheridan's 'Duenna,' 330, note (b)
- 'Frou-frou,' 584
- 'Giaconda,' 822
- 'Glory,' 384
- 'Gold,' 382
- 'The Happiest Day of my Life,' 181
- 'The Happy Land,' 355, note (b)
- 'The King's Wager,' 138, 362
- 'Like to Like,' 584
- 'Love à la Mode,' 9, 330
- 'Old Joe and Young Joe,' 358
- 'Little Lord Fauntleroy,' 368, 381, 382
- 'Loyal,' 242, note (b)
- 'Mad Marriage,' 242, note (b)
- 'Our Boys,' 367
- 'Shop,' 384
- 'Trial and Triumph,' 73, 149, note (a)
- 'The Swiss Express,' 597
- 'Under the Gas-light,' 368
- 'The Voyage in Switzerland,' 597
- 'The White Cat,' 260
- 'Will o' the Wisp,' 340
- 'After Dark,' 369

Songs,

- 'The Wreath,' 243
- 'Bon Soir,' 279
- 'The Charms of Berlin,' 566
- 'Come to Peckham Rye,' 336, 350
- 'Come where the Moonbeams Linger,' 327, note (a)
- 'Dermot Astore,' 263, note (a)
- 'Good Night! Heaven Bless you!' 279
- 'Hero and Leander,' 279
- 'I'll Cast my Rose on the Waters,' 98

WORKS OF LITERATURE AND ART REFERRED TO—*continued.**Musical and Dramatic Works—continued.**Songs—continued.*

- 'Kathleen Mavourneen,' 263, note (a)
- 'Minnie,' 75, 389
- 'Minnie Dale,' 389
- 'Minnie, Dear Minnie,' 389
- 'Ocean! Thou Mighty Monster,' 348
- 'Pestal,' 256, 389
- 'La Reine de Saba,' 279
- Russell's 'Ship on Fire,' 339
- 'Slap Bang! Here We are Again!' 327, note (a)
- 'Spinning by her Cottage Door,' 98
- 'Spring Carol,' 98
- 'Under the Willows,' 98
- 'Very Suspicious,' 327, note (a)
- 'We are Going to Reform some Day,' 346

Other Music,

- 'What an Afternoon!' 263, note (a)
- Bellini's 'Sonnambula,' 187
- 'Les Brigands,' 556
- 'The Burlesque Valse,' 327, note (a)
- 'Caprice Polka,' 592
- 'The Cornflower Valse,' 327, note (a)
- Auber's 'Lestocq,' 236
- Offenbach's 'Vert-vert,' 570
- 'Popular Favourites for the Pianoforte,' 327, note (a)
- 'Prince Imperial Galop,' 327, note (a)
- 'The Snowdrift Galop,' 327, note (a)
- 'The Serious Family Polka,' 77, note (b)
- 'The Sweetly Pretty Valse,' 327, note (a)

Works of Art,

- 'Belshazzar's Feast,' 424
- 'The Bride,' 158
- 'Death of Chatterton,' 35
- 'Christ Healing the Sick,' 444, note (b)
- Landseer's 'Eve of the Battle of Edgehill,' 470
- Frith's 'Railway Station,' 471
- Eddis's 'Going to Work,' 448, 455, note (c)
- 'Holiday Time,' 448, 449
- Rosa Bonheur's 'Horse Fair,' 418, 419
- Millais' 'Huguenot,' 420, 421
- Hunt's 'Light of the World,' 418
- 'Jerusalem and the Crucifixion of Christ,' 606
- 'Ordered on Foreign Service,' 451
- 'Midsummer Night's Dream,' 442, 443
- 'The Peacemaker,' 465
- 'The Roll Call,' 152, note (a), 456
- 'Sounding the Charge,' 452
- 'The Young Duchess,' 457, note (a)
- 'My First Sermon,' 451
- 'My Second Sermon,' 451
- 'The Young Cricketer,' 455, note (a)
- 'World,' 551

WOVEN FABRICS,
copyright in designs as applied to, 492

WRAPPERS,
imitation of, 75

'WREATH' (The), 243

WRIT, issue of same day as, but after registration valid, 163, 252

WRITING: *see also* LETTERS ; MANUSCRIPT.
as to whether assignment of copyright must be in, 178—180,
184, 358
contracts between authors and publishers should be in, 932

'WRITTEN AND COMPOSED BY,' on Song, 99

YATES,
arguments against literary property, 6, 7

'YOUNG CRICKETER' (The), 455, note (a)

'YOUNG DUCHESS' (The), 457, note (a)

THE END.

L. R. J. O.