

CHAPTER IV.

COPYRIGHT IN THE REPRESENTATION AND PERFORMANCE
OF DRAMAS AND MUSICAL COMPOSITIONS.

1. *Regulation of the Right.*—2. *The Nature, Duration, and Registry of the Right.*—3. *To whom the Right may belong.*—4. *Assignment of the Right.*—5. *Infringement of the Right: the Remedies.*

1. Regulation
of the right.

1. THIS copyright depends upon two Acts of Parliament, viz. an Act 3 & 4 Will. 4, c. 15 (commonly called Sir Bulwer Lytton's Act), and the Act 5 & 6 Vict. c. 45.

The decision by the Court of King's Bench, in the year 1822, in *Murray v. Elliston*, seems to have led to the passing of the earlier Act.

There (a) it appeared upon a case sent by Lord *Eldon*, C. for the opinion of the Court of King's Bench, that the defendant was the manager of Drury Lane Theatre; further, that he had adapted to the stage and had publicly represented at his theatre, and for profit, an abridgement of Lord Byron's printed and published tragedy, entitled 'Marino Faliero;' that the plaintiff was the assignee of the copyright in the tragedy, and that he complained of such representation. The Court of King's Bench, after hearing counsel, certified that an action could not be maintained by the plaintiff against the defendant in respect of such representation. The Court gave no reasons for that judgment.

(a) 5 B. & Ald. 657.

Prior to *Murray v. Elliston*, it had been held (a) by Lord *Kenyon* that proof of public performance upon the stage, and for profit, of a dramatic piece, in which copyright-after-publication existed, was no evidence of piracy of the piece within the language of the Act 8 Anne, c. 19. The Act of Will. 4 (dealing with the right to represent published dramas) declares that the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, printed and published within ten years before the passing of the Act, by the author thereof or his assignee, or which should thereafter be so printed and published, or the assignee of such author should, for the period therein mentioned (now altered), have as his own property the sole liberty of representing, or causing to be represented, the same at any place of dramatic entertainment in the British dominions, and should be deemed to be the proprietor, subject, however, to any right of representation in any person previously empowered by the author or his assignee. (b)

A room may be a place of dramatic entertainment within the language of the Act 3 & 4 Will. 4, c. 15, though ordinarily used for other purposes. (c) Wherever a dramatic piece is represented, that place for the time being is a place of dramatic entertainment within the meaning of the Act.

2. The nature and endurance of copyright in the representation of published dramatic pieces, and the extension

2. The nature, duration, and registry of the right.

(a) *Coleman v. Wathen*, 5 T. R. 245.

(b) 3 & 4 Will. 4, c. 15, s. 1.

(c) *Russell v. Smith*, 12 Q. B. 217. As to what is an entertain-

ment of the stage within the meaning of 10 Geo. 2, c. 28, s. 3, see the Lord Justice-Clerk in *Alexander v. Anderson*, S. & D. 1525.

of the right to musical compositions, its endurance, its nature, and the provisions for a registration of the several rights, are set forth in section 20 of the Act 5 & 6 Vict. c. 45. That section declares that the Acts 3 & 4 Will. 4, c. 15, and 5 & 6 Vict. c. 45, shall apply to musical compositions, and that the sole liberty of representing, or performing, or causing (a) or permitting to be represented or performed, any published dramatic piece (b) or musical composition, shall endure and be the property of the author thereof and his assigns for the term in the Act 5 & 6 Vict. c. 45, provided for copyright in books (c) [the term has been already stated in a previous chapter of this work], (d) and that the provisions enacted by the Act 5 & 6 Vict. c. 45, in respect of the property of such copyright and of registering the same (e) shall apply to the liberty of representing or performing any dramatic piece or musical composition, as if the same were therein expressly re-enacted and applied thereto; save and except that the first public representation or performance of any dramatic piece or musical composition shall be deemed equivalent, in the construction of the Act of Victoria, to the first publication of any book. (f)

There is, however, this proviso to the declaration, viz. that in the case of any dramatic piece or musical composition in manuscript it shall be sufficient for the

(a) See *Parsons v. Chapman*, 5 C. & P. 33.

(b) For definition of dramatic piece, see 5 & 6 Vict. c. 45, s. 2.

(c) *Ibid.* ss. 3, 4.

(d) *Ante*, p. 52.

(e) 5 & 6 Vict. c. 45, ss. 11, 12, 13, 14.

(f) It was held in *Macklin v. Richardson*, Ambl. 694, that the public performance of a dramatic piece was no publication of it within 8 Anne, c. 19; and see Lord Lyndhurst, C.B. in *D'Almaine v. Boosey*, 1 Y. & C. 299.

person having the sole liberty of representing or performing, or causing to be represented or performed the same, to register only the title thereof, the name and place of abode of the proprietor thereof, and the time and place of its first representation or performance.

3. The right is expressly given by the Act to the author or his assignee. In delivering the judgment of the Court of Common Bench on a question relating to the assignment of a copyright in the representation of a dramatic piece, Sir *J. Jervis*, L.C.J. guardedly observed: 'We do not think it necessary in the present instance to express any opinion whether, under any circumstances, the copyright in a literary work, or the right of representation, can become vested ab initio in an employer other than the person who has actually composed or adapted a literary work.' (a)

3. To whom the right may belong.

But it would seem that this copyright cannot become vested ab initio in an employer who merely suggests the subject and has no share in the design or execution of the work. (b)

Where it appeared in an action at law, in which Mr. Charles Kean was defendant, that he was the actual designer of a dramatic piece, i.e. by adaptation of a play, 'Much Ado about Nothing,' to the stage, and that with respect to the production of a musical composition, a part, an accessory of that piece, he had employed the plaintiff for reward paid to him, the Court of Common Pleas unanimously held that Mr. Kean was the author of the piece, and therefore entitled to represent it without the consent in writing of the plaintiff. (c)

(a) *Shepherd v. Conquest*, 17 C. B. 427.

(c) *Hatton v. Kean*, 7 C. B. n. s. 268.

(b) See 4 Wash. C. C. 48.

There is no reason to doubt that the decision of the House of Lords in *Jeffreys v. Boosey* would govern the claim of any alien to this copyright.

4. Assignment
of the right.

4. In regard to any assignment of this copyright, the Act 5 & 6 Vict. c. 45, s. 22, has a special provision that no assignment of the copyright of any book consisting of or containing a dramatic piece or musical composition shall be held to convey to the assignee the right of representing or performing such dramatic piece or musical composition, unless an entry shall have been made in the registry book (a) at Stationers' Hall of the assignment, and that assignment must express the intention of the parties thereto, that the right of representation or performance should pass by the assignment.

It has not been decided that the Act renders a separate assignment of the right of representation or performance inoperative till registry. The language of the 22d section does not appear to touch such a disposition of the right.

A legal assignment of the copyright must be in writing. This point appears to have been put beyond question by *Shepherd v. Conquest*. (b) That was an action for piracy of a play, and the facts were these: Plaintiffs had employed Conquest to go to Paris at their expense, for the purpose of adapting a French dramatic piece in London, the copyright of which should be in the plaintiffs; the piece had accordingly been adapted by Conquest, had been represented in London by the plaintiff, and afterwards also in London by the defendant, under an assignment in writing from Conquest. The question was, 'whether the plaintiffs, by the transaction

(a) 5 & 6 Vict. c. 45, s. 11.

(b) 17 C. B. 427.

between them and Conquest, became entitled to the exclusive representation in London?' The Court of Common Bench held that the plaintiffs had no such right; Conquest was the author, and the plaintiffs had no assignment from him of the right.

An assignment need not now be attested; formerly the attestation of two witnesses appears to have been necessary. (*a*)

In reference to the language of an Act 54 Geo. 3, c. 156 (an old Copyright Act repealed by the Act of Victoria), it was held that a person to whom the literary copyright of a dramatic piece had been assigned within ten years before the passing of the Act 3 & 4 Will. 4, c. 15, was an assignee within the meaning of that Act, having the sole liberty of representing the piece. (*b*)

5. As to any infringement of this copyright, the Act 3 & 4 Will. 4, c. 15, provides, that if any person shall, during the continuance of the copyright in the representation of any dramatic piece, contrary to the intent of that Act, or the right of the author or his assignee, represent, or cause to be represented without the consent in writing of the author or other proprietor, first had and obtained, at any place of dramatic entertainment within the British dominions, any dramatic piece or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than 40s., or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater

5. Infringement of the right.

(*a*) 8 Anne, c. 19; *Cumberland v. Copeland*, 7 H. & N. 118. (*b*) *Ante*, p. 63.

damages to the author or other proprietor of such dramatic piece, to be recovered, together with double costs of suit, by such author or other proprietor, in any Court having jurisdiction in such cases, in that part of the British dominions in which the offence shall be committed; and in every such proceeding where the sole liberty of such author or his assignee shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty without stating the same to be subject to such right or authority, or otherwise mentioning the same; nevertheless, all actions or proceedings for any offence or injury that shall be committed against the Act 3 & 4 Will. 4, c. 15, must be brought, sued, and commenced within twelve calendar months next after such offence committed.

In *Cumberland v. Planché*, already referred to, (a) it was questioned whether the Act 3 & 4 Will. 4, c. 15, fixed any direct liability on a person pirating for the purpose of public representation the words of a musical composer, but abstaining from any use of his music: the point has not yet been decided in a court of law or equity.

The penalties for piracy given by the Act of Will. 4 are, by the Act 5 & 6 Vict. c. 45, transferred to the owner of the representation or performance copyright created thereby. (b)

An injunction or interdict may also be obtained to restrain the representation or performance of any dramatic piece or musical composition in violation of the property therein. (c)

(a) *Cumberland v. Planché*, 1 A. & E. 581.

(b) 5 & 6 Vict. c. 45, s. 21.

(c) See *Russell v. Smith*, 15 Sim. 181.

The practice in reference to an action for an infringement of the right, and to the granting or refusing an injunction or interdict, may be gathered from what has already been stated as to proceedings of this sort upon the infringement of literary copyright. (a)

The author's consent, referred to in the second section of the Act 3 & 4 Will. 4, c 15, must be in writing, but it may either be in the handwriting of the author himself or of some agent authorised by him. (b) *Maule, J.* observed that in the Act 3 & 4 Will. 4, c. 15, not a word was said about whose writing the consent should be; the Act 'was merely designed to exclude that kind of doubt and uncertainty which arises from the circumstance of a thing not being evidenced by writing at all.' (c) The onus of proving the consent lies on the party setting it up. (d) The consent may apply to future compositions. (e)

A person ignorant of the piratical nature of a representation may be an offender within the meaning of the 2d section of the Act 3 & 4 Will. 4, c. 15. (f)

It was objected in *Lee v. Simpson* (g) that a written introduction to what is called in theatrical parlance 'the comic business,' i. e. the tricks of a pantomime, was not a complete work, and therefore that its representation was not within the protection of the Act 5 & 6 Vict. c. 45, but the Court gave a liberal construction to the Act, and overruled the objection.

(a) For proceedings against an infringement of a popular song by assumption of its name and description, see *Chappell v. Sheard*, 2 Ka. & Jo. 117.

(b) *Morton v. Copeland*, 16 C. B. 517.

(c) *Ibid.*

(d) *Ibid.*

(e) *Ibid.*

(f) See *Lee v. Simpson*, 3 C. B. 882.

(g) 3 C. B. 882.

The 24th section of the Act 5 & 6 Vict. c. 45, which enacts that no proprietor of copyright shall sue for any infringement before making entry in the book of registry, is carefully qualified by a proviso that nothing therein contained shall prejudice the remedies which the proprietor of the sole liberty of representing any dramatic piece shall have by virtue of the Act 3 & 4 Will. 4, c. 15, or of that Act, although no entry shall be made in the book of registry.

No one can be considered as an offender against the provisions of the 2d section of the Act 3 & 4 Will. 4, c. 15, so as to subject himself to an action for the penalty of an unauthorised representation of a musical composition, unless by himself or his agent he actually directs or takes part in the direction of a representation or performance which is a violation of the copyright. This was laid down in the case of *Russell v. Briant*. (a) There the musical composition in the performance of which the plaintiff claimed copyright had been performed at a tavern, of which the defendant was landlord, and in a room hired of him by a person for a musical entertainment. After notice to the defendant from the plaintiff of the intended violation of his copyright by such entertainment, the defendant had permitted the entertainment, and the performance thereof of the musical composition; he had furnished a platform and lights, had advertised tickets of admission, and had himself sold one ticket. The Court ruled that these facts afforded no evidence that the defendant performed or caused to be performed the composition within the meaning of the Act; for if it were to be held that all

(a) 8 C. B. 836.

those who supply some of the means of performance to him who performs are to be regarded as thereby constituting him their agent, and so causing the performance within the meaning of the Act, such a doctrine would include a class of persons not at all intended by the Legislature.

Russell v. Briant has been recently followed by the Court of Queen's Bench in *Lyons v. Knowles*.^(a) The facts in evidence in that action were these: the defendant was lessee and licensed proprietor of the theatre at which the plaintiff's copyright music had been performed; the defendant found the gas-light, paid for printing, &c. and provided the music; he also received the moneys taken at the door, retaining half of the gross receipts, and handing the other half to one Dillon, who provided the dramatic performers and selected the pieces without any control by the defendant; the director of the band was under Dillon's orders, and took his orders, but the band were paid by the defendant; Dillon acted, in short, as stage-manager, the defendant being lessee and proprietor; there was no partnership between them. Upon these facts a verdict passed for the plaintiff, reserving the question of liability; but a rule to enter a verdict for the defendant was afterwards made absolute, the Court of Queen's Bench being of opinion that the defendant had not violated the copyright of representation in the music simply by his receipt of the rent. If the arrangement between the defendant and Dillon had been only a colourable scheme for joint performance of the copyright music, the result of the action would have been very different.

(a) 11 W. R. 266.

The word 'represent' in the Act 3 & 4 Will. 4, c. 15, s. 2, means the bringing forward on a stage or place of public representation.

Even if the words of a single song be taken from a piece the performance of which is protected by the Act, and be sung on a stage or any place of theatrical entertainment, that will be a 'representing' within the provisions of the 2d section.

What is a 'representing' is always a fact for the jury. (a)

No person may 'represent,' without the author's consent, the incidents of his published dramatic piece, however indirectly taken; such a proceeding is a clear invasion of the stage copyright in the piece. (b)

Lastly, No contracts or obligations subsisting on July 1, 1842, in relation to this copyright are, it must be remembered, affected by implication by the Act of Her present Majesty. (c)

(a) *Planché v. Braham*, 8 C. & P. 68.

(b) *Reade v. Conquest*, 11 C. B. n. s. 479.

(c) Sec. 28.

CHAPTER V.

CROWN COPYRIGHT.

1. *Nature and Extent of the Right.* — 2. *As to the Right in State Documents.* — 3. *As to the Right in Law Reports.* — 4. *As to the Right in the Book of Common Prayer.* — 5. *As to the Right in Almanacks.* — 6. *As to the Right in Bibles.* — 7. *As to the Right in Lilly's 'Latin Grammar,' &c.* — 8. *As to the Patent Rights of the Universities of Oxford and Cambridge.*

1. Crown Copyright is no creature of the statute law: it is a royal prerogative claim to the exclusive publication of certain books and documents. It has certainly been pushed to an extent far greater than can now be sustained; it has been asserted in all Acts of Parliament, in all Orders of the Privy Council, in all State proclamations, in the Book of Common Prayer, in all almanacks, in the English translation of the Bible, in the Year-books, and all reports of judicial proceedings in England; also in Lilly's 'Latin Grammar,' and certain other books composed and published by the Sovereign's command at the national cost. Public policy has been put forward as the foundation of the right. (a)

1. Nature and extent of the right.

2. The claim of the Crown to copyright in Acts of Parliament, (b) in Orders of Council, and in proclama-

2. The right in State documents.

(a) Lord Eldon in *Gurney v. v. Cunningham*, 2 Eden. 137; *Longman*, 13 Ves. 508. *Manners v. Blair*, 3 Bli. 402;

(b) See *Baskett v. University of Grierson v. Jackson*, Ridg. 304. *Cambridge*, 1 W. Bl. 105; *Baskett*

tions, (a) has usually been rested upon reasons of State, those works being of public concern, and the Sovereign being the head of the political constitution. (b) These documents are printed by the Queen's printer under a patent.

3. As to the right in law reports.

3. The claim of the Crown to the copyright in all reports of judicial proceedings has been rested upon the same grounds, also upon the payment out of the public moneys of the salaries of the judges whose decisions are there reported, and upon the payment from the same source of the costs of compilation and publication. (c)

'Possibly,' said Lord *Eldon*, 'the King's printer may be entitled to print the annals of courts of justice.' (d) He did not, however, more directly affirm that doctrine.

The validity of a patent from the Crown for the publication of the cases reported in 'Croke's Reports' was determined in 1705, on the ground that every man could not by the common law have a liberty of printing things that concerned the government of the country. (e) The claim of the House of Lords to publish and to prohibit other publication of the trial of a peer was raised and disputed in Lord Melville's case, but not determined; the claim was there rested upon the almost uniform practice, and upon the privileges of the House, and Lord *Eldon* granted interim relief upon a precedent of *Bathurst v. Kearsley*, but cautiously declared that the

(a) Case of *Stationers' Company*, 2 Ch. Ca. 76; *Willes, J. in Millar v. Taylor*, 4 Burr. 2329; *Yates, J. ibid.* 2382; Lord *Mansfield, ibid.* 2404. See also 2 Bl. Comm. 410; Anon. case cited 2 V. & B. 21; and Lord *Eldon, C. in Oxford and Cambridge Universities v. Richardson*, 6 Ves. 704.

(b) *Ibid.*

(c) *Atkins' case*, cited 4 Burr. 2316; Carter 89, cited 4 Burr. 2315; and *Croke's Reports*.

(d) *Roper v. Streater, Skinner*, 234.

(e) In *University of Oxford and Cambridge v. Richardson*, 6 Ves. 704.

question remained open. A compromise ultimately took place. (a) In *Bathurst v. Kearsley* such claim had been recognised, but had not, it seems, been discussed. (b)

The courts of justice in this country may, and probably have, the sole power to authenticate the publication of their own proceedings. (c) Authenticity may give credit, and so impart value to a report of legal proceedings; but this does not necessarily involve an exclusive right of publication.

Manley v. Owen, cited Burr. 2329, was supposed by Mr. Justice Willes, in *Millar v. Taylor*, to establish this point, viz. that the Lord Mayor could confer copyright in the publication of trials at the Old Bailey, (d) but no such proposition necessarily flows from that decision. It may be that the copyright there was acquired by the plaintiff by compilation.

A court of justice may also, in order to preserve the purity of the administration of justice in the course of proceedings then pending before it, prohibit any publication which has a tendency to interfere with a fair and impartial decision: this Lord C. J. *Abbott*, sitting at the Old Bailey, did upon the indictment of *Thistlewood* and others for high treason, in the year 1820, (e) but it does not thence follow that a Court may altogether prohibit publication of a trial after the proceedings therein are concluded.

It was, indeed, formerly considered a contempt to publish law reports without judicial authority, but that practice does not seem to have been founded on any

(a) *Gurney v. Longman*, 13 Ves.
493.

(b) Cited *ibid.* 494.

(c) 4 Burr. 2329.

(d) 4 Burr. 2329.

(e) *R. v. Clement*, 4 B. & Ald.
219.

notion of copyright in the Court. Lord *Bacon* said: 'The common law is no text law, but the substance of it consisted in the series and succession of judicial acts which from time to time have been set down in the reports; so that as these reports are more or less perfect, the law itself is more or less certain, and indeed better or worse.' It was therefore considered very important that the reports should be authenticated by the Courts, and accordingly they were kept for a very considerable period of time under the superintendence of the judges themselves, and great care was taken in sifting and ascertaining the grounds of the decisions reported. (a)

No prerogative claim to the exclusive publication of judicial proceedings has now been asserted for very many years, and in *Butterworth v. Robinson* (b) and *Saunders v. Smith* (c) individuals were treated as authors and proprietors of copyright in law reports.

4. As to the right in the Book of Common Prayer.

4. The claim of the Crown to the copyright in the Book of Common Prayer has been rested on reasons of State and on the supremacy of the Sovereign in ecclesiastical matters. (d) The Queen's printer exercises this monopoly under a patent which extends to the Bible.

5. As to the right in almanacks.

5. The claim of the Crown to the copyright in almanacks has been based on reasons of State, (e) almanacks generally containing calendars for the regulation of Easter, the saints' days, and other observances

(a) Some of the old law reports were published under the names of eminent persons, to gain thereby a reputation. See advertisement to first edition of Leach's Reports.

(b) 5 Ves. 709.

(c) 3 M. & Cr. 711.

(d) 2 Bl. Comm. 410; *Eyre v. Strahan*, 5 Bac. Abr. Prer. F. p. 597; *Manners v. Blair*, 3 Bli. 402.

(e) *Stationers' Company v. Seymour*, 1 Mod. 256; *Yates, J. in Millar v. Taylor*, 4 Burr. 2382.

of the Church; but the Court of Common Bench long ago certified the invalidity of an exclusive grant of this right, (a) and since that certificate it has not, it seems, been formally asserted. (b) The exclusive privilege of printing, publishing, and selling nautical almanacks is, by the Act 9 Geo. 4, c. 66, given to the Lord High Admiral, or the commissioners for executing his office; the same statute secures the privilege by a penalty; the proceeds of the penalty are directed to be paid and applied to the use of the Royal Hospital for Seamen at Greenwich.

The history of the royal pretension to copyright in almanacks is succinctly stated by Lord *Eldon* in *Gurney v. Longman* (c) as an instance of the necessity of caution upon similar claims. He is there reported as saying: 'It appears in the case of *Millar v. Taylor* that the Crown had been in the constant course of granting the right of printing almanacks; and at last King James II. granted that right by charter to the Stationers' Company and the two Universities, and for a century they kept up that monopoly by the effect of prosecutions. At length, Carnan, an obstinate man, insisted upon printing them. An injunction was applied for in the Court of Exchequer, and was granted to the hearing; but at the hearing that Court directed the question to be put to the Court of Common Pleas, whether the King had a right to grant the publication of almanacks as not falling within the scope of expediency, the foundation of prerogative copies. It was twice argued in the Court of Common Pleas, and the answer returned by that Court to the Court of

(a) *Stationers' Company v. Carnan*, 2 W. Bl. 1004; and see 21 Geo. 3, c. 56, s. 10. (b) Lord Mansfield, C. J. in *Millar v. Taylor*, 4 Burr. 2402. (c) 13 Ves. 508.

Exchequer was, that the charter was void, and almanacks were not prerogative copies. 'The injunction was accordingly dissolved, that usurpation having gone on for a century. The House of Commons afterwards threw out a bill (a) brought in for the purpose of vesting the right in the Stationers' Company.'

6. As to the right in Bibles.

6. The claim of the Crown to copyright in English translations of the Bible (b) has been based upon the position of the Sovereign as chief executive officer of the government of this country (c) and head of the Church (d), and upon the employment by the Crown of the translators of the book at the public cost. (e)

The Universities of Oxford and Cambridge, and the Queen's printer, long exercised this monopoly under patents from the Crown, but the claim has not been very rigidly enforced. The patent granted to the Queen's printer lately expired; a committee of the Commons, by the casting vote of its chairman, recommended that the exclusive privilege of publishing the sacred volume should not be renewed; the House, however, took no action on this recommendation, and the Crown renewed the patent during pleasure. The Scotch Bible patent of the Queen's printer expired in the year 1839.

Be it noted that in *Grierson v. Jackson*, (f) Lord *Clare* expressed it to be his opinion that the royal copyright was limited to such Bibles as were intended for the public service. (g)

(a) In the year 1799.

(b) *Mayo v. Hill*, cited 2 Shaw, 260; *King's Printer v. Bell*; Mor. Dict. of Dec. 19, 20, p. 8316.

(c) *Manners v. Blair*, 3 Bli. n. s. 402.

(d) *Yates, J. in Millar v. Taylor*, 4 Burr. 2382.

(e) Lord *Mansfield*, C.J. *ibid.*

(f) 2 Ridg. 304.

(g) See 'Outline of the History of the Cambridge Press,' by Mr. R. Potts, in Parliamentary papers, vol. xxii., p. 73; and the copy of the Queen's printer's patent for the Bible and the Book of Common Prayer, Parliamentary papers, vol. xl.

7. The claim of the Crown to the copyright in Lilly's 'Latin Grammar,' and certain other works, was rested upon the payment by the Crown out of public moneys of the costs of compilation and publication. (a) This was only claimed when prerogative ran high, and has long been abandoned.

7. As to the right in Lilly's 'Latin Grammar.'

8. The Universities of Oxford and Cambridge are by letters patent (b) (first granted in the thirteenth year of the reign of Queen Elizabeth) authorised to print within the limits of their respective jurisdictions, and to sell, so that such sale interferes not with any prior letters patent, (c) all copies of the Bible, New Testament, and Book of Common Prayer, concurrently with the Queen's printer; and no other person besides them and the Queen's printer may print or publish in England any such copies, or sell in England any other copies of the said books than such as have been printed and published by or for the Universities and the Queen's printer, or one of them. (d)

8. As to the patent rights of the Universities of Oxford and Cambridge.

(a) Lord *Hardwicke*, C. in *Stationers' Company v. Partridge*, 4 Burr. 2336; *Willes*, J. in *Millar v. Taylor*, 4 Burr. 2329; Lord *Mansfield*, C.J. *ibid.* 2405. See, however, *Gibbs v. Cole*, 3 P. Williams, 255, a case of a book on architecture; and *Nicol v. Stockdale*, 3 Swanst. 687, a narrative of a voyage of discovery.

(b) Lord *Eldon* was of opinion that no copyright passed by these letters (6 Ves. 713). As to the extent of the privilege, see *Hill v. Oxford University*, 1 Vern. 275.

(c) *Barrett v. University of Cambridge*, 2 Burr. 661.

(d) *Universities of Oxford and Cambridge v. Richardson*, 6 Ves. 689.

CHAPTER VI.

UNIVERSITY AND COLLEGE COPYRIGHT.

THE Universities of Oxford and Cambridge, the Scotch Universities, and the Colleges of Eton, Westminster, and Winchester, possess a special statutory copyright. It depends on an Act 15 Geo. 3, c. 53. (a) The right exists in all such books as had before the year 1775 or have since been given or bequeathed by the authors of the same, or their representatives, to or in trust for those universities, or any college or house of learning within them, or to or in trust for the Colleges of Eton, Westminster, and Winchester, or any of them, for the beneficial purpose of education within them, or any of them. The copies can only be printed by the universities and colleges at their respective presses, and, unless limited by the language of the gift or bequest, the right in every such book continues so long as such book is printed at such presses, and for the sole benefit of the universities and colleges.

The above-mentioned universities and colleges may, in the same manner as any author might do under the Act 8 Anne, c. 19, sell any copy so given or bequeathed to them; but if they delegate, grant, lease, or sell the copyright of any book, or allow any person to print it, then their privilege ceases to exist.

(a) In Appendix. As to the 5th section, see 54 Geo. 3, c. 156; and 5 & 6 Vict. c. 45, ss. 1 and 27.

The Act 15 Geo. 3, c. 53, provides for the registry of such books, and subjects to a pecuniary penalty any person infringing the copyright. The right is expressly saved from the operation of the Act 5 & 6 Vict. c. 45. (a)

A similar copyright is possessed by Trinity College, Dublin. It depends upon an Act passed in the forty-first year of the reign of His late Majesty George 3, c. 107. The provisions of that Act, so far as the same are applicable to the above copyright, are set forth in the Appendix to this work. This right also is expressly saved from the operation of the Act 5 & 6 Vict. c. 45.

(a) Sec. 27.

CHAPTER VII.

COPYRIGHT IN LECTURES AFTER PUBLIC DELIVERY.

1. *Definition and Basis of the Right.* — 2. *Penalty for Infringement of the Right.* — 3. *Certain Lectures excluded from the Right.* — 4. *Protection of the Right at Law and in Equity.*

1. Definition of the right.

1. IN certain lectures after public delivery there is also a special statutory copyright, which is defined to be 'the sole right and liberty of printing and publishing' such lectures.

The Lecture Copyright Act is the 5 & 6 Will. 4, c. 65. It is entitled, 'An Act for Preventing the Publication of Lectures without Consent,' and it enacts that from and after September 1, 1835, the author of any lecture, or the person to whom he has sold or otherwise conveyed the copy in order to deliver the same in any school, seminary, institution, or other place, or for any other purpose, should have the sole right and liberty of printing and publishing such lecture.

2. Penalty for infringement of the right.

2. A violation of the copyright is visited by the Act of Parliament with a penalty. The Act declares, that if any person shall, by taking down a lecture in shorthand, or otherwise in writing, or in any other way, obtain a copy, and shall print or lithograph, or otherwise copy and publish it without the leave of the author or his assignee; and every person who knowing the

same to have been printed, or copied and published without such consent, shall sell, publish, or expose to sale any such lecture, shall forfeit such print or copy, together with 1*l.* for every sheet thereof which should be found in his custody, either printed, lithographed, or copied, or printing, lithographing, or copying, or published, or exposed to sale contrary to the Act, one moiety to the Crown, and the other to the prosecutor; and that any printer or publisher of any newspaper who shall without such consent print and publish in such newspaper any lecture or lectures, should be deemed a person printing and publishing without leave within the provisions of that Act, and liable to the aforesaid penalty and forfeiture in respect of such printing and publishing.

No person allowed for certain fee or reward or otherwise to attend and be present at any lecture delivered in any place is deemed to be licensed to have leave to print, copy, and publish such lectures only because of having leave to attend. This is expressly enacted by the third section of the Act, and was also decided, but upon the ground of breach of trust only, in *Abernethy v. Hutchinson*, cited early in the first chapter of this work.

3. Lectures published by authority, since the publication of which the period of copyright therein given by the Act 8 Anne, c. 19, and 54 Geo. 3, c. 156, has expired, and lectures printed or published before September 9, 1835, are excluded from the protection of the Act 5 & 6 Will. 4, c. 65; also lectures of the delivery of which notice in writing shall not have been given two days previously to two justices living within five miles of the place of delivery; and lectures delivered in any university, or public school, or college, or on any public

3. Certain lectures excluded from the right.

foundation, or by any individual in virtue of or according to any gift, endowment, or foundation. (a)

4. Protection of the right at law and in equity.

4. The reports furnish no decisions under this Act; but the parliamentary property in lecture copyright would doubtless be protected in a court of law or equity by a judgment for damages, or an injunction, as the case might be, upon the principles applicable to the violation of any other statutory right.

(a) Sec. 4.

CHAPTER VIII.

COPYRIGHT IN PUBLISHED ENGRAVINGS.

1. *Foundation of the Right.*—2. *Definition and Extent of the Right.*
 —3. *Protection of the Right by 8 Geo. 2, c. 13.*—4. *Extension of the Right by 7 Geo. 3, c. 38.*—5. *Provisions of 17 Geo. 3, c. 57, on the Right.*—6. *Who may proceed for Piracy.*—7. *Piracy by Plates in a Letter-press Book.*—8. *Test of Piracy.*—9. *Piracy by Photography.*—10. *Piracy may be unintentional.*—11. *Decisions and Dicta upon the Right.*—12. *The Right in Prints first published Abroad.*—13. *Existence of the Right in Ireland.*—14. *Extension of the Right to Lithographs, &c.*—15. *Non-Existence of the Right in Criminal Works.*—16. *Proceedings for Penalties on Violation of the Right.*

1. COPYRIGHT in published engravings depends now at least on Acts of Parliament; the decision of the House of Lords in *Donaldson v. Beckett*, although founded on the statute of Anne respecting copyright in books, has firmly established a principle which precludes the right of a common law monopoly in published engravings since the passing of the Act 8 Geo. 2, c. 13. (a)

1. Foundation of the right.

The object of the Copyright Engraving Acts has been defined by a learned judge to be, ‘not to protect the reputations of engravers, but to vest a commercial property in them.’ (b)

2. The Act 8 Geo. 2, c. 13, sometimes called Hogarth’s

2. Definition and extent of

(a) See Appendix and *Best, J. J. in Gambart v. Ball*, 11 W. R. in *Newton v. Cowie*, 4 Bingh. 244. 699, 700.

(b) See *Erle, C.J. and Keating*,

the right given
by 8 Geo. 2,
c. 13.

Act [that great artist by his exertions obtained it chiefly for his own protection (*a*)], was the earliest dealing by the Legislature of this country with the subject of copyright in engravings.

The statute of George 3 was framed upon the precedent of the Act 8 Anne, c. 19. After reciting 'that divers persons had by their own genius, industry, pains, and expense invented and engraved, or worked in mezzotinto or chiaroscuro, sets of historical and other prints in hopes to have reaped the sole benefit of their labours, and that printsellers and other persons had of late, without the consent of the inventors, designers, and proprietors of such prints, frequently taken the liberty of copying, engraving, and publishing, or causing to be copied, engraved, and published base copies of such works, designs, and prints, to the very great prejudice and detriment of the inventors, designers, and proprietors thereof: for remedy thereof, and for preventing such practices for the future,' the Act gave to every person who should invent and design, engrave, etch, or work in mezzotinto or chiaroscuro, or from his own works and inventions should cause to be designed and engraved, etched, or worked in mezzotinto or chiaroscuro, any historical or other print or prints, the sole right of printing and reprinting the same for fourteen (*b*) years from the first publication.

3. Protection
of the right by
8 Geo. 2, c. 13.

3. The Act directed the name of the proprietor to be put on each plate and print, forfeited base copies, and imposed a penalty on persons violating the copyright in the prints. It, however, exempted from the penalty

(*a*) Nichols' Biogr. Anecd. of Hogarth, p. 39, 3d edition.

(*b*) Now 28 years; see *post*, p. 208.

purchasers (a) printing from plates purchased by them from the original proprietors, and declared that actions and suits for any offence against the Act should be brought within three months after discovery of the offence.

There is a special clause in the Act 8 Geo. 2, c. 13, giving one Pine a copyright in certain historical prints and drawings copied by him from tapestry in the House of Lords, which tapestry had been copied from original drawings; (b) being copies of copies, these prints and drawings had, however, little claim to originality.

Under that Act of Geo. 2, Lord *Hardwicke*, C. very properly refused relief to a person complaining of piracy of a drawing or design which he had only procured to be made. The learned Judge observed that such a person was not within the statute, which was made for the encouragement of genius and art; if he was within the Act, any person who employed a printer or engraver would be so too. (c)

Hogarth was the designer as well as engraver of his famous works. That fact may account for the omission in the statute of any provision to protect works of which the engraver is not also the designer.

4. The Legislature, however, again interposed on the subject of copyright in published engravings. In the year 1767, by an Act 7 Geo. 3, c. 38, it declared that every person who should invent or design, engrave, etch, or work in mezzotinto or chiaroscuro, or from his own work, design, or invention, cause to be designed,

4. Extension
of the right by
7 Geo. 3, c.
38.

(a) For an action by an assignee of such copyright for piracy, see *Thompson v. Symonds*, 5 T. R. 41.

(b) See Lord *Talbot*, C. in *Blackwell v. Harper*, Barn. 212.

(c) *Jeffreys v. Baldwin*, Ambl. 164.

engraved, etched, or worked in mezzotinto or chiaroscuro, any historical print, or any other print whatsoever, should have the benefit and protection of the Act 8 Geo. 2, c. 13; and that every person who should engrave, etch, or work in mezzotinto or chiaroscuro, or cause to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, should have the benefit and protection of the Act 8 Geo. 2, c. 13, and of the amending Act, for the term of twenty-eight years from the first publication, in like manner as if such print had been engraved or drawn from the original design of such graver, etcher, or draftsman; and that if any person should engrave, print, and publish, or import for sale any copy of such print, he should be liable to the penalties of the Act 8 Geo. 2, c. 13.

All the penalties of 8 Geo. 2 were imported into 7 Geo. 3, but the limitation in the former Act of actions and suits was extended in the latter to six months.

As a provision for the widow of Hogarth, and by way of an acknowledgement of his great genius, Parliament admitted a clause into the Act 7 Geo. 3, c. 38, in her favour. This clause extended to her the sole right of printing and reprinting some of her husband's works for a period of twenty years.

5. Provisions of 17 Geo. 3, c. 57, on the right.

5. The Act 7 Geo. 3 is not, however, the latest legislation on this copyright. To advance the arts of designing, engraving, and etching, another Act was passed ten years afterwards.

That Act, 17 Geo. 3, c. 57, provides, that if any person should within the time limited by the previous Acts, or either of them, engrave, etch, or work in mezzotinto or chiaroscuro, or otherwise, or in any other manner

copy in the whole or in part by varying, adding to, or diminishing from the main design; or print, reprint, or import for sale, or publish, sell, or otherwise dispose of any copies of any print engraved, etched, drawn, or designed in Great Britain, without the express consent of the proprietor first had and obtained in writing, signed by him with his own hand, in the presence of and attested by two or more credible witnesses: then every such proprietor may in a special action upon the case brought against the offender recover such damages as a jury, on the trial of such action, or on the execution of a writ of inquiry thereon, should give or assess, together with double costs of suit.

This last Act, in short, gave to a proprietor of a print within the protection of either of the previous Acts an action on the case with double costs against (a) any person who should without his consent engrave, or copy, or print, or reprint, &c. or publish, sell, or otherwise dispose of such print, the same having been engraved in Great Britain.

6. Copyright is not expressly given by any of the Acts to the assignee of an engraver; nevertheless, an assignee may maintain an action of piracy under the Act. (b)

6. Who may proceed for piracy.

7. Plates illustrating letter-press, although the letter-press be in the same book as the plates, are under the statutory protection. (c)

7. Piracy by plates in a letter-press book.

8. A copy is piratical under these Acts if it comes so near to the engraving as to give to every person seeing

8. Test of piracy.

(a) A full and reasonable indemnity for all costs of suit is now substituted. 5 & 6 Vict. c. 99, s. 2.

R. 41; and see 8 Geo. 2, c. 13, s. 12.

(b) *Thompson v. Symonds*, 5 T.

(c) See *Roworth v. Wilkes*, 1 Campb. 94.

it the idea created by the original; (a) the copy need not be exact, it is a piracy if it is substantially a copy. (b)

9. Piracy by
photography.

9. A photographic copy of an engraving is an infringement of the right given to engravers by the statutes of Geo. 2 and Geo. 3. This was determined not very long ago. The decision is reported upon a rule obtained in the Court of Common Pleas, in an action brought in the present year by the engraver of Holman Hunt's picture, 'The Light of the World,' and Rosa Bonheur's picture, 'The Horse Fair,' against a person who had taken and sold some photographs of both those pictures. The defendant's counsel strenuously, but in vain, argued that photographic copies were not within the words or within the mischief of the Engraving Copyright Acts. The Chief Justice (*Erle*) reviewed the Acts and said: 'This statute (17 Geo. 3, c. 57) contains extremely wide words for the protection of the owner of the print. The question is, whether a person taking a photograph of a print does not in a manner copy the print; the common mode of expressing what the defendant has done is that he has made a photographic copy of the print. The object of this statute also was not to prevent an engraver's reputation being lowered, but to give him the monopoly of selling copies of the engraving. If that be the purpose for which the statute was passed, this is entirely an infringement of the plaintiff's copyright; for a photographic copy may represent to the mind exactly the same idea as the original, and so spoil the sale of the engraver's prints. I cannot see why the statute should not apply to any

(a) *West v. Francis*, 5 B. & Ald. 743; *Roworth v. Wilkes*, 1 Campb. 94.
(b) *Moore v. Clarke*, J. M. & W. 692.

kind of copying which mars ingenuity, or the advance of science produces, though unknown at the time when the statute was passed. It does not make any difference whether the photograph be of the same size or of smaller dimensions than the print. Though of smaller size, it gives the same kind of pleasure to the purchaser that the original does, although no doubt not so high a pleasure as the more perfect article would, yet still sufficient to injure the sale of the print, and therefore within the mischief intended to be remedied by the statute.' The Court was unanimous in making the rule absolute.

The language of the Judges in *Gambart v. Ball* also tends to the conclusion that the Act 17 Geo. 3, c. 57, is comprehensive enough to include all mechanical or scientific processes of multiplying copies of engravings.

10. It may be here noticed that a work, as in literary copyright, can be piratical, though the copyist may have no actual knowledge of the existence of copyright in the original. (a)

10. Piracy may be unintentional.

11. In an action for the penalty, the Court of Common Pleas ordered judgment of nonsuit to be entered against the plaintiff, because he, being the proprietor of the plate and print in question, had not engraved his name on the plate, or printed it on the print; (b) but an action for damages was held to lie at common law against a person pirating a print upon which no name had been inscribed. (c) A court of equity has also given relief by injunction, where the date of publication was omitted. In *Blackwell v. Harper*, (d) the plaintiff

11. Decisions and dicta upon the right.

(a) Bayley, J. in *Francis v. West*, 5 B. & Ald. 737; *Gambart v. Sumner*, 8 W. R. 27, 5 Jur. n. s. 1109.

(b) *Sayer v. Dacey*, 3 Wils. 60.

(c) *Roworth v. Wilkes*, 1 Campb. 94.

(d) 2 Atk. 93; S. C. Barnard, 210.

being the owner of prints in chiaroscuro, which represented medicinal plants, filed a bill for an account of profits, and to restrain the defendant from copying and engraving her prints; the defendant objected that the words 'Elizabeth Blackwell, delineavit, sculpsit, et pinxit,' upon each print did not show who was the proprietor, and that the day of publication did not appear on the plate, or on the prints from the plate, and so the defendant knew not the date of the commencement and expiry of the right. Lord *Hardwicke*, C. granted a perpetual injunction, he being of opinion that the Latin words sufficiently showed the proprietorship; but he refused to make the defendant account, because he thought it would be hard to make him do so, as he was ignorant of the existence of the property. At the same time, the Chancellor intimated that the date of the publication was only necessary to recovery of the penalty under the Acts; that the property in a print vested absolutely in an engraver, though the day of publication was not annexed to the print. In a subsequent case, (a) Lord *Alvanley*, M.R. was indeed inclined to differ from him upon this point. The inscription of the date is, it seems, necessary to any proceeding under the Act; (b) the statutory protection is only extended to that plate and those prints which have thereon the name of the proprietor and the date of publication. (c)

In addition to *Blackwell v. Harper* may be quoted as to a sufficient disclosure of proprietorship *Newton v.*

(a) *Harrison v. Hogg*, 2 Ves. 327.

(b) *Brooks v. Cocks*, 3 A. & E. 138.

(c) *Colnaghi v. Ward*, 6 Jur. 970. The date is important. That

the public may know the period of the monopoly, the name of the proprietor should appear, in order that those who wish to copy it may know to whom to apply for consent. 5 T. R. 45.

Cowie. (a) That was an action under the statute 17 Geo. 3, c. 37, and it was there objected that the name of the proprietor did not appear on the prints, the only words thereon being 'Newton, del. 1st May, 1826: Gladwin, sculp.' The Court of Common Bench, after hearing counsel on the objection, followed the decision in *Blackwell v. Harper*, and held that the inscription was sufficient, inasmuch as it accomplished the object of the Act.

Authors of paintings, drawings, and photographs had no copyright in their works prior to July 29, 1862, so that the same might have been and frequently were the subjects of copyright engravings. (b)

In *Newton v. Cowie* (c) an objection was taken by the defendant that the plaintiff was not the inventor or designer of the engraving, because he had engraved it from a drawing by his apprentice of a machine in the specification of a patent; but this objection was overruled. The Court found nothing in the Engraving Acts as to the place in which the original was to be found, and *Best*, C.J. observed: 'An engraver is always a copyist, and if engravings from drawings were not to be deemed within the intention of the Legislature, the Engraving Acts would afford no protection to that most useful body of men, the engravers.'

The engraver, although a copyist, produces the resemblance by means very different from those employed by the painter or draftsman from whom he copies—means which require great labour and talent. The engraver produces his effects by the management of

(a) 4 Bingh. 234; and see *Buller*, J. in *Thompson v. Symonds*, 5 T. R. 45.

(b) See preamble of 25 & 26 Vict. c. 68.

(c) 4 Bingh. 234.

light and shade, or, as the term of his art expresses it, the chiaroscuro. The due degrees of light and shade are produced by different lines and dots. He who is the engraver must decide on the choice of the different lines and dots for himself, and on his choice depends the success of the print. If he copies from another engraving, he may see how the person who engraved that has produced the desired effect, and so without skill or attention become a successful rival. The first engraver does not claim the monopoly of the use of the picture from which the engraving is made. He says: 'Take the trouble of going to the picture yourself, but do not avail yourself of my labour, who have been to the picture and have executed the engraving.'

In *Sayre v. Moore*, (a) Lord Chief-Justice *Mansfield* also said: 'In the case of prints, no doubt different men may take engravings from the same picture.'

Piracy in an engraving is not established when the latter work materially differs from the original in character. The well-known case of *Martin v. Wright* (b) seems a sound decision as to the Act 17 Geo. 3, c. 57, on this point: (c) there the Vice-Chancellor of England, Sir *L. Shadwell*, refused to restrain the exhibition for money of a coloured dioramic copy on a large scale of a small print in which copyright existed.

An observation of Chief Justice *Best* in *Newton v. Cowie* (d) is also an authority against the conclusion of piracy whenever the scale of the copy differs materially from that of the original.

(a) 1 East. 361, n.; and see *De Berenger v. Whible*, 2 Stark. 548.

(b) 6 Sim. 297.

(c) See, however, *Clark v. Freeman*, 11 Beav. 112.

(d) 4 Bingh. 234.

It has also been determined, and upon the reasoning of the decision in *Clementi v. Walker*, that the Legislature did not intend to protect any prints except such as should be engraved, etched, drawn, or designed in Great Britain. The Vice-Chancellor Sir *L. Shadwell* so held: he refused to protect by injunction a print first published in this country and entered at Stationers' Hall, but engraved abroad. (a)

In *Murray v. Heath*, (b) where the defendant, an engraver, took a certain number of impressions from a plate engraved by himself, but which he had undertaken to engrave for the use of the plaintiff, the Court of Queen's Bench ruled that no action was maintainable against him under the Act 17 Geo. 3, c. 57. But an action at common law unquestionably lay against him for damages, by reason of the breach of his contract to deliver to the plaintiff all the impressions.

Where there were illustrations and designs forming part of a book in which a person had copyright under the Act 5 & 6 Vict. c. 45, Sir *James Parker*, V.C. was of opinion that such copyright extended beyond the letter-press and to the illustrations and designs, and so construing the Act he granted an injunction (c) upon the plaintiff undertaking to bring an action, although the provisions of the Engraving Acts as to the illustrations and designs had not been complied with.

The same learned Judge thought that prints published separately were not within the protection of the Act 5 & 6 Vict. c. 45. (d)

(a) *Page v. Townsend*, 5 Sim. 395; and see 7 & 8 Vict. c. 12, s. 19.

(b) 1 B. & Ald. 804; see also

P. Albert v. Strange, ante, p. 7.

(c) *Bogue v. Houlston*, 5 De G. & Sm. 275.

(d) *Ibid.*

The question, copy or not, is one of fact, and a direction to a jury to consider whether a certain print is substantially a copy of another is a proper direction. (a)

12. The right in prints first published abroad.

12. No inventor, designer, or engraver of a print first published since the 10th day of May 1844 out of Her Majesty's dominions can have copyright therein in this country, (b) except under the International Copyright Acts, and the proprietor of a foreign print must comply with the provisions of the Copyright Engraving Act. (c)

The copyright in an engraving can only be assigned by deed attested by two witnesses.

13. Existence of the right in Ireland.

13. There is an Act of Parliament extending to Ireland the protection of copyright in prints and engravings, which right had been previously confined to Great Britain. (d)

14. Extension of the right by 15 & 16 Vict. c. 12, to lithographs, &c.

14. For the removal of doubts which had been entertained whether the Acts of Geo. 2, Geo. 3, and Will. 4, extended to lithographs, a clause was inserted (e) in a statute, 15 & 16 Vict. c. 12, expressly declaring that the provisions of those Acts were intended to include prints taken by lithography, or any other mechanical process by which prints or impressions of drawings were capable of being multiplied indefinitely.

15. Non-existence of the right in criminal works.

15. Of course an action does not lie to recover the value of immoral, obscene, (f) or libellous prints. (g) No copyright can exist in an engraving of a criminal

(a) *Moore v. Clarke*, 9 M. & W. 692.

(b) 7 & 8 Vict. c. 12, s. 19; and see *Page v. Townsend*, previous page.

(c) *Avanzo v. Mudie*, 10 Exch. 203.

(d) 6 & 7 Will. 4, c. 59.

(e) Sec. 14.

(f) For statutes to check the exhibition and sale of indecent prints and pictures, see 4 Geo. 4, c. 83, s. 4; 1 & 2 Vict. c. 38, s. 2 and 20 & 21 Vict. c. 83.

(g) *Fores v. Johnes*, 4 Esp. 97.

character, it is not a legal subject of property. If any person destroy a libellous picture, he is at the utmost only liable at law to pay the value of the canvas and paint. (a)

16. All pecuniary penalties incurred and all copies forfeited by offenders pursuant to any Act for the protection of copyright engravings may be recovered in England and Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction. Where the offender resides in Scotland, by action before the Court of Session, in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides. (b)

16. Proceedings for penalties on violation of the right.

(a) *Du Bost v. Bercasford*, 2 3d edition.
Campb. 511; see also Nichols'
Biogr. Anecd. of Hogarth, p. 39,

(b) 25 & 26 Vict. c. 68, s. 8.

CHAPTER IX.

COPYRIGHT-AFTER-PUBLICATION IN PAINTINGS, DRAWINGS,
AND PHOTOGRAPHS.

1. *Creation of the Right.*—2. *Definition of the Right, and by whom it may be claimed, and how long.*—3. *Non-Existence of the Right in Criminal Works.*—4. *Nature of the Right.*—5. *Assignment of the Right.*—6. *License to Use or Copy the Subject of the Right.*—7. *Registry of the Right and of every Assignment of the Right.*—8. *Statutory Penalties for Infringement of the Right.*—9. *The Remedy for Piracy.*

1. Creation of
the right.

1. PRIOR to the 29th day of July 1862, there was no copyright in any painting, drawing, or photograph. (a)

In *De Berenger v. Wheble*, in the year 1819, Abbott, L.C.J. held that it would destroy all competition in the art to extend copyright to painting. (b)

Many eminent artists, however, thought differently, and deplored the want of such a copyright; they also insisted that the protection afforded to the public against the purchase of spurious pictures was insufficient. But a spurious and a piratical production, it must be remembered, are things essentially different: (c) the former may deceive the public and injure the general reputation of an author or artist, and so affect his pocket, but it is not like the latter—a direct invasion of his property.

In July 1858 a petition was addressed to the House

(a) Preamble of 25 & 26 Vict.
c. 68.

(b) 2 Stark. 548.

(c) *R. v. Cross*, W. R. 109.

of Lords by the Society of Arts, by the Royal Institute of British Architects, and by a number of painters, sculptors, architects, engravers, photographers, and others interested in the production of works of fine art, praying for an amendment and extension of the law of copyright. A committee of the House was named to examine the statements of the petition. Lord *Lyndhurst* presented the petition: in doing so, he stated the then law of copyright affecting engravings, and noticed the absence of any copyright in pictures. He said: 'For a long period of years the law has recognised the principle of granting protection to works of the mind where they assume a material and useful form. Ever since the time of Queen Anne copyright has been granted to authors for the protection of their works. If a painter, not being satisfied with the remuneration for his works, should determine to engrave them, that engraving would be protected by the law of copyright. The protection of a copyright was even extended to works of design applied to manufactures, but it is a strange circumstance that to painting, the most delightful of all the arts, no protection by copyright has ever been given, and yet by the same principle it is an invention of the mind assuming a useful and beneficial form. In practice, the effect of the present state of the law is a very extensive circulation of spurious copies of good paintings, which is most injurious to artists of good reputation, and which operates injuriously in many ways. The artist has lost the copyright in his works, and has been injured in reputation in consequence of their being copied by inferior artists. The public has been injured by the frauds committed. The extent of these frauds is most surprising. . . . Sometimes lawyers

are consulted as to the means of remedying this state of things, and they speak with uncertainty about injunctions from Chancery and actions at law, but it is quite out of question to expect that an artist will leave his studio, and involve himself in the meshes of the Court of Chancery.' This committee made a report, and a bill was prepared upon the basis of that report, but the Parliament then sitting was suddenly dissolved before the bill could be considered.

At last, in the year 1862, the petitioners obtained an Act of Parliament. By it, the property is secured to authors of paintings, drawings, and photographs, the same being original and not sold or disposed of before July 29, 1862. The Act (25 & 26 Vict. c. 68) is entitled 'An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production or Sale of such Works.'

2. Definition of the right, and by whom it may be claimed, and how long.

2. The right and the person entitled to the right are defined by the first section of the Act in these words: 'The author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, or photograph which shall be or shall have been made, either in the British dominions or elsewhere, and which shall not have been sold or disposed of before the commencement of this Act (*a*), and his assign, shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph and the negative thereof, by any means and of any size, for the term of the natural life of such author and seven years after his death.'

(*a*) July 29, 1862.

To the above enactment there is this proviso, viz. that where any painting or drawing, or the negative of any photograph, shall, for the first time after the passing of the Act, be sold or disposed of, or shall be made or executed, for or on behalf of any other person, for a good or a valuable consideration, the person so selling or disposing of, or making or executing the same, shall not retain the copyright thereof unless it be expressly reserved to him by agreement in writing, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed; but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made and executed; nor shall the vendee or assignee thereof be entitled to any such copyright, unless at or before the time of such sale or disposition an agreement in writing, signed by the person so selling or disposing the same, or by his agent duly authorised, shall have been made to that effect.

The copyright so given is also carefully qualified by the 2d section of the Act to this extent, viz. that nothing in the Act contained prejudices the right of any person to copy or use any work in which there is no such copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

3. Of course there can be no claim to copyright in an indecent or libellous painting, drawing, or photograph. (a)

(a) See 5 Geo. 4, c. 83; and 1 & 2 Vict. c. 38; and 20 & 21 Vict. c. 83.

3. Non-existence of the right in criminal works.

The decisions in *Du Bost v. Beresford* and *Fores v. Johns* (a) would be applicable to such a work.

4. Nature of the right.

4. Further, the right is as to its nature personal or moveable estate. (b)

5. Assignment of the right.

5. It is assignable at law, and every assignment of it must be in writing, signed by the proprietor of the right, or by his agent appointed for that purpose in writing. (c)

6. License to use or copy the subject of the right.

6. Every license to use or copy, by any means or process, the design or work, the subject of the work must also be in the form of a written memorandum or note, signed in the same manner as an assignment of the right. (d)

7. Registry of the right and of every assignment of the right.

7. No proprietor of the right is entitled to the benefit of the Act 25 & 26 Vict. c. 68, until registration, and no action is sustainable, nor is any penalty recoverable under that Act in respect of any violation of the right, before compliance with the statutory provisions for registration. In the register which the Act directs to be kept at the Hall of the Stationers' Company is entered a memorandum of every copyright to which any person is entitled under the Act, and also of every assignment of such copyright. The memorandum should contain a statement of the date of the assignment and of the names of the parties thereto, and of the name and place of abode of the person in whom the right is vested by virtue thereof, and of the name and place of abode of the author of the work, together with a short description of the nature and subject, and, in addition thereto, if the person registering should

(a) *Ante*, pp. 216, 217.

(b) 25 & 26 Vict. c. 68, s. 3.

(c) *Ibid.*

(d) *Ibid.*

so desire, a sketch, outline, or photograph of the work. (a)

The enactments of 5 & 6 Vict. c. 45, in relation to the register thereby prescribed, are applicable to the register under 25 & 26 Vict. c. 68, except that the forms of entry prescribed by the earlier Act may be varied under the later to meet the circumstances of any case. One shilling only can be demanded for an entry in the register of this copyright. (b)

8. Any invasion of the property is guarded against by a special provision in the statute which creates the right. By the sixth section of the Act it is enacted, if the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution any such work, or the design thereof, or knowing that any such repetition, copy, or other imitation has been unlawfully made, shall import into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, or exhibition, or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence

8. Statutory penalties for infringement of the right.

(a) 25 & 26 Vict. c. 68, s. 4.

(b) 25 & 26 Vict. c. 68, s. 5.

shall forfeit to the proprietor of the copyright for the time being a sum not exceeding 10*l.*, and all such repetitions, copies, and imitations made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

The recovery of pecuniary penalties incurred and of things forfeited under the Act, may be sought in England and Ireland either by action against the offender, or by summary proceeding before any two justices having jurisdiction; and where the offender resides in Scotland, by action before the Court of Session, in ordinary form, or by summary action before the sheriff of the county where the offence has been committed or the offender resides. (*a*)

9. The remedy for piracy.

9. Lord *Lyndhurst's* complaint of the 'inability of artists to leave their studios and involve themselves in the meshes of the Court of Chancery,' seems to have led to the insertion of a clause in the Act which empowers any of the superior courts of record sitting at Westminster or in Dublin to order an injunction, inspection, or account in any action pending there for infringement of the right. If the Court be not sitting, a judge of the Court can make the order. (*b*)

This clause does not exclude relief in the Court of Chancery, if the aggrieved party should still choose to go thither; of course he may, in lieu of either course, bring his action on the case for damages.

(*a*) 25 & 26 Vict. c. 68, s. 8.

(*b*) *Ibid.* s. 9.

CHAPTER X.

COPYRIGHT-AFTER-PUBLICATION IN SCULPTURE.

1. *Foundation of the Right.*—2. *Definition of the Right: its Extent and Duration.*—3. *Protection of the Right against Piracy.*—4. *Assignment of the Right.*—5. *No Modern Decisions on the Right.*

1. COPYRIGHT-AFTER-PUBLICATION in sculpture is also founded on Acts of Parliament. The earliest Act was 38 Geo. 3, c. 71, of which it was said by Lord *Ellenborough*, C.J. that it seemed to have been framed with a view to defeat its own object. (a) That Act was amended by 54 Geo. 3, c. 56, and is now repealed. (b)

1. Foundation of the right.

2. Under the earlier Act, the maker of any new and original sculpture, or model, or copy, or cast of the human figure, or of any bust, or of any part of the human figure, clothed in drapery or otherwise, or of any animal, or of any part of any animal, combined with the human figure or otherwise, or of any subject, being matter of invention in sculpture, or of any alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or of any cast from nature of the human figure, or of any part of the human figure, or of any cast from nature of any animal, or of any part of any animal, or of any such subject containing or

2. Definition of the right: its extent and duration.

(a) *Gahagan v. Cooper*, 3 Campb. 114. (b) 24 & 25 Vict. c. 101.

representing any of the matters and things already mentioned, whether separate or combined, has the sole right and property therein for fourteen years from publication, provided that he put his name thereon with the date before publication; (a) at the expiry of that period, if he be living and have not in express words parted with his right, his property is then prolonged for another fourteen years. (b)

It is important to bear in mind that there is judicial authority for the statement that a work must be considered as published within the meaning of the Sculpture Copyright Act by exhibition at the Royal Academy, (c) and that no article of sculpture first published after the 10th day of May, 1844, out of Her Majesty's dominions, can have any copyright therein, except under the International Copyright Acts, to which attention will hereafter be called. (d)

3. Protection
of the right
against piracy.

3. A statutory remedy for an infringement of this copyright is given by s. 3 of the Act 54 Geo. 3, c. 56, which provides, that if any person shall within the first fourteen years of the right make or import, or cause to be made or imported, or exposed to sale, or otherwise disposed of, any pirated copy or pirated cast of a subject entitled to the right under the Acts 38 Geo. 3, c. 71, and 54 Geo. 3, c. 56 (whether such copy or cast be produced by moulding or copying from, or imitating in any way, such subject, to the detriment of the proprietor of the right), (e) the proprietor may in an action on the

(a) See 54 Geo. 3, c. 56, s. 1.

10 Ir. Ch. R.

(b) *Ibid.* s. 6; see *Grantham v. Hawley*, Hob. 178, cited 1 C. B. 378; and *Carnan v. Bowles*, 2 Bro. C. C. 80.

(d) 7 & 8 Vict. c. 12, s. 19.

(e) See *Turner v. Robinson*,

(c) Sec. 2 of 38 Geo. 3, c. 71; and *Gahagan v. Cooper*, 3 Campb. 111.

case, brought within six months after the discovery of the offence, recover damages, with double costs of suit.

Any work within the protection of the Sculpture Copyright Act may also be registered under the Designs Acts. (a) If any person during the continuance of the right so registered make, import, expose for sale, or otherwise dispose of any pirated copy or pirated cast of the work, in such manner and under such circumstances as would entitle the proprietor to an action on the case under the Sculpture Copyright Acts, such person is under an Act, 13 & 14 Vict. c. 104, s. 7, also liable to a penalty (not less than 5*l.*, not exceeding 30*l.*) recoverable by the proprietor; the proprietor must, however, have previously marked the work with the word 'registered' and with the date of registration. (b)

The violation of this copyright may also, of course, be the subject of an action at common law, and of a suit in a court of equity.

4. An assignment of this copyright should be by deed, signed by the proprietor in the presence of and attested by two or more witnesses. (c)

4. Assignment of the right.

5. Writing in the year 1849, Mr. Turner, in a 'Treatise on Copyright in Design,' states that the only approach to a sculpture case of late years had been a complaint of a theft of the model of Madame Vestris' foot by a rival Italian figure-maker, which case went to a police court, and was supposed to have been manufactured for advertisement sake. The reports published before and since that year appear to be equally barren in respect to decisions on sculpture copyright. One

5. No modern decisions on the right.

(a) 13 & 14 Vict. c. 104, s. 6. ornamental designs.
See Appendix: Directions issued (b) *Ibid.* s. 7.
by Board of Trade for registering (c) 54 Geo. 3, c. 56, s. 4.

cause of this dearth may be that the works of sculpture are most frequently pirated by a class of persons against whom the existing laws afford an insufficient remedy. (a) The instances of piracy are, it is believed, constant; but, according to a report prepared at the request of the Society of Arts, 'sculptors have wisely submitted to the invasion of their rights rather than embark in litigation with men of straw.'

(a) 4 Jur. n. s. pt. 1. p. 88.

CHAPTER XI.

COPYRIGHT IN THE APPLICATION OF DESIGNS.

1. *Division of the Right.*—2. *Regulation of the Right in Designs for Ornament.*—3. *Definition of the Right in Designs for Ornament, and Who may Claim it.*—4. *Duration of the Right in Designs for Ornament.*—5. *Registration of the Right in Designs for Ornament.*—6. *Assignment of the Right in Designs for Ornament.*—7. *Remedies for Piracy of the Right in Designs for Ornament.*—8. *Basis of the Right in Designs of Utility.*—9. *Definition of the Right in Designs of Utility: Who may Claim the Right, and its Duration.*—10. *The Transfer and Registry of the Right in Designs of Utility, and the Remedies for its Piracy.*—11. *Provisional Registration of Designs.*

1. COPYRIGHT in the application of designs for ornament and copyright in the application of designs for utility are distinct rights, founded upon different Acts of Parliament. It is therefore necessary to consider them separately.

1. Division of the right.

2. The right in designs for ornament is regulated by an Act 5 & 6 Vict. c. 100, (a) amended by Acts 6 & 7 Vict. c. 65, 13 & 14 Vict. c. 104, 21 & 22 Vict. c. 70, and 24 & 25 Vict. c. 73. The Act 5 & 6 Vict. c. 100, was founded upon a report of a Select Committee of the House of Commons appointed in the year 1836 to enquire (among other things) ‘into the best means of extending a knowledge of the arts and of the principles

2. Regulation of the right in designs for ornament.

(a) This Act repealed the 27 34 Geo. 3, c. 23; 2 Vict. c. 13; 2 Geo. 3, c. 38; 20 Geo. 3, c. 19; Vict. c. 17.

of design among the people (especially the manufacturing population) of this country.' (a)

3. Definition of the right in designs for ornament, and who may claim it.

3. Under the Acts above mentioned the proprietor of every new and original design, (b) not previously published in the United Kingdom or elsewhere, whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and whether such design be so applicable for the pattern, or for the shape, or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, has the sole right of applying the same to any article of manufacture, or to any such substance as aforesaid during a specified period. (c)

The word 'proprietor' is explained by section 5 of the Act to be the author of any such new and original design, unless he have executed the work on behalf of another person for a good or a valuable consideration, in which case such person is considered the proprietor, and is entitled to be registered in the place of the author. Further, every person acquiring for a good or a valuable consideration a new and original design, or the right to apply the same to ornamenting any one or more articles of manufacture, or any one or more

(a) The precedence given by the Parliament of Victoria in its legislation to ornamental over useful designs may fairly enough be explained by the reply of Victor Hugo's Bishop to his thrifty house-keeper, when she hinted that a flower-bed should, for utility sake, be converted into a herbary.

'Madame Magloire,' answered the Bishop, 'vous vous trompez, le beau est aussi utile que l'utile;' and after a pause, 'Plus peut-être.' (See *Les Misérables*, vol. i.)

(b) Except for things within 54 Geo. 3, c. 56.

(c) See 5 & 6 Vict. c. 100, s. 3; and 24 & 25 Vict. c. 73.

such substances as aforesaid, either exclusively of any other person or otherwise, and also every person upon whom the property in such design, or such right to the application thereof, has devolved, is considered the proprietor of the design in the respect in which the same has been so acquired, and to that extent only.

In *M' Rae v. Holdsworth* an injunction issued on the plaint of proprietors whose title to the copyright in an ornamental design was based on their employment (a) for valuable consideration of the inventor. (b)

A design entitled to copyright may be applied in the United Kingdom or elsewhere, and any person may be the proprietor or inventor of such design, whether he be or be not a subject of Her Majesty. (c)

The public exposure for sale in this country in a bookseller's shop, and the purchase there by several persons of copies of a book describing an invention, disentitles that invention to a patent. (d)

As to the novelty of a design, the application of an old design to an article or substance to which it has not hitherto been applied does not render the design new and original. There must be a new and original idea in the projection of the design itself to bring it within the Acts. (e)

The result of a new combination of old designs may be a new design within the protection of the Copyright Designs Acts, that is to say, if the result be one design, not a multiplicity of old designs. (f) An

(a) A contract to design cannot be specifically enforced. *Clarke v. Price*, 2 Wils. C. C. 157.

(b) 2 De G. & Sm. 496.

(c) 24 & 25 Vict. c. 73. ss. 1, 2.

(d) *Lang v. Gisborne*, 31 Beav.

133.

(e) *Harrison v. Taylor*, 3 H. & N. 301; but see *De la Branchardière v. Elvery*, *post*, p. 241.

(f) *Norton v. Nicholls*, 7 W. R. 421.

eminent Judge (*Byles*) has said that configuration may constitute a new design, for where there is alteration of the proportions there may be a new design.

4. Duration of the right in designs for ornament.

4. The duration of the right in the application of designs for ornament varies in different articles of manufacture.

The proprietor has the sole right to apply a design for ornament—

To articles composed wholly or chiefly of any metal or mixed metals. (*a*)

During five years from the registry of the design (the term of duration was originally three years from the registry).

To articles composed wholly or chiefly of wood. (*b*)

To articles composed wholly or chiefly of glass. (*c*)

To articles composed wholly or chiefly of earthenware. (*d*)

To articles of ivory, bone, papier-mâché, and other solid substances, not comprised in the articles above specified. (*e*)

During three years from the registry of the design.

To paper-hangings. (*f*)

To carpets. (*g*)

To floor-cloths or oil-cloths. (*h*)

To shawls to which the design is not applied solely by printing, or by any other process by which colours

(*a*) Class 1, 5 & 6 Vict. c. 100.

(*b*) Class 2, *ibid.*; and see *R. v. West*, 17 Law T. 83.

(*c*) Class 3, *ibid.*

(*d*) Class 4, *ibid.*

(*e*) Class 4, 13 & 14 Vict. c.

104, s. 8; and 5 & 6 Vict. c. 100.

(*f*) Class 5, 5 & 6 Vict. c. 100.

(*g*) Class 6, *ibid.*

(*h*) Class 6, 6 & 7 Vict. c. 65, s. 5.

are or may be produced upon tissue or textile fabrics. (a)

To woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing or any other process by which colours are or may be hereafter produced upon tissue or textile fabrics, such fabrics being or coming within the description technically called furniture, and the repeat of the design whereof is more than 12 inches by 8 inches. (b)

To shawls, if the design be applied solely by printing or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics. (c)

To yarn thread or warp, if the design be applied by printing or by any other process by which colours are or may hereafter be produced. (d)

To woven fabric (e) composed of linen, cotton, wool, silk, or hair, or any two or more of such materials, if the design be applied by

During three years from the registry of the design.

During nine calendar months from the registry of the design.

Until Dec. 31, in 2nd year after the year in which the design was registered (see 21 & 22 Vict. c.

(a) Class 8, 5 & 6 Vict. c. 100.
 (b) Class 11, *ibid.*
 (c) Class 7, *ibid.*
 (d) Class 9, *ibid.*
 (e) Class 10, *ibid.* Ornamental needlework designs to be trans-

ferred on sewed muslin collars by printing or stamping the collars with colour, to be traced with the needle, are within this class. *Lowndes v. Browne*, 12 Ir. L. R. 293.

printing or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics, excepting the woven fabrics aforesaid.

70, s. 3). The proprietor must give the number and date of registration to any applicant by or on behalf of a person producing or vending any marked article in 10th class (see 21 & 22 Vict. c. 70, s. 6).

To all other woven fabrics. (a)
To lace and any article of manufacture or substance not provided for above. (b)

During twelve calendar months from the registry of the design.

The term of the duration in the right is prior to its expiration extendible for three years by an order of the Board of Trade, which order must be registered. (c)

In a case of *M' Rae v. Holdsworth*, which ended in compromise, it was argued that the copyright in the application of a certain ornamental design was not infringed by the application of the design to a manufacture which was not intended to be sold during the subsistence of the copyright; but Sir *J. L. Knight Bruce*, V.C. did not agree in that view of the Designs Acts. (d)

5. Registration of the right in designs for ornament.

5. No person is entitled to the benefit of the Act 5 & 6 Vict. c. 100, with regard to any design, unless such design has, before publication, been registered according to the Act, and unless at the time of registration such design has been registered, in respect of its application to some or one of the articles of manufacture or substances above mentioned, and that by specifying the

- (a) Class 12, 5 & 6 Vict. c. 100. R. & M. 166, n.; and *Smith v. London and South-Western Railway Company*, 1 Kay, 415
 (b) Class 13, 5 & 6 Vict. c. 100.
 (c) 5 & 6 Vict. c. 100.
 (d) See *Crossley v. Beverley*, 1

number of the class in respect of which the registration is made, and unless the proprietor's name has been stated in the registry, and unless after publication of the design every article or substance to which the design is applied has certain specified marks on it, or a label to it, denoting a registered design. (*a*)

Persons proposing to register a design for ornamenting an article of manufacture should take or send to the Designs Office, with the application to register, (*b*) two exactly similar copies, drawings (or tracings), (*c*) photographs, or prints thereof, with the proper fees; (*d*) also the name and address of the proprietor or proprietors, or the title of the firm under which he or they may be trading together, with his or their place of abode, or place of carrying on business, distinctly written or printed. Lastly, the number of the class in respect of which such registration is intended to be made, except it be for sculpture.

Under the Act 5 & 6 Vict. c. 100, it was held, that inasmuch as the article to which a design was applied was not the design, the deposit of a copy of the article was not a sufficient registration of a design, unless such deposit clearly disclosed the claim of the inventor, which

(*a*) 5 & 6 Vict. c. 100, s. 4.

(*b*) No. 1, Whitehall. — The office is open every day between 10 A.M. and 4 P.M. for searches and enquiries, but for registry between 11 A.M. and 3 P.M. only.

(*c*) The copies may consist of portions of the manufactured articles (except carpets, oil cloths, and woollen shawls) when such can conveniently be done (as in the case of paper hangings, calico prints, &c.), which, as well as the drawings or tracings (not in pencil)

or prints of the design to be furnished, when the article is of such a nature as not to admit of being pasted in a book, must, whether coloured or not, be fac-similes of each other. Should paper hangings or furnitures exceed 42 inches in length by 23 inches in breadth drawings will be required, but they must not exceed these dimensions.

(*d*) See table of fees in directions for registration, in Appendix.

it might not do, and fully put the Registrar in possession of all information necessary to his performance of the duties imposed on him by law. (a) But the Act 21 & 22 Vict. c. 70, s. 5, has since declared that the registration of any pattern or portion of an article of manufacture to which a design is applied instead or in lieu of a copy, drawing, print, specification, or description in writing, shall be as valid and effectual to all intents and purposes as if such copy, drawing, print, specification or description in writing had been furnished to the Registrar. (b)

A design, if described in the register, must be accurately described. (c)

The registry may in certain cases be amended or cancelled. (d)

Blank forms (e) of applications to register, and official directions for registering ornamental designs, have been issued by the Board of Trade. (f) A copy

(a) *Norton v. Nicholls*, 7 W. R. 420.

(b) See also 13 & 14 Vict. c. 104, s. 11.

(c) See Sir *J. Romilly*, M.R. in *Windover v. Smith*, 11 W. R. 323.

(d) 5 & 6 Vict. c. 100, s. 10.

(f) 13 & 14 Vict. c. 104, s. 10.

(e) The form runs thus:—

[C. D. Works, March 31, 1852.

To the Registrar of Designs, Designs Office, London.

You are hereby requested to register (* provisionally) the accompanying ornamental designs in class (* or for sculpture) in the name of (A. B. of) or of A. B. of and C. D. of) trading under the style or firm of B. D. & Co. of) who claim to be the proprietors thereof, and to return the same (if sent by post) directed to (if brought by hand) to the bearer of the official acknowledgement for the same.

Signed B. D. & Co. by J. F.

* Strike out 'provisionally' and 'sculpture,' if not so to be registered.

of those directions is appended to this work. They are couched in very plain terms, and a perusal prior to any application for registry is calculated to save trouble to the applicant as well as to the Registrar.

A design may be registered in respect of one or more of the classes, (a) according as it is intended to be employed in one or more species of manufacture; but a separate fee must be paid on account of each separate class, and all such registrations must be simultaneous.

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

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

The marks or labels are required as a caution to the public (c) that the design is protected, and upon the Act 5 & 6 Vict. c. 100, s. 4, it was held that they must be affixed to an article in the 10th class, (d) as put forth in the ordinary course of trade, and that no limit was fixed to the size of the article; but the Act 21 & 22 Vict. c. 70, s. 4, has since enacted that nothing in the 4th section of the Act 5 & 6 Vict. c. 100, shall extend, or be construed to extend, to deprive the proprietor of any new and original design applied to ornamenting any

(a) As to the consequences of registering under a wrong class, see *Moore and Perrin*, JJ. in *Lowndes v. Browne*, 12 Ir. L. R. 293, 301, 302; and *R. v. West*, 17 L. T. 83.

(b) 5 & 6 Vict. c. 100, s. 15.

(c) *Sarazin v. Hamel*, 9 Jur. n. s. ch. 192; S. C. 1 N. R. 253.

(d) *Heywood v. Potter*, 1 Ell. & Bl. 439; and see 14 & 15 Vict. c. 8.

article of manufacture contained in that class of the benefits of the Act 5 & 6 Vict. c. 100, or the Act 21 & 22 Vict. c. 70, provided there shall have been printed on such article, at each end of the original piece thereof, the name and address of such proprietor, and the word 'registered,' together with the years for which such design was registered.

As to publication of the design prior to any application to register, it was doubted in *Dalglisk v. Jarvie* (a) whether the exhibition prior to registration of a design for a woven fabric, within the copyright term, not for sale, but in order to attract customers, was not a publication of the design. The words in the Act 5 & 6 Vict. c. 100, s. 4, which suggested this doubt, have, however, since been explained by the Act 21 & 22 Vict. c. 70.

There may be a design, the beauty and utility of which are inseparable, and which may be registered under the Useful or under the Ornamental Designs Acts, but when the registration has been effected and the right in the design is questioned in a suit, the Court can look only at the Act under which the design has been registered. (b)

Registration of a design under the Act 5 & 6 Vict. c. 100, must be effected prior to the expiry of any provisional registration (c) of the same design.

The Act 6 & 7 Vict. c. 65, s. 7, provides for the appointment and payment of a registrar of ornamental designs, and of officers, clerks, and servants to assist him, and the Act 5 & 6 Vict. c. 100, s. 15, sets forth his duties and powers. The Act 5 & 6 Vict. c. 100,

(a) 2 M. & Gor. 234.

(b) Sir J. Romilly, M.R. in *Windover v. Smith*, 11 W. R. 324.

(c) As to provisional registration, see *post*, p. 247.

provides for a certificate of registration and for a limited public inspection of the registered designs. (a) The certificate of registration is *prima-facie* evidence of the design and of the name of the proprietor therein mentioned having been duly registered, and of the commencement of the period of registry, and of the proprietorship, and of the originality of the design, and of compliance with the Act. (b) All designs of which the copyright has expired may be inspected at the Designs Office, on the payment of the proper fee; but no design the copyright of which is existing is, in general, open to inspection. Any person, however, may by application at the office and on production of the registration-mark of any particular design be furnished with a certificate of search, stating whether the copyright be in existence, and in respect to what particular article of manufacture it exists; also the term of such copyright, and the date of registration, and the name and address of the registered proprietor thereof. As this mark is not applied to a provisionally-registered design, or to articles registered under Class 10, certificates of search for such designs will be given on production of the design, or a copy or drawing thereof, or other necessary information, with the date of registration. (c)

The Registrar of Designs determines under which of the Designs Acts any design should be registered; the applicant for registration names the class in which he places his design.

The Act 13 & 14 Vict. c. 104, contains provisions for the production of the documents of registration, and makes official copies thereof evidence.

(a) See 5 & 6 Vict. c. 100, ss. 16, 17.

(b) 5 & 6 Vict. c. 100, s. 16.

(c) Directions issued by Designs Office. See Appendix.

An action lies for false representations as to the registry of a design, (a) and a penalty of 5*l.* is affixed to the offence of putting the registration mark on any design not registered, or after the expiry of the copyright therein.

6. Assignment of the right in designs for ornament.

6. A mode of transfer of this right is provided by the 6th section of the Act 5 & 6 Vict. c. 100; a form of transfer is there given. Any writing purporting to be a transfer of a design, and signed by the proprietor, operates, after registry of the name of the transferee, as an effectual transfer. On request and on the production of the writing, or in the case of acquiring such right by any other mode than that of purchase (e. g. by bankruptcy or legal succession), on the production of any evidence satisfactory to him, the Registrar will insert the name of the new proprietor in the register.

7. Remedies for piracy of the right in designs for ornament.

7. No person may without the written consent of its proprietor apply a design protected by the Act 5 & 6 Vict. c. 100, or any fraudulent imitation of such design, for the purpose of sale, to the ornamenting of any article or substance in respect of which the copyright in the design is in force, and no person may publish, sell, or expose for sale any article or substance to which such design, or any fraudulent imitation thereof, has been so applied, after knowledge from any source other than the proprietor of the design that his consent has not been given to such application, or after having a written notice signed by him or his agent to the same effect. (b)

But it is not sufficient for a proprietor simply to notify to a vendor his proprietorship in the design sold and his intention to prosecute for piracy, the notice

(a) *Barley v. Walford*, 9 Q. B. 197. (b) 5 & 6 Vict. c. 100, s. 7.

should state explicitly that he (the proprietor) has not given his consent to the application by others of his design. (a)

The case of *De la Branchardière v. Elvery* (b) throws some light on the sufficiency of the consent which will justify a sale. The plaintiff in that suit was a teacher to ladies of a mode of making for their own amusement crochet collars; she was also the registered proprietor of designs applicable to such collars; she had published and sold copies of a book of the designs, but with the following notice therein: 'Ladies are respectfully informed that these articles cannot be purchased without the registered mark being affixed, and parties wishing to manufacture for the purpose of sale must have the authoress's permission.' The defendant, after receipt of a formal notice from the plaintiff to desist from so doing, had sold crochet collars to which the plaintiff's designs had been applied without the plaintiff's consent: the Court of Exchequer held that such publication of the book did not authorise any purchaser of the book to apply the designs to crochet collars for sale. (b)

The statutory security against a violation of this right is for each (c) act of piracy a penalty not exceeding 30*l.* and not less than 5*l.*, recoverable by an action or by summary proceeding (d) before two justices; the aggregate amount of penalties for offences in respect of any one design committed by any one person may not, however, exceed 100*l.*; the penalty and costs may, on conviction by justices, be recovered by distress upon, and

(a) *Norton v. Nicholls*, 7 W. R. 420.

(b) 4 Exch. 380.

(c) See *Brooke v. Milliken*, 3 T. R. 509.

(d) See *Bessell v. Wilson*, 1 Ell. & Bl. 489.

sale of, the offender's goods in England. (a) Every action or proceeding for any offence or injury under the Ornamental Designs Act must be brought within twelve calendar months from the commission of the offence. (b)

An action for damages also lies at common law for an injury of the right, and a violation of the right may be restrained in equity. (c) Further, proceedings may be taken in the County Court of the district within which the piracy is alleged to have been committed. (d)

A court of law has itself compared designs on an action for piracy; (e) but the matter of a design being a question of eye-sight is generally left to the jury.

Ignorance of the registration of a design does not excuse a piracy of the right therein. (f)

8. Basis of the right in designs of utility.

8. Copyright in the application of designs of utility is dependent on the Acts 6 & 7 Vict. c. 65, 13 & 14 Vict. c. 104, and 21 & 22 Vict. c. 70.

9. Definition of the right in designs of utility: who may claim the right, and its duration.

9. The Act 6 & 7 Vict. c. 65, came into operation on September 1, 1843. Under it the proprietor of every new and original design for an article of manufacture having reference to some purpose of utility, so far as such design is for the shape or configuration of such article, or any part of such shape or configuration, has the sole right to apply his design to such article, and to make and sell the same according to the design for three years from the registration of the design.

It is expressly provided by this Act that its language shall not include designs embraced by the Acts 5 & 6 Vict. c. 100, or 38 Geo. 3, c. 71, and 54 Geo. 3, c. 56.

(a) 5 & 6 Vict. c. 100, s. 8.

(b) *Ibid.* s. 12.

(c) *Ibid.* s. 9.

(d) 21 & 22 Vict. c. 70, ss. 8, 9.

(e) *Sheriff v. Coates*, 1 R. & M. 159.

(f) *M'Rae v. Holdsworth*, 2 De G. & Sm. 497.

A design for utility applied under 6 & 7 Vict. c. 65, might always, it seems, have been applied in any part of Her Majesty's dominions, and yet have been entitled to copyright; prior to the Act 24 & 25 Vict. c. 73, a doubt existed whether a design for ornament must not have been applied within the United Kingdom, if copyright was claimed therein.

Any alien resident abroad may be a proprietor of a design within the Act 6 & 7 Vict. c. 65. (*a*)

The utility of a design which may be registered under this Act must depend upon its shape and configuration, not upon any combination of old designs. (*b*) A new design for a brick with a semicircular cavity in two sides of it, in order to save duty and material and to secure ventilation, is an example of a design which may be registered under the Useful Designs Act. (*c*)

Where a design intended to prevent the loss of labels and consisting of a metal eyelet-hole therein had been registered under the Act 6 & 7 Vict. c. 65, and the same was without authority copied, Sir *J. L. K. Bruce*, V.C. entertained grave doubts whether the design was within the Act: he thought that the language of the statute, 'so far as such design shall be for the shape or configuration of such article,' excluded that design from protection. (*d*)

In *Millingen v. Picken* it was doubted by at least one of the common law judges whether a mechanical contrivance within a parasol handle, for the purpose of raising or lowering it with one hand only, was a design

(*a*) See 24 & 25 Vict. c. 73. C. B. 809.

(*b*) *R. v. Bessell*, 16 Q. B. 810. (*d*) *Margetson v. Wright*, 2 Do

(*c*) *Rogers v. Driver*, 16 Q. B. G. & Sm. 425.

102; and *Millingen v. Picken*, 1

for the shape or configuration of an article of manufacture within the Act. (a) The Registrar refuses to register under the Act 6 & 7 Vict. c. 65, any design the description of a statement respecting which contains any wording suggestive of the registration being for any mechanical action, principle, contrivance, application, or adaptation (except so far as these may be dependent upon and inseparable from the shape or configuration), or for the material of which the article may be composed.

Novelty must be combined with utility in a design registered under this Act, and the novelty must be substantial. A claim to a design for the shape or configuration of the body of a four-wheel dog-cart was rejected, because the design consisted only of an arch in the fore part of the carriage, made a little higher than that in ordinary use, to permit the convenience of larger front wheels. (b)

In *R. v. Bessell, Patteson, J.* said: 'What is the general meaning of configuration I cannot exactly define; but the word must, I think, have been used by the Legislature to denote some relation to shape visible to the eye.'

Judges have inclined to the opinion that a design might be registered under the Designs Copyright Acts, although the subject to which the design was applied could have obtained a patent. (c)

The registry of a design for the purpose of this copyright must be before its publication; (d) and every

(a) *Millingen v. Picken*, 1 C. B. 809.

(b) *Windover v. Smith*, 11 W. R. 323.

(c) *Coleridge and Erle*, JJ. 16 Q. B. 108.

(d) 6 & 7 Vict. c. 65, s. 3.

article made according to the design by its proprietor must have thereon the word 'registered,' also the date of registration. (a) There is a penalty for affixing the mark of registration on any article not duly registered, or in which the design copyright has expired, or advertising the same for sale as registered. (b)

10. The clauses and provisions of the Act 5 & 6 Vict. c. 100, relating to the transfer of designs, to piracy, to the mode of recovering penalties and damages for piracy, to cancelling and amending registrations, to the limitation of actions for piracy, to the awarding of costs, to the certificate of registration, (c) to the fixing and application of fees (d) of registration, and to the penalty for extortion, were incorporated in the Act 6 & 7 Vict. c. 65, (e) and have not since been altered.

10. The mode of transfer and registry of the right in designs of utility, and the remedies for its piracy.

The Act also provides for the appointment and payment of a Registrar of Useful Designs, and of subordinate officers, clerks, and servants.

It further enacted that the Registrar should not register any design for the shape or configuration of any article of manufacture, unless he was furnished with two exactly similar drawings or prints of the design, with an intelligible description in writing of it, with the title of the design, the name of the person, or of the style of the firm claiming the proprietorship, and the proprietor's place of abode, business, or address; but the Act 21 & 22 Vict. c. 70, has since declared, s. 5, that the registration of any pattern or portion of an article of manufacture to which a design is applied, instead of or in lieu of a copy, drawing, print, speci-

(a) 6 & 7 Vict. c. 65, s. 3.

(b) *Ibid.* s. 4.

(c) See 6 & 7 Vict. c. 72, s. 3.

(d) See Table of Fees, in Appendix.

(e) 6 & 7 Vict. c. 65, s. 6.

fication, (*a*) or description in writing, shall be as valid and effectual as if such copy, &c. had been furnished to the Registrar.

The Registrar may refuse to register, save under 6 & 7 Vict. c. 65, a design within its application; further, he may refuse to register any design intended to be applied only to some label, wrapper, or other covering in which an article of manufacture may be exposed for sale; (*b*) also any design contrary to public morality or order, but an appeal lies from such refusal to the Board of Trade. (*c*)

Directions for registering useful designs have been issued by the Board of Trade (*d*): a perusal of them is necessary to all persons proposing to register or search for useful designs.

Any person may, on payment of a trifling fee, inspect and take copies of extracts from an index which the Registrar is required to keep of the titles of useful designs (*e*); also to take copies of the particulars registered when the same are required as evidence. (*f*)

The Board of Trade may, laying the same before Parliament, (*g*) make, alter, and revoke the rules and regulations with respect to the mode of registration and the particulars to be furnished by persons effecting registration.

11. Provisional registration of designs.

11. As a preliminary to registration under the Acts 5 & 6 Vict. c. 100, and 6 & 7 Vict. c. 65, a later statute (13 & 14 Vict. c. 104) permits the provisional registra-

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| (<i>a</i>) See 13 & 14 Vict. c. 104, s. 11. | (<i>e</i>) 6 & 7 Vict. c. 65, s. 10. |
| (<i>b</i>) 6 & 7 Vict. c. 65, s. 9. | (<i>f</i>) 13 & 14 Vict. c. 104, ss. 13 & 14. |
| (<i>c</i>) <i>Ibid.</i> | (<i>g</i>) <i>Ibid.</i> s. 10. |
| (<i>d</i>) See copy in Appendix. | |

tion of designs. The first section of the Act details the mode in which provisional registration may be effected, and sets out the particulars to be furnished to the Registrar. This proceeding involves the payment of a very trifling fee, and secures copyright to the proprietor of the design during one year (a) from its registry.

The penalties and provisions of the Act 5 & 6 Vict. c. 100, for preventing piracy, extend to the application of any provisionally-registered design, or any fraudulent imitation thereof, to any article of manufacture or to any substance; also to the publication, sale, or exposure for sale, of any article of manufacture or substance to which the design has been applied. (b)

During the continuance of its provisional registration the design may, without prejudice to subsequent registration under the other Designs Acts, be exhibited or exposed in any place where articles are not sold, or exposed or exhibited for sale, and to which the public are not admitted gratuitously, or where exhibition under the Act 13 & 14 Vict. c. 104, is licensed by the Board of Trade. Any article also to which the design has been or is proposed to be applied may be dealt with in like manner, if only it has thereon or attached thereto the words 'provisionally registered,' and the date of registration. (c)

A provisionally-registered design may be sold or transferred during its term of protection, but a sale, exposure, or offer for sale of anything to which the design has been applied, *ipso facto* nullifies the registration immediately before such sale, exposure, or offer. (d)

(a) Extendible six months by the Board of Trade.

(c) 13 & 14 Vict. c. 104, s. 3.

(d) *Ibid.* s. 4.

(b) 13 & 14 Vict. c. 104, s. 5.

Complete registration of a design cannot be effected after the expiry of the provisional term of protection therein. (a)

The provisions in the Acts 5 & 6 Vict. c. 100, and 6 & 7 Vict. c. 65, relating to the transfer of designs, to cancelling and amending registration, to the refusal of registration in certain cases, to the mode of recovering penalties, to the awarding and recovery of costs, to actions for damages, to the limitation of actions, to the certificate of registration, to penalties for wrongfully using marks, to the fixing and application of fees for registration, and to the penalty for extortion, apply to the registration, provisional registration, and transfer of designs, and to the designs entitled to protection under the Act 13 & 14 Vict. c. 104. (b)

(a) 13 & 14 Vict. c. 104, s. 4.

(b) *Ibid.* s. 15.

CHAPTER XII.

INTERNATIONAL COPYRIGHT-AFTER-PUBLICATION.

1. *Origin and Regulation of the Right.*—2. *The Right of French Authors in this Country.*—3. *The Right of other Alien Authors in this Country.*

1. ONLY within the last twenty years has copyright-after-publication been secured in this country to books and works of art first published by foreigners abroad. (a) An Act 7 & 8 Vict. c. 12, explained by an Act 15 & 16 Vict. c. 12, empowers Her Majesty, by Order in Council, to direct that authors, inventors, designers, engravers, and makers of books, prints, articles of sculpture, and other works of art, first published abroad, shall have copyright here, and that authors of dramatic pieces and musical compositions, first publicly represented and performed abroad, shall have the sole liberty of representing or performing the same here; it also provides for the registry and delivery of copies of the books and works, and protects them from piracy by importation. Carefully guarding against injury to works first published in this country from such an Order in Council (where there should be no international reciprocity), the Act further directs (b) that no Order in Council under the Act shall have any effect, unless it shall be stated therein as the ground for issuing the same, 'that due protection has

1. Origin and regulation of the right.

(a) The first International Copyright Act was 1 & 2 Vict. c. 59. It embraced books only, and was

repealed by 7 & 8 Vict. c. 12.

(b) Sec. 14.

been secured by the foreign power named in the order for the benefit of persons interested in works first published here, and similar to the works mentioned in the order.'

2. The copy-right of French authors in this country.

2. The Act 7 & 8 Vict. c. 12 was followed by a convention between this country and France. (a) The convention was concluded at Paris, November 3, 1851 (by Her Majesty in exercise of her royal prerogative in that behalf and the French Republic), for an extension to each country of a reciprocal copyright in works of literature and art. In view to that extension, the convention also agreed to reduce certain duties levied in this country on books, prints, drawings, and musical works first published in France.

(a) The articles of this convention with France are couched in the following language:—

1. 'From and after the date on which, according to the provisions of Art. 4, the present convention shall come into operation, the authors of works of literature or of art, to whom the laws of either of the two countries do now or may hereafter give the right of property or copyright, shall be entitled to exercise that right in the territories of the other of such countries for the same term and to the same extent as the authors of works of the same nature if published in such other country would therein be entitled to exercise such right: so that the republication or piracy in either country of any work of literature or of art published in the other shall be dealt with in the same manner as the republication or piracy of a work of the same nature first published in such other country; and so that such authors in the one country shall

have the same remedies before the courts of justice in the other country, and shall enjoy in that other country the same protection against piracy and unauthorised republication as the law does or may hereafter grant to authors in that country. The terms "works of literature or of art" employed at the beginning of this article shall be understood to comprise publications of books, of dramatic works, of musical compositions, of painting, of sculpture, of engraving, of lithography, and of any other works whatsoever of literature and of the fine arts. The lawful representatives or assigns of authors, translators, composers, painters, sculptors, or engravers, shall in all respects enjoy the same rights which by the present convention are granted to the authors, translators, composers, painters, sculptors, or engravers themselves.

2. 'The protection granted to original works is extended to translations, it being, however, clearly

The convention was succeeded by an Order in Council, January 10, 1852, (a) which was thus expressed:—

‘From and after the 17th day of January 1852, the

understood that the intention of the present article is simply to protect a translator in respect of his own translation, and that it is not intended to confer upon the first translator of any work the exclusive right of translating that work, except in the case and to the extent provided for in the following article.

3. ‘The author of any work published in either of the two countries who may choose to reserve the right of translating it, shall, until the expiration of five years from the date of the first publication of the translation thereof authorised by him, be in the following cases entitled to protection from the publication in the other country of any translation of such work not authorised by him:—

‘Sec. 1. If the original work shall have been registered and deposited in the one country within three months after its publication in the other.

‘Sec. 2. If the author has notified on the title-page of his work his intention to reserve the right of translating it.

‘Sec. 3. Provided always, that at least a part of the authorised translation shall have appeared within a year after the registration and deposit of the original,

and that the whole shall have been published within three years after the date of such deposit.

‘Sec. 4. And provided that the publication of the translation shall take place within one of the two countries, and that it shall be registered and deposited according to the provisions of Art. 8.

‘With regard to works which are published in parts, it will be sufficient if the declaration of the author, that he reserves the right of translation, shall appear in the first part. But with reference to the period of five years limited by this article for the exercise of the exclusive right of translation, each part shall be treated as a separate work, and each part shall be registered and deposited in the one country within three months after its first publication in the other.

4. ‘The stipulations of the preceding articles shall also be applicable to the representation of dramatic works, and to the performance of musical compositions, in so far as the laws of each of the two countries are, or shall be, applicable in this respect to dramatic and musical works first publicly represented or performed therein.

(a) There was another Order in Council of the same date as to the

reduction of the duties on books, &c. published in France.

authors, inventors, designers, engravers, and makers of any of the following works, that is to say, books, prints,

‘In order, however, to entitle the author to legal protection in regard to the translation of a dramatic work, such translation must appear within three months after the registration and deposit of the original.

‘It is understood that the protection stipulated by the present article is not intended to prohibit fair imitations or adaptations of dramatic works to the stage in England and France respectively, but is only meant to prevent piratical translations.

‘The question whether a work is an imitation or a piracy shall in all cases be decided by the courts of justice of the respective countries, according to the laws in force in each.

5. ‘Notwithstanding the stipulations of Arts. 1 & 2 of the present convention, articles extracted from newspapers or periodicals published in either of the two countries, may be republished or translated in the newspapers or periodicals of the other country, provided the source from whence such articles are taken be acknowledged.

‘Nevertheless, this permission shall not be construed to authorise the republication in one of the two countries of articles from newspapers or periodicals published in the other country, the authors of which shall have notified, in a conspicuous manner, in the journal or periodical in which such articles

have appeared, that they forbid the republication thereof.

6. ‘The importation into and the sale in either of the two countries of piratical copies of works which are protected from piracy under Arts. 1, 2, 3, & 5, of the present convention are prohibited, whether such piratical copies originate in the country where the work was published or in any other country.

7. ‘In the event of an infraction of the provisions of the foregoing articles, the pirated works or articles shall be seized and destroyed, and the persons who may have committed such infraction shall be liable in each country to the penalties and actions which are or may be prescribed by the laws of that country for such offences committed in respect of a work or production of home origin.

8. ‘Neither authors nor translators, nor their lawful representatives or assigns, shall be entitled in either country to the protection stipulated by the preceding articles, nor shall copyright be claimable in either country, unless the work shall have been registered in the manner following, that is to say :—

‘If the work be one that has first appeared in France it must be registered at the Hall of the Company of Stationers in London.

‘If the work be one that has first appeared in the dominions

articles of sculpture, dramatic works, musical compositions, and any other works of literature and the fine

of Her Britannic Majesty it must be registered at the Bureau de la Librairie of the Ministry of the Interior at Paris.

'No person shall be entitled to such protection as aforesaid unless he shall have duly complied with the laws and regulations of the respective countries in regard to the work in respect of which such protection may be claimed. With regard to books, maps, prints, or musical publications, no person shall be entitled to such protection unless he shall have delivered gratuitously at one or other of the places mentioned above, as the case may be, one copy of the best edition, or in the best state, in order to its being deposited at the place appointed for that purpose in each of the two countries, that is to say: in Great Britain, at the British Museum in London; and in France, at the National Library at Paris. In every case the formality of deposit and registration must be fulfilled within three months after the first publication of the work in the other country. With regard to works published in parts, the period of three months shall not begin to run until the date of the publication of the last part, unless the author shall have notified his intention to preserve the right of translating it as provided in Art. 3, in which case

each part shall be treated as a separate work.

'A certified copy of the entry in the register book of the Company of Stationers in London shall confer within the British dominions the exclusive right of republication, until a better right shall have been established by any other party before a court of justice.

'The certificate given under the laws of France proving the registration of any work in that country shall be held for the same purpose throughout the territories of the French Republic. A certificate or certified copy of the registration of any work so registered in either country shall, if required, be delivered at the time of registration, and such certificate shall state the exact date at which the registration was made.

'The charge for the registration of a single work under the stipulations of this article shall not exceed one shilling in England, nor one franc and twenty-five centimes in France, and the further charge for a certificate of such registration shall not exceed the sum of five shillings in England, nor six francs and twenty-five centimes in France.

'The provisions of this article shall not extend to articles which may appear in newspapers or periodicals, which shall be

arts, in which the laws of Great Britain give to British subjects the privilege of copyright, and the executors,

protected from republication or translation simply by a notice from the author as prescribed by Art. 5. But if any article or work which has originally appeared in a newspaper or periodical shall afterwards be published in a separate form, it shall then become subject to the stipulations of the present article.

9. 'With regard to' any article other than books, prints, maps, and musical publications, in respect to which protection may be claimable under Art. 1 of the present convention, it is agreed that any other mode of registration than that prescribed in the preceding article, which is or may be applicable by law in one of the two countries to any work or article first published in such country for the purpose of affording protection to copyright in such work or article, shall be extended on equal terms to any similar work or article first published in the other country.

10. 'During the continuance of this convention the duties now payable upon the lawful importation into the United Kingdom of Great Britain and Ireland of books, prints, drawings, or musical works published throughout the territories of the French Republic shall be reduced to and fixed at the rates hereinafter specified, that is to say:

1. 'Duties on books and musical works, viz. :—

'(a) Works originally produced in the United Kingdom,

and republished in £ s. d.
France, the cwt. . 2 10 0

'(b) Works not originally produced in the United Kingdom, the cwt. 0 15 0

'2. Prints or drawings—

'(a) Coloured or plain, single, each . . . 0 0 0½

'(b) Bound or sewn, the dozen 0 0 1½

But see now 24 & 25 Vict. c. 20, Schedule D.

'It is agreed that the rates of duty above specified shall not be raised during the continuance of the present convention, and that if hereafter, during the continuance of this convention, any reduction of those rates should be made in favour of books, prints, drawings, or musical works published in any other country, such reduction shall be at the same time extended to similar articles published in France.

'It is moreover understood that all works published in France, of which any part may have been originally produced in the United Kingdom, shall be considered as works originally produced in the United Kingdom and republished in France, and as such shall be subject to the duty of fifty shillings per cwt., although the same may contain also original matter not produced in the United Kingdom, unless such original matter shall be at least equal in bulk to the part of the work originally produced in the United Kingdom, in

administrators, and assigns of such authors, inventors, designers, engravers, and makers respectively, shall, as respects works first published within the dominions of

which case the work shall be subject only to the duty of fifteen shillings per cwt.

11. 'In order to facilitate the execution of the present convention, the two high contracting parties engage to communicate to each other the laws and regulations which may hereafter be established in their respective territories with respect to copyright in works or productions protected by the stipulations of the present convention.

12. 'The stipulations of the present convention shall in no way affect the right which each of the two high contracting parties expressly reserves to itself of controlling or prohibiting by measures of legislation, or of internal police, the sale, circulation, representation, or exhibition of any work or production in respect to which either country may deem it expedient to exercise that right.

13. 'Nothing in this convention shall be construed to affect the right of either of the two high contracting parties to prohibit the importation into its own dominions of such books as by its internal law, or under engagements with other states, are or may be declared to be piracies or infringements of copyright.

14. 'Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable her to carry into execution such of the arrangements contained in the

present convention as require the sanction of the Legislature. When such an Act shall have been passed, the convention shall come into operation from and after a day to be then fixed upon by the high contracting parties. Due notice shall be given beforehand in each country by the Government of that country of the day which may be so fixed upon, and the stipulations of the convention shall apply only to works or articles published after that day.

'The convention shall continue in force for ten years from the day on which it may come into operation; and if neither party shall, twelve months before the expiration of the said period of ten years, give notice of its intention to terminate its operation, the convention shall continue in force for a year longer, and so on from year to year, until the expiration of a year's notice from either party for its termination.

'The high contracting parties, however, reserve to themselves the power of making, by common consent, in this convention any modification which may not be inconsistent with its spirit and principles, and which experience of its working may show to be desirable.

15. 'The present convention shall be ratified, and the ratification shall be exchanged at Paris as soon as may be within three months from the date of signature.'

France after the said 17th day of January 1852, have the privilege of copyright therein for a period equal to the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom are by law entitled to, provided such books, dramatic pieces, musical compositions, prints, articles of sculpture, or other works of art have been registered, and copies thereof have been delivered according to the requirements of the said recited Act (7 & 8 Vict. c. 12) within three months after the first publication thereof in any part of the French dominions, or, if such work be published in parts, then within three months after the publication of the last part thereof. The authors of dramatic pieces and musical compositions which shall after the said 17th day of January 1852, be first publicly represented or performed within the dominions of France, or their assignees, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during a period equal to the period during which authors of dramatic pieces and musical compositions, first publicly represented or performed in the United Kingdom, or their assignees, are entitled by law to sole liberty of representing or performing the same, provided such dramatic pieces or musical compositions have been registered, and copies thereof have been delivered, according to the requirements of the said recited Act, within three months after the time of their being first represented or performed in any part of the French dominions.'

It seems that a work published in parts and to be continued for an indefinite period, e. g. a newspaper, is not a work published in parts within the meaning of the

provision in this order of Council, because it could not have been intended that at any period, however remote, the publisher of such a work might register it and carry back his copyright therein to the earliest period, in 1852, when French authors first had a copyright in this country. (a)

3. In order to confirm the stipulation in the convention as to the reduction of duties, as well as to enable Her Majesty to make similar stipulations in any treaty on the subject of copyright with other foreign powers, Parliament passed another Act (15 & 16 Vict. c. 12). The first nine sections of that Act are incorporated with 7 & 8 Vict. c. 12, and s. 18 of the earlier Act is repealed by the later so far as the same is inconsistent therewith.

3. The copy-right of other alien authors in this country.

Under that Act the Queen in Council can now direct that the authors of books published after a specified day in any foreign country, their executors, administrators, or assigns, may (subject to the provisions of the Act 15 & 16 Vict. c. 12) prevent the publication in the British dominions of any translations of such books not authorised by them for a period (to be specified by Her Majesty) not exceeding five years from the first publication of an authorised translation, and in the case of books published in parts for a period not exceeding, as to each part, five years from the first publication of an authorised translation of that part. (b)

The Laws which protect British copyright are, by the same Act, conditionally extended to such authorised translations; and Her Majesty in Council can direct that authors of dramatic pieces first publicly represented in a foreign country, their executors, administrators,

(a) Sir *W. P. Wood*, V. C. in *Cassell v. Stiff*, 2 Ka. and Jo. 279.

(b) 15 & 16 Vict. c. 12, s. 2.

and assigns, may (subject to the provisions of the Act) prevent the representation in the British Dominions of any unauthorised translation of such dramatic pieces for a period not exceeding five years from the first publication or representation of authorised translations thereof.

Further, to prevent representations of any such unauthorised translation, the Act 15 & 16 Vict. c. 12 extends thereto the law of England for ensuring to any author of a dramatic piece first publicly represented in the British dominions the sole liberty of representing it.

However, no author, his executors, administrators, or assigns, can have the benefit of the Act just referred to or of any order in Council in respect of any translation of a book or dramatic piece unless within three months of the first publication of the book or dramatic piece he register and deposit a copy in the manner required for original works by the Act 7 & 8 Vict. c. 12, (a) and unless the author notifies on the title page (if any), or on some conspicuous part of the book or piece, that it is his intention to reserve the right of translating it, and unless the authorised translation, or a part thereof, is published either in the foreign country (named in the order by which the translation is protected) or in the British dominions, within one year, and wholly published within three years after the registry and deposit of the original work under the Act; (b) and unless the translation itself be registered and a copy of it deposited within

(a) In the case of books published in parts, each part of the original work must be registered and deposited in the manner required by the Act 7 & 8 Vict. c. 12.

within three months after its publication in the foreign country.

(b) If a dramatic piece, the publication of the authorised translation must be within three months of the registry of the original work.

a period (to be named in the order), relating to such translation and in the manner prescribed by the Act 7 & 8 Vict. c. 12, for the registry and deposit of original works. The above requisitions apply to articles originally published in newspapers or periodicals, if the same be afterwards published in a separate form, but they do not apply to such articles as originally published. (*a*)

To give effect to those stipulations in the convention with the French Republic, which required the sanction of Parliament, the Act 15 and 16 Vict. c. 12 expressly declared that, during the continuance of that convention, the provisions of the Act already detailed should apply to it and to translations of books and dramatic pieces which should, after the passing of the Act, be published or represented in France, in the same manner as if Her Majesty had issued her order in Council, pursuant to the Act, for giving effect to the convention, and had therein directed that such translations should be protected for five years, from the first publication or public representation thereof respectively, and as if a period of three months from the publication of such translation was specified in the order as the period for registering and depositing a copy of the translation. (*b*)

The Act 15 & 16 Vict. c. 12, expressly declares that nothing therein contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country, and notwithstanding anything in the Acts 7 & 8 Vict. c. 12, or 15 & 16 Vict. c. 12, contained, any article of political discussion which has been published in any newspaper or periodical in

(*a*) S. 8.

(*b*) S. 11.

a foreign country may, if the source from which the same is taken be acknowledged, be republished, or translated in any newspaper or periodical in this country. Any article relating to any other subject which has been so published may, if its source be acknowledged, be also republished or translated in like manner, unless the author has signified his intention of reserving the copyright therein and the right of translating the same in some conspicuous part of the newspaper or periodical in which the same was first published, in which case the same will, without the formalities required by section 8 (a) of the Act 15 & 16 Vict. c. 12, receive the same protection as is by virtue of the Acts 7 & 8 Vict. c. 12, and 15 & 16 Vict. c. 12, extended to books. (b)

On a motion to restrain the infringement of an alleged copyright in a French newspaper, Sir *W. P. Wood*, V.C., intimated grave doubts whether the protection just alluded to did not mean the same protection which the author of any book would obtain under an order of Council, made pursuant to the International Copyright Acts. He, therefore, refused to assist the plaintiff, because the requisitions of the order in Council governing international copyright in French newspapers as to registry had not been complied with; he directed the motion to stand over, with liberty to the plaintiff to bring an action and liberty to all parties to apply. (c)

The Act 15 & 16 Vict. c. 12, prohibits the importation into any part of the British dominions without

(a) *Ante*, p. 258.

(b) 15 & 16 Vict. c. 12, s. 7.

(c) *Cassell v. Stiff*, 2 Kn. and Jo. 279.

the consent of the registered proprietor or his agent, (a) of any copies of any works of literature or art in which there is copyright under the International Copyright Acts, and which have been printed or made in any foreign country except that country in which such work shall have been first published, also all unauthorised translations of it, and extends to such copies and translations, sections 17 and 23 of the Act 5 & 6 Vict. c. 45.

The French law of copyright taken in connection with the French convention, seems to admit the work of any alien holding a French copyright to the benefit of the convention. (b)

International copyright has been arranged by Her Majesty since the year 1852, with Prussia, Saxony, Brunswick, Thuringia, Hanover, Oldenburgh, Anhalt, Hamburgh, Belgium, Spain, Sardinia, and Hesse.

Cassell v. Stiff, already cited, and *Avanzo v. Mudie* are the only cases yet reported on the subject of international copyright; in the latter, the Court of Exchequer decided that the proprietor of a foreign print who claims a copyright therein under the International Copyright Acts must, in reference to such print, comply with the provisions of our own Engraving Acts. (c)

(a) The agent must be authorised in writing.

(b) See 1 Jur. N.S., pt. 2, p. 523.

(c) *Avanzo v. Mudie*, 10 Exch. 203.

APPENDIX.

APPENDIX.

8 ANNE, c. 10.

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

WHEREAS Printers, Booksellers, and other Persons, have of late frequently taken the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published books, and other writings, without the consent of the authors or proprietors of such books and writings, to their very great detriment, and too often to the ruin of them and their families: for preventing therefore such practices for the future, and for the encouragement of learned men to compose and write useful books, may it please your Majesty that it may be enacted; and be it enacted by the the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the tenth day of April one thousand seven hundred and ten, the author of any book or books already printed, who hath not transferred to any other the copy or copies of such book or books, share or shares thereof, or the bookseller or booksellers, printer or printers, or other person or persons, who hath or have purchased or acquired the copy or copies of any book or books, in order to print or reprint the same, shall have sole right and liberty of printing such book and books for the term of one and twenty years, to commence from the said tenth day of April, and no longer; and that the author of any book or books already composed, and not printed and published, or that shall hereafter be composed, and his assignee or assigns, shall have the sole liberty of printing and reprinting such book and books for the term of fourteen years, to commence from the day of the first publishing the same, and no longer; and that if any other bookseller, printer, or other person whatsoever, from and after the tenth day of April one thousand seven hundred and ten, within the times granted and limited by this Act, as aforesaid, shall print, reprint, or import, or cause to be printed, reprinted, or imported, any such book or books, without the consent of the pro-

Preamble.

prietor or proprietors thereof first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed or reprinted without the consent of the proprietors, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such book or books, without such consent first had and obtained, as aforesaid; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the proprietor or proprietors of the copy thereof, who shall forthwith damask and make waste-paper of them: and further, that every such offender or offenders, shall forfeit one penny for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this Act; the one moiety thereof to the Queen's most Excellent Majesty, her heirs and successors, and the other moiety thereof to any person or persons that shall sue for the same; to be recovered in any of her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

And whereas many persons may through ignorance offend against this Act, unless some provision be made whereby the property in every such book, as is intended by this Act to be secured to the proprietor or proprietors thereof, may be ascertained, as likewise the consent of such proprietor or proprietors for the printing or reprinting of such book or books may from time to time be known; be it therefore further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties therein mentioned, for or by reason of the printing or reprinting of any book or books without such consent, as aforesaid, unless the title to the copy of such book or books hereafter published shall, before such publication, be entered in the register-book of the company of Stationers, in such manner as hath been usual; which register-book shall at all times be kept at the hall of the said company; and unless such consent of the proprietor or proprietors be in like manner entered, as aforesaid; for every of which several entries sixpence shall be paid, and no more; which said register-book may, at all seasonable and convenient times, be resorted to, and inspected by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the clerk of the said Company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

Provided nevertheless, that if the clerk of the said Company of Stationers for the time being shall refuse or neglect to register, or make such entry or entries, or to give such certificate, being thereunto required by the author or proprietor of such copy or copies, in the presence of two or more credible witnesses, that then such person and persons so refusing, notice being first duly given of such refusal, by an advertisement in the

Gazette, shall have the like benefit, as if such entry or entries, certificate or certificates had been duly made and given; and that the clerks so refusing shall, for any such offence, forfeit to the proprietor of such copy or copies the sum of twenty pounds, to be recovered in any of her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

Provided nevertheless, and it is hereby further enacted by the authority aforesaid, that if any bookseller or booksellers, printer or printers, shall, after the said five-and-twentieth day of March one thousand seven hundred and ten, set a price upon, or sell or expose to sale any book or books at such a price or rate as shall be considered by any person or persons to be high and unreasonable; it shall and may be lawful for any person or persons to make complaint thereof to the Lord Archbishop of Canterbury for the time being; the Lord Chancellor, or Lord Keeper of the Great Seal of Great Britain for the time being; the Lord Bishop of London for the time being; the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, for the time being; the Vice-Chancellors of the Two Universities for the time being, in that part of Great Britain called England; the Lord President of the Sessions for the time being; the Lord Justice General for the time being; the Lord Chief Baron of the Exchequer for the time being; the Rector of the College of Edinburgh for the time being, in that part of Great Britain called Scotland; who, or any one of them, shall and have hereby full power and authority from time to time to send for, summon, or call before him or them such bookseller or booksellers, printer or printers, and to examine and enquire of the reason of the dearness and inhaucement of the price or value of such book or books by him or them so sold or exposed to sale; and if, upon such enquiry and examination, it shall be found that the price of such book or books is inhauced, or any wise too high or unreasonable, then, and in such case, the said Archbishop of Canterbury, Lord Chancellor or Lord Keeper, Bishop of London, two Chief Justices, Chief Baron, Vice-Chancellors of the Universities, in that part of Great Britain called England; and the said Lord President of the Sessions, Lord Justice General, Lord Chief Baron, and Rector of the College of Edinburgh, in that part of Great Britain called Scotland, or any one or more of them, so enquiring and examining, have hereby full power and authority to reform and redress the same, and to limit and settle the price of every such printed book and books, from time to time, according to the best of their judgments, and as to them shall seem just and reasonable; and in case of alteration of the rate or price from what was set or demanded by such bookseller or booksellers, printer or printers, to pay all the costs and charges that the person or persons so complaining shall be put unto by reason of such complaint, and of the causing such rate or price to be so limited and settled; all which shall be done by the said Archbishop of Canterbury, Lord Chancellor, or Lord

Keeper, Bishop of London, two Chief Justices, Chief Baron, Vice-Chancellors of the two Universities, in that part of Great Britain called England, and the said Lord President of the Sessions, Lord Justice General, Lord Chief Baron, and Rector of the College of Edinburgh, in that part of Great Britain called Scotland, or any one of them, by writing under their hands and seals, and thereof publick notice shall be forthwith given by the said bookseller or booksellers, printer or printers, by an advertisement in the Gazette; and if any bookseller or booksellers, printer or printers, shall, after such settlement made of the said rate and price, sell or expose to sale any book or books at a higher or greater price than what shall have been so limited and settled as aforesaid, then, and in every such case, such bookseller and booksellers, printer and printers, shall forfeit the sum of five pounds for every such book so by him, her, or them sold or exposed to sale; one moiety thereof to the Queen's most excellent Majesty, her heirs and successors, and the other moiety to any person or persons that shall sue for the same; to be recovered, with costs of suit, in any of her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

Provided always, and it is hereby enacted, that nine copies of each book or books, upon the best paper, that from and after the said tenth day of April One thousand seven hundred and ten shall be printed and published, as aforesaid, or reprinted and published with additions, shall, by the printer and printers thereof be delivered to the warehouse-keeper of the said Company of Stationers for the time being, at the hall of the said Company, before such publication made, for the use of the royal library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four universities in Scotland, the library of Sion College in London, and the library commonly called the library belonging to the Faculty of Advocates at Edinburgh, respectively; which said warehouse-keeper is hereby required, within ten days after demand by the keepers of the respective libraries, or any person or persons by them or any of them authorised to demand the said copy, to deliver the same, for the use of the aforesaid libraries; and if any proprietor, bookseller, or printer, or the said warehouse-keeper of the said Company of Stationers, shall not observe the direction of this Act therein, that then he and they, so making default in not delivering the said printed copies as aforesaid, shall forfeit, besides the value of the said printed copies, the sum of five pounds for every copy not so delivered, as also the value of the said printed copy not so delivered; the same to be recovered by the Queen's Majesty, her heirs and successors, and by the chancellor, masters, and scholars of any of the said universities, and by the president and fellows of Sion College, and the said Faculty of Advocates at Edinburgh, with their full costs respectively.

Provided always, and be it further enacted, that if any person or persons incur the penalties contained in this Act, in that part of Great Britain called Scotland, they shall be recoverable by any action before the Court of Session there.

Provided, that nothing in this Act contained do extend, or shall be construed to extend, to prohibit the importation, vending, or selling of any books in Greek, Latin, or any other foreign language, printed beyond the seas; any thing in this Act contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.

Provided, that nothing in this Act contained shall extend, or be construed to extend, either to prejudice or confirm any right that the said universities, or any of them, or any person or persons have, or claim to have, to the printing or reprinting any book or copy already printed, or hereafter to be printed.

Provided nevertheless, that all actions, suits, bills, indictments, or informations for any offence that shall be committed against this Act, shall be brought, sued, and commenced within three months next after such offence committed, or else the same shall be void and of none effect.

Provided always, that after the expiration of the said term of fourteen years, the sole right of printing or disposing of copies shall return to the authors thereof, if they are then living, for another term of fourteen years.

8 GEO. II. C. 13.

An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers during the time therein mentioned.

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

After 24th
June 1735, the
property of
historical and
other prints
vested in the
inventor for 14
years.

Proprietor's
name to be
affixed to each
print.
Penalty on
printseller's or
others pirating
the same.

Not to extend
to purchasers
of plates from
the original
proprietors.

Limitation of

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

II. Provided nevertheless, that it shall and may be lawful for any person or persons who shall hereafter purchase any plate or plates for printing from the original proprietors thereof to print and reprint from the said plates without incurring any of the penalties in this Act mentioned.

III. And be it further enacted by the authority aforesaid, that

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

actions for anything done in pursuance of Act.

General issue.

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

Limitation of actions for offences against this Act.

V. And whereas John Pine of London, engraver, doth propose to engrave and publish a set of prints copied from several pieces of tapestry in the House of Lords, and His Majesty's wardrobe, and other drawings relating to the Spanish invasion in the year of our Lord one thousand five hundred and eighty-eight: be it further enacted by the authority aforesaid, that the said John Pine shall be entitled to the benefit of this Act, to all intents and purposes whatsoever, in the same manner as if the said John Pine had been the inventor and designer of the said prints.

Clause relating to J. Pine.

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

Public Act.

7 GEO. III. C. 38.

An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints: and for vesting in, and securing to Jane Hogarth, widow, the Property in certain Prints.

WHEREAS an Act of Parliament passed in the eighth year of the reign of his late Majesty King George the Second, intituled 'An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, by vesting the properties thereof in the Inventors and Engravers, during the time therein mentioned,' has been found ineffectual for the purposes thereby intended; be it enacted by the King's most excellent Majesty,

Preamble, reciting Act 8, Geo. 2.

The original inventors, designers, or engravers, &c. of historical and other prints, and such who shall cause prints to be done from works, &c. of their own invention, and also such as shall engrave, &c. any print taken from any picture, drawing, model, or sculpture; are intitled to the benefit and protection of the recited and present Act; and those who shall engrave or import for sale, copies of such prints, are liable to penalties.

The sole right of printing and reprinting the late W. Hogarth's prints,

vested in his widow and executrix for the term of 20 years.

Penalty of copying, &c. any of them, before the expiration of

by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand seven hundred and sixty-seven, all and every person and persons who shall invent or design, engrave, etch, or work in mezzotinto or chiaro oscuro, or from his own work, design, or invention, shall cause or procure to be designed, engraved, etched, or worked in mezzotinto or chiaro oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, shall have, and are hereby declared to have, the benefit and protection of the said Act and this Act, under the restrictions and limitations hereinafter mentioned.

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

And whereas William Hogarth, late of the City of Westminster, painter and graver, did etch and engrave, and cause to be etched and engraved, several prints from his own invention and design, the property and sole right of vending all such prints being secured to him the said William Hogarth for the term of fourteen years from their first publication, by the said former Act of Parliament; which said property, by his last will, became vested in his widow and executrix: and whereas since the first publication of several of the said prints, the term of fourteen years is expired, and several base copies of the same have been since printed and published, whereby the sale of the originals has been considerably lessened, to the great detriment of the said widow and executrix: and whereas since the publication of others of the said prints, the term of fourteen years is now near expiring; be it enacted by the authority aforesaid, that Jane Hogarth, widow and executrix of the said William Hogarth, shall have the sole right and liberty of printing and reprinting all the said prints, etchings, and engravings of the design and invention of the said William Hogarth, for and during the term of twenty years, to commence from the said first day of January, one thousand seven hundred and sixty-seven; and that all and every person and persons who shall at any time hereafter, before the expiration of the said term of twenty years, engrave, etch, or work in mezzotinto or chiaro oscuro, or otherwise copy, sell, or expose to sale, or cause or procure to be etched,

engraved, or worked in mezzotinto or chiaro oscuro, any of the said works of the said William Hogarth, shall be liable to the penalties and forfeitures contained in this and the said former Act of Parliament; to be recovered in like manner as in and by this and the said former Act are given, directed, and appointed.

Provided nevertheless, that the proprietor or proprietors of such of the copies of the said William Hogarth's works, which have been copied and printed, and exposed to sale, after the expiration of the term of fourteen years from the time of their first publication by the said William Hogarth, and before the said first day of January, shall not be liable or subject to any of the penalties contained in this Act; anything herein before contained to the contrary thereof in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that all and every the penalties and penalty inflicted by the said Act, and extended, and meant to be extended, to the several cases comprised in this Act, shall and may be sued for and recovered in like manner, and under the like restrictions and limitations, as in and by the said Act is declared and appointed; and the plaintiff or common informer in every such action (in case such plaintiff or common informer shall recover any of the penalties incurred by this or the said former Act) shall recover the same, together with his full costs of suit.

Provided also, that the party prosecuting shall commence his prosecution within the space of six calendar months after the offence committed.

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

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

the said term;

such copies
excepted as
were made and
exposed to sale
after the term
of 14 years, for
which the said
works were first
licensed, &c.

Penalties may
be sued for as
by the recited
Act is directed,

and be recovered
with full costs;

provided the
prosecution be
commenced
within 6 months
after the fact.

The right in-
tended to be
secured by this
and the former
Act, vested in
the proprietors
for the term of
28 years from
the first pub-
lication.

Limitation of
actions.

General issue.

Full costs.

15 GEO. III. c. 53.

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

Preamble.

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

unless the same have been, or shall be, given for a limited time.
After June 24, 1775,
persons printing

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

And it is hereby further enacted, that if any bookseller, printer, or other person whatsoever, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-five, shall print,

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

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

And whereas many persons may through ignorance offend against this Act, unless some provision be made whereby the property of every such book as is intended by this Act to be secured to the said universities, colleges, and houses of learning within the same, and to the said Universities in Scotland, and to the respective colleges of Eaton, Westminster, and Winchester, may be ascertained and known, be it therefore enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties herein mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, unless the title to the copy of such book or books, which has or have been already bequeathed or given to any of the said universities or colleges aforesaid, be entered in the register book of the Company of Stationers kept for that purpose, in such manner as hath been usual, on or before the

or selling such books shall forfeit the same, and also 1*l*. for every sheet;

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

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

Universities may sell copy-rights in like manner as any author.

No person subject to penalties for printing, &c. books already bequeathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed, must be entered within two months after such bequest shall be known. 6d. to be paid for each entry in the register book, which may be inspected without fee. Clerk to give a certificate being paid 6d. If clerk refuse or neglect to make entry, &c.

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

Clause in Act 8 Anne recited.

twenty-fourth day of June, one thousand seven hundred and seventy-five; and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid, be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice chancellors of the said universities, or heads of houses and colleges of learning, or of the principal of any of the said four universities respectively; for every of which entries so to be made as aforesaid, the sum of sixpence shall be paid, and no more; which said register book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer, or other person, without any fee or reward; and the clerk of the said Company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

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

And whereas in and by an Act of Parliament, made in the eighth year of the reign of her late majesty Queen Anne, intituled, 'An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned,' it is enacted, that nine copies of each book or books, upon the best paper, that, from and after the tenth day of April, one thousand seven hundred and ten, should be printed and published, as therein mentioned, or reprinted and published with additions, shall, by the printer and printers thereof, be delivered to the warehouse keeper of the said Company of Stationers for the time being, at the hall of the said company, before such publication made, for the use of the Royal Library, the libraries of the universities of Oxford and Cambridge, the libraries of the four universities in Scotland, the library of Sion College in London, and the library commonly called the library belonging to the Faculty of Advocates in Edinburgh, respectively; which such warehouse keeper was thereby required, within ten days after demand by the keepers of the respective libraries, or any person or persons by them, or any of them, authorised to demand the said copy, to deliver the same for the use of

the aforesaid libraries; and if any proprietor, bookseller, or printer, or the said warehouse keeper of the said Company of Stationers, should not observe the direction of the said Act therein, that then he and they so making default, in not delivering the said printed copies as aforesaid, should forfeit as therein mentioned: and whereas the said provision has not proved effectual, but the same hath been eluded by the entry only of the title to a single volume, or of some part of such book or books so printed and published, or reprinted and republished, as aforesaid; be it enacted by the authority aforesaid, that no person or persons whatsoever shall be subject to the penalties in the said Act mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, without the consent mentioned in the said Act, unless the title to the copy of the whole of such book, and every volume thereof, be entered, in manner directed by the said Act, in the register book of the Company of Stationers, and unless nine such copies of the whole of such book or books, and every volume thereof printed and published, or reprinted or republished, as therein mentioned, shall be actually delivered to the warehouse keeper of the said company, as therein directed, for the several uses of the several libraries in the said Act mentioned.

No person subject to penalties in the said Act for printing, &c. any book, unless the title to the copy of the whole be entered, &c.

And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict, or if the same shall be brought in the court of session in Scotland, a judgement, be given for the defendant, or the plaintiff become nonsuited, and discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.

Limitation of actions.

General issue.

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

Public Act.

17 GEO. III. c. 57.

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

WHEREAS an Act of Parliament passed in the eighth year of the reign of his late Majesty King George the Second, intituled 'An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, by vesting the properties thereof in the Inventors and Engravers, during the time therein

Recital of Acts
8 Geo. 2, and
7 Geo. 3.

mentioned:’ and whereas by an Act of Parliament passed in the seventh year of the reign of his present Majesty, for amending and rendering more effectual the aforesaid Act, and for other purposes therein mentioned, it was (among other things) enacted, that from and after the first day of January one thousand seven hundred and sixty-seven, all and every person or persons who should engrave, etch, or work in mezzotinto or chiaro oscuro, or cause to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, should have, and were thereby declared to have, the benefit and protection of the said former Act and that Act, for the term thereafter mentioned, in like manner as if such print had been graven or drawn from the original design of such graver, etcher, or draughtsman: and whereas the said Acts have not effectually answered the purposes for which they were intended, and it is necessary, for the encouragement of artists, and for securing to them the property of and in their works, and for the advancement and improvement of the aforesaid arts, that such further provisions should be made as are hereinafter mentioned and contained: may it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and seventy-seven, if any engraver, etcher, printseller, or other person, shall, within the time limited by the aforesaid Acts, or either of them, engrave, etch, or work, or cause or procure to be engraved, etched, or worked, in mezzotinto or chiaro oscuro, or otherwise, or in any other manner copy in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause or procure to be printed, reprinted, or imported for sale, or shall publish, sell, or otherwise dispose of, or cause or procure to be published, sold, or otherwise disposed of, any copy or copies of any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, which hath or have been, or shall be engraved, etched, drawn, or designed, in any part of Great Britain, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor or proprietors shall and may, by and in a special action upon the case, to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action, or on the execution of a writ of enquiry thereon, shall give or assess, together with double costs of suit.

After June 24, 1777, if any engraver, &c. shall, within the time limited by the aforesaid Acts, engrave or etch, &c. any print, without the consent of the proprietor, he shall be liable to damages, and double costs.

38 GEO. III. c. 71.

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

WHEREAS divers persons have, by their own genius, industry, pains, and expense, improved and brought the art of making new models and casts of busts, and of statues of human figures, and of animals, to great perfection, in hopes to have reaped the sole benefit of their labours; but that divers persons have (without the consent of the proprietors thereof) copied and made moulds from the said models and casts, and sold base copies and casts of such new models and casts, to the great prejudice and detriment of the original proprietors, and to the discouragement of the art of making such new models and casts as aforesaid: for remedy whereof, and for preventing such practices for the future, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, every person who shall make or cause to be made any new model, or copy or cast made from such new model, of any bust, or any part of the human figure, or any statue of the human figure, or the head of any animal, or any part of any animal, or the statue of any animal; or shall make or cause to be made any new model, copy, or ~~cast from such new model, in alto or basso relievo, or any work~~ in which the representation of any human figure or figures, or the representation of any animal or animals shall be introduced, or shall make or cause to be made any new cast from nature of any part or parts of the human figure, or of any part or parts of any animal, shall have the sole right and property in every such new model, copy, or cast, and also in every such new model, copy, or cast in alto or basso relievo, or any work as aforesaid, and also in every such new cast from nature as aforesaid, for and during the term of fourteen years from the time of first publishing the same: provided always that every person who shall make or cause to be made any such new model, copy, or cast, or any such new model, copy, or cast in alto or basso relievo, or any work as aforesaid, or any new cast from nature as aforesaid, shall cause his or her name to be put thereon, with the date of the publication, before the same shall be published and exposed to sale.

Preamble.

The sole right and property of making models or casts shall be vested in the original proprietor.

II. And be it further enacted, that if any person shall, within the said term of fourteen years, make or cause to be made any copy or cast of any such new model, copy, or cast, or any such model, copy, or cast in alto or basso relievo, or any such work as aforesaid, or any such new cast from nature as aforesaid, either by adding to or diminishing from any such new model, copy, or cast, or adding to or diminishing from any such new model, copy, or cast in alto or basso relievo, or any such work as aforesaid, or

Persons making copies of any model or cast, without the consent of the proprietor, may be prosecuted:

adding to or diminishing from any such new cast from nature, or shall cause or procure the same to be done, or shall import any copy or cast of such new model, copy, or cast, or copy or cast of such new model, copy, or cast in alto or basso relievo, or any such work as aforesaid, or any copy or cast of any such new cast from nature as aforesaid, for sale, or shall sell or otherwise dispose of, or cause or procure to be sold or exposed to sale, or otherwise disposed of, any copy or cast of any such new model, copy, or cast, or any copy or cast of such new model, copy, or cast in alto or basso relievo, or any such work as aforesaid, or any copy or cast of any such new cast from nature as aforesaid, without the express consent of the proprietor or proprietors thereof first had and obtained, in writing signed by him, her, or them respectively, with his, her, or their hand or hands, in the presence of and attested by two or more credible witnesses, then and in all or any of the cases aforesaid, every proprietor or proprietors of any such original model, copy, or cast, and every proprietor or proprietors of any such original model, or copy or cast in alto or basso relievo, or any such work as aforesaid, or the proprietor or proprietors of any such new cast from nature as aforesaid respectively, shall and may, by and in a special action upon the case, to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action, or on the execution of a writ of enquiry thereon, shall give or assess, together with full costs of suit.

Except such persons who shall purchase the same of the original proprietor.

III. Provided nevertheless, that no person who shall hereafter purchase the right, either in any such model, copy, or cast, or in any such model, copy, or cast in alto or basso relievo, or any such work as aforesaid, or any such new cast from nature, of the original proprietor or proprietors thereof, shall be subject to any action for vending or selling any cast or copy from the same; any thing contained in this Act to the contrary hereof notwithstanding.

Limitation of actions.

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

41 GEO. III. c. 107.

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

Preamble.

WHEREAS it is expedient that further protection should be afforded to the authors of books, and the purchasers of the copies and copyright of the same, in the United Kingdom of Great Bri-

tain and Ireland: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the author of any book or books already composed, and not printed or published, and the author of any book or books which shall hereafter be composed, and the assignee or assigns of such authors respectively, shall have the sole liberty of printing and reprinting such book and books, for the term of fourteen years, to commence from the day of first publishing the same, and no longer; and that if any other bookseller, printer, or other person whosoever, in any part of the said United Kingdom, or in any part of the British dominions in Europe, shall, from and after the passing of this Act, print, reprint, or import, or shall cause to be printed, reprinted, or imported, any such book or books, without the consent of the proprietor or proprietors of the copyright of and in such book or books first had and obtained in writing, signed in the presence of two or more credible witnesses, or, knowing the same to be so printed, reprinted, or imported, without such consent of such proprietor or proprietors, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, or shall have in his or their possession for sale, any such book or books, without such consent first had and obtained as aforesaid, then such offender or offenders shall be liable to a special action on the case, at the suit of the proprietor or proprietors of the copyright of such book or books so unlawfully printed, reprinted, or imported, or published or exposed to sale, or being in the possession of such offender or offenders for sale as aforesaid, ~~contrary to the true intent and meaning of this Act~~; and every such proprietor and proprietors shall and may, by and in such special action upon the case to be so brought against such offender or offenders in any Court of Record in that part of the said United Kingdom, or of the British dominions in Europe, in which the offence shall be committed, recover such damages as the jury on the trial of such action, or on the execution of a writ of enquiry thereon, shall give or assess, together with double costs of suit; in which action no wager of law, essoign, privilege, or protection, nor more than one imparlance, shall be allowed; and all and every such offender or offenders shall also forfeit such book or books, and all and every sheet and sheets being part of such book or books, and shall deliver the same to the proprietor or proprietors of the copyright of such book or books, upon order of any Court of Record in which any action or suit, in law or equity, shall be commenced or prosecuted by such proprietor or proprietors, to be made on motion or petition to the said court; and the said proprietor or proprietors shall forthwith damask or make waste paper of the said book or books, and sheet or sheets respectively; and all and every such offender or offenders shall also forfeit the sum of threepence for every sheet which shall be found in his or their custody, either printed or printing, or published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to the King's most excellent Majesty,

Authors of books already composed, and not printed or published, and of books to be hereafter composed, and their assigns, shall have the sole right of printing them for 14 years: booksellers, &c. in any part of the United Kingdom, or British European dominions, who shall print, reprint, or import, &c. any such book, without consent of the proprietor, shall be liable to an action for damages, and shall also forfeit the books to the proprietor, and 3d. per sheet, half to the king, and half to the informer.

Authors shall have a second 14 years term, if living.

Act shall not extend to books already published, nor indemnify against penalties under former Acts in force at the Union of Great Britain and Ireland.

39 & 40 G. 3, c. 67.

Trinity College, Dublin, shall forever have the sole right of printing books given or bequeathed to them, unless they are given, &c. for a limited time only.

Penalty on persons printing such books the same as under § 1.

his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same in any such Court of Record, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, nor more than one imparlance, shall be allowed: provided always, that after the expiration of the said term of fourteen years, the right of printing or disposing of copies shall return to the authors thereof, if they are then living, for another term of fourteen years.

II. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any book or books heretofore composed, and printed or published in any part of the said United Kingdom, nor to exempt or indemnify any person or persons whomsoever, from or against any penalties or actions, to which he, she, or they shall or may have become, or shall or may hereafter be liable for on account of the unlawfully printing, reprinting, or importing such book or books, or the selling, publishing, or exposing the same to sale, or the having the same in his or their possession for sale, contrary to the laws and statutes in force respecting the same, at the time of the passing an Act in the session of Parliament of the thirty-ninth and fortieth years of the reign of his present Majesty, intituled 'An Act for the Union of Great Britain and Ireland.'

III. And whereas authors have heretofore bequeathed, given, or assigned, and may hereafter bequeath, give, or assign, the copies or copyrights of and in books composed by them, to or in trust for the college of the Holy Trinity of Dublin; and, in and by their several wills or other instruments, have directed or may direct, that the profits arising from the printing or reprinting such books shall be applied or appropriated as a fund for the advancement of learning, and other beneficial purposes of education, within the college aforesaid: and whereas such useful purposes will frequently be frustrated, unless the sole right of printing and reprinting of such books, the copies of which shall have been or shall be so bequeathed, given, or assigned as aforesaid, be preserved and secured to the said college in perpetuity; be it therefore further enacted, that the said college shall, at their own printing press, within the said college, have for ever the sole liberty of printing and reprinting all such books as shall at any time heretofore have been, or (not having been heretofore published or assigned) shall at any time hereafter be bequeathed, or otherwise given or assigned by the author or authors of the same respectively, or the representatives of such author or authors, to or in trust for the said college for the purposes aforesaid, unless the same shall have been bequeathed, given, or assigned, or shall hereafter be bequeathed, given, or assigned for any term of years, or any other limited term; any law or usage to the contrary thereof in anywise notwithstanding; and that if any printer, bookseller, or other person whomsoever, shall, from and after the passing of this Act, unlawfully print, reprint, or import, or cause to be printed, reprinted, or imported, or, knowing the same to be so unlawfully printed, reprinted, or imported, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, or have in

his or their possession for sale, any such lastmentioned book or books, such offender and offenders shall be subject and liable to the like actions, penalties, and forfeitures, as are heretofore mentioned and contained with respect to offenders against the copyrights of authors and their assigns; provided nevertheless, that nothing in this Act shall extend to grant any exclusive right to the said college of the Holy Trinity of Dublin, otherwise than so long as the books or copies belonging to the said college are and shall be printed only at the printing press of the said college within the said college, and for the sole benefit and advantage of the said college; and that if the said college shall delegate, grant, lease, or sell the copyrights or exclusive rights of printing the books hereby granted, or any part thereof, or shall allow, permit, or authorise any person or persons, or bodies corporate, to print or reprint the same, then the privilege hereby granted shall become void and of no effect, in the same manner as if this Act had not been made; but the said college shall nevertheless have a right to sell such copies so bequeathed or given as aforesaid, in like manner as any author or authors can or may lawfully do under the provisions of this Act, or any other Act now in force.

To extend only to books printed at the College press.

But the College may sell their copyrights.

IV. Provided also, and be it further enacted, that no bookseller, printer, or other person whomsoever, shall be liable to the said penalty of threepence per sheet, for or by reason of the printing, reprinting, importing, or selling of any such book or books, or the having the same in his or their custody for sale, without the consent of the proprietor or proprietors of the copyright thereof as aforesaid, unless before the time of the publication of such book or books by the proprietor or proprietors thereof (other than the said college) the right and title of such proprietor or proprietors shall be duly entered in the register book of the Company of Stationers in London, in such manner as hath been usually heretofore done by the proprietors of copies and copyrights in Great Britain; nor if the consent of such proprietor or proprietors for the printing, reprinting, importing, or selling such book or books, shall be in like manner entered; nor unless the right and title of the said college to the copyright of such book or books as has or have been already bequeathed, given, or assigned to the said college, be entered in the said register book before the twenty-ninth day of September, one thousand eight hundred and one, and of all and every such book or books as may or shall hereafter be bequeathed, given, or assigned as aforesaid, be entered in the said register book within the space of two months after any such bequest, gift, or assignment shall have come to the knowledge of the provost of the said college; for every of which several entries sixpence shall be paid, and no more; which said register book shall at all times be kept at the hall of the said company, and shall and may at all seasonable and convenient times be resorted to and inspected by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the clerk of the said Company of Stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries,

Booksellers, &c. shall not be liable to the penalty of 3d. per sheet, unless the title to the copyright be entered by the proprietor, &c. at Stationers Hall, London; nor if the consent of the proprietor be so entered.

Clerk of the Company shall give certificates

of entries, and make a half-yearly list of the books so entered for the use of Trinity College.

If the clerk refuses to make entries, &c. parties may give notice in the London Gazette, and the clerk shall forfeit 20*l*.

Two additional copies of books entered at Stationers Hall, shall be delivered there for the use of the libraries of Trinity College, and the King's Inns, Dublin.

and for every such certificate may take a fee not exceeding sixpence, and the said clerk shall also, without fee or reward, within fifteen days next after the thirty-first day of December, and the thirtieth day of June in each and every year, make, or cause to be made, for the use of the said college, a list of the titles of all such books, the copyright to which shall have been so entered in the course of the half-year immediately preceding the said thirty-first day of December and the thirtieth day of June respectively, and shall upon demand deliver the said lists, or cause the same to be delivered, to any person or persons duly authorised to receive the same for and on behalf of the said college.

V. Provided also, and be it further enacted, that if the clerk of the said Company of Stationers for the time being shall refuse or neglect to register or make such entry or entries, or to give such certificate or certificates, being thereunto respectively required by the author or authors, proprietor or proprietors of such copies or copyrights, or by the person or persons to whom such consent shall be given, or by some person on his or their behalf, in the presence of two or more credible witnesses, then such party or parties so refused, notice being first duly given by advertisement in the London Gazette, shall have the like benefit as if such entry or entries, certificate or certificates, had been duly made and given; and the clerk so refusing shall, for any such offence, forfeit to the author or proprietor of such copy or copies, or to the person or persons to whom such consent shall be given, the sum of twenty pounds; or if the said clerk shall refuse or neglect to make the list aforesaid, or to deliver the same to any person duly authorised to demand the same on behalf of the said college, the said clerk shall also forfeit to the said college the like sum of twenty pounds; which said respective penalties shall and may be recovered in any of his Majesty's Courts of Record in the said United Kingdom, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, nor more than one imparlance, shall be allowed.

VI. Provided also, and be it further enacted, that from and after the passing of this Act, in addition to the nine copies now required by law to be delivered to the warehouse-keeper of the said Company of Stationers, of each and every book and books which shall be entered in the register book of the said company, one other copy shall be in like manner delivered for the use of the library of the said college of the Holy Trinity of Dublin, and also one other copy for the use of the library of the Society of the King's Inns, Dublin, by the printer or printers of all and every such book and books as shall hereafter be printed and published, and the title to the copyright whereof shall be entered in the said register book of the said company; and that the said college and the said society shall have the like remedies for enforcing the delivery of the said copies, and that all proprietors, booksellers, and printers, and the warehouse-keeper of the said company, shall be liable to the like penalties for making default in delivering the said copies for the use of the said college and the said society, as are now in force with respect to the delivering or making

default in delivering the nine copies now required by law to be delivered in manner aforesaid.

VII. And be it further enacted, that, from and after the passing of this Act, it shall not be lawful for any person or persons whomsoever to import or bring into any part of the said United Kingdom of Great Britain and Ireland for sale, any printed book or books, first composed, written, or printed, and published in any part of the said United Kingdom, and reprinted in any other country or place whatsoever; and if any person or persons shall import or bring, or cause to be imported or brought for sale, any such printed book or books into any part of the said United Kingdom, contrary to the true intent and meaning of this Act, or shall knowingly sell, publish, or expose to sale, or have in his or their possession for sale, any such book or books, then every such book or books shall be forfeited, and shall and may be seized by any officer or officers of customs or excise, and the same shall be forthwith made waste paper; and all and every person and persons so offending, being duly convicted thereof, shall also, for every such offence, forfeit the sum of ten pounds, and double the value of each and every copy of such book or books which he, she, or they shall so import or bring, or cause to be imported or brought into any part of the said United Kingdom, or shall knowingly sell, publish, or expose to sale, or shall cause to be sold, published, or exposed to sale, or shall have in his or their possession for sale, contrary to the true intent and meaning of this Act; and the commissioners of customs in England, Scotland, and Ireland respectively (in case the same shall be seized by any officer or officers of customs), and the commissioners of excise in England, Scotland, and Ireland respectively (in case the same shall be seized by any officer or officers of excise), shall also reward the officer or officers who shall seize any books which shall be so made waste paper of, with such sum or sums of money as they the said respective commissioners shall think fit, not exceeding the value of such books; such reward respectively to be paid by the said respective commissioners, out of any money in their hands respectively arising from the duties of customs and excise: provided, that no person or persons shall be liable to any of the last-mentioned penalties or forfeitures, for or by reason or means of the importation of any book or books which has not been printed or reprinted in some part of the said United Kingdom, within twenty years next before the same shall be imported, or of any book or books reprinted abroad, and inserted among other books or tracts to be sold therewith in any collection, where the greatest part of such collection shall have been first composed or written abroad.

VIII. And be it further enacted, that if any action or suit shall be commenced or brought against any person or persons whomsoever, for doing or causing to be done any thing in pursuance of this Act, the defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, then the defendant

No person shall import into any part of the United Kingdom, for sale, any book first composed, &c. within the United Kingdom and reprinted elsewhere. Penalty on importing, selling, or keeping for sale, any such books, forfeiture thereof, and also 10*l.* and double the value. Books may be seized by officers of Customs or Excise, who shall be rewarded.

Not to extend to books not having been printed in the United Kingdom for 20 years.

General issue.

Limitation of actions under this Act six months.

shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath; and that all actions, suits, bills, indictments, or informations, for any offence that shall be committed against this Act, shall be brought, sued, and commenced within six months next after such offence committed, or else the same shall be void and of none effect.

54 GEO. III. c. 150.

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

8 Anne, c. 19.

WHEREAS by an Act made in the eighth year of the reign of her late Majesty Queen Anne, intituled 'An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned,' it was among other things provided and enacted, that nine copies of each book or books, upon the best paper, that from and after the tenth day of April one thousand seven hundred and ten should be printed and published as in the said Act mentioned, or reprinted and published with additions, should, by the printer and printers thereof, be delivered to the warehousekeeper of the Company of Stationers for the time being, at the hall of the said company, before such publication made, for the use of the Royal library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four Universities in Scotland, the library of Sion College in London, and the library of the Faculty of Advocates at Edinburgh; which said warehousekeeper is by the said Act required to deliver such copies for the use of the said libraries; and that if any proprietor, bookseller, or printer, or the said warehousekeeper, should not observe the directions of the said Act therein, that then he or they so making default in not delivering the said printed copies should forfeit, besides the value of the said printed copies, the sum of five pounds for every copy not so delivered: and whereas by an Act made in the forty-first year of the reign of his present Majesty, intituled 'An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the time herein mentioned,' it is amongst other things provided and enacted, that in addition to the nine copies required by law to be delivered to the warehousekeeper of the said Company of Stationers of each and every book and books which shall be entered in the register books of the said company, two other copies shall in like manner be delivered for the use of the library of the College of the Holy Trinity, and the library of the Society of the King's Inns in Dublin, by the printer and printers of all and every such book and books as should thereafter be printed

41 G. 3, c. 107.

and published, and the title of the copyright whereof should be entered in the said register book of the said company: and whereas it is expedient that copies of books hereafter printed or published should be delivered to the libraries hereinafter mentioned, with the modifications that shall be provided by this Act: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of the said several recited Acts of the eighth year of Queen Anne and of the forty-first year of his present Majesty as requires that any copy or copies of any book or books which shall be printed or published, or reprinted and published with additions, shall be delivered by the printer or printers thereof to the warehousekeeper of the said Company of Stationers, for the use of any of the libraries in the said Act mentioned, and as requires the delivery of the said copies by the said warehousekeeper for the use of the said libraries, and as imposes any penalty on such printer or warehousekeeper for not delivering the said copies, shall be and the same is hereby repealed.

Provisions of recited Acts as to delivering copies to public libraries repealed.

II. And be it further enacted, that eleven printed copies of the whole of every book and of every volume thereof, upon the paper upon which the largest number or impression of such book shall be printed for sale, together with all maps and prints belonging thereto, which, from and after the passing of this Act, shall be printed and published, on demand thereof being made in writing to or left at the place of abode of the publisher or publishers thereof, at any time within twelve months next after the publication thereof, under the hand of the warehousekeeper of the Company of Stationers, or the librarian or other person thereto authorised by the persons, or body politic and corporate, proprietors or managers of the libraries following; *videlicet*, the British Museum, Sion College, the Bodleian library at Oxford, the public library at Cambridge, the library of the Faculty of Advocates at Edinburgh, the libraries of the four Universities of Scotland, Trinity College library, and the King's Inns library at Dublin, or so many of such eleven copies as shall be respectively demanded on behalf of such libraries respectively, shall be delivered by the publisher or publishers thereof respectively, within one month after demand made thereof in writing as aforesaid, to the warehousekeeper of the said Company of Stationers for the time being; which copies the said warehousekeeper shall and he is hereby required to receive at the hall of the said company, for the use of the library for which such demand shall be made within such twelve months as aforesaid; and the said warehousekeeper is hereby required, within one month after any such book or volume shall be so delivered to him as aforesaid, to deliver the same for the use of such library; and if any publisher, or the warehousekeeper of the said Company of Stationers, shall not observe the directions of this Act therein, that then he and they so making default in not delivering or receiving the said eleven printed copies as aforesaid shall forfeit, besides the value of the said printed copies, the sum of five pounds for each

Eleven printed copies shall be delivered on demand within 12 months after publication, for the use of certain public libraries.

copy not so delivered or received, together with the full costs of suit, the same to be recovered by the person or persons, or body politic or corporate, proprietors or managers of the library for the use whereof such copy or copies ought to have been delivered or received; for which penalties and value such person or persons, body politic or corporate, is or are now hereby authorised to sue by action of debt or other proper action in any Court of Record in the United Kingdom.

No copies of a second or subsequent edition, without addition or alteration, to be demanded.

Additions to be printed and delivered separate.

Instead of copyright for 14 years, and continuously for 14 more, authors and their assigns shall have 28 years copyright in their works, and for the residue of their life.

Booksellers, &c. in any part of the United Kingdom, or British dominions, who shall print, reprint, or import, &c. any such book,

III. Provided always, and be it further enacted, that no such printed copy or copies shall be demanded by or delivered to or for the use of any of the libraries hereinbefore mentioned, of the second edition, or of any subsequent edition of any book or books so demanded and delivered as aforesaid, unless the same shall contain additions or alterations; and in case any edition after the first of any book so demanded and delivered as aforesaid shall contain any addition or alteration, no printed copy or copies thereof shall be demanded or delivered as aforesaid if a printed copy of such additions or alterations only, printed in an uniform manner with the former edition of such book, be delivered to each of the libraries aforesaid for whose use a copy of the former edition shall have been demanded and delivered as aforesaid: provided also, that the copy of every book that shall be demanded by the British Museum shall be delivered of the best paper on which such work shall be printed.

IV. And whereas by the said recited Acts of the eighth year of Queen Anne and the forty-first year of his present Majesty's reign it is enacted, that the author of any book or books, and the assignee or assigns of such author respectively, should have the sole liberty of printing and reprinting such book or books for the term of fourteen years, to commence from the day of first publishing the same, and no longer; and it was provided that after the expiration of the said term of fourteen years, the right of printing or disposing of copies should return to the authors thereof, if they were then living, for another term of fourteen years: and whereas it will afford further encouragement to literature if the duration of such copyright were extended in manner hereinafter mentioned; be it further enacted, that from and after the passing of this Act the author of any book or books composed and not printed and published, or which shall hereafter be composed, and be printed and published, and his assignee or assigns, shall have the sole liberty of printing and reprinting such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author shall be living at the end of that period, for the residue of his natural life; and that if any bookseller or printer or other person whatsoever in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, or Guernsey, or in any other part of the British dominions, shall, from and after the passing of this Act, within the terms and times granted and limited by this Act as aforesaid, print, reprint, or import, or shall cause to be printed, reprinted, or imported, any such book or books, without the consent of the author or authors, or other proprietor or proprietors of the copyright of and in such book and

books, first had and obtained in writing, or knowing the same to be so printed, reprinted, or imported, without such consent of such author or authors, or other proprietor or proprietors, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, or shall have in his or their possession for sale, any such book or books, without such consent first had and obtained as aforesaid, then such offender or offenders shall be liable to a special action on the case, at the suit of the author or authors, or other proprietor or proprietors of the copyright of such book or books so unlawfully printed, reprinted, or imported, or published or exposed to sale, or being in the possession of such offender or offenders for sale as aforesaid, contrary to the true intent and meaning of this Act; and every such author or authors, or other proprietor or proprietors, shall and may, by and in such special action upon the case to be so brought against such offender or offenders in any Court of Record in that part of the said United Kingdom or of the British dominions in which the offence shall be committed, recover such damages as the jury on the trial of such action, or on the execution of a writ of enquiry thereon, shall give or assess, together with double costs of suit, in which action no wager of law, essoign, privilege, or protection, nor more than one imparlance, shall be allowed; and all and every such offender and offenders shall also forfeit such book or books, and all and every sheet being part of such book or books, and shall deliver the same to the author or authors, or other proprietor or proprietors of the copyright of such book or books, upon order of any Court of Record in which any action or suit in law or equity shall be commenced or prosecuted by such author or authors, or other proprietor or proprietors, to be made on motion or petition to the said court; and the said author or authors, or other proprietor or proprietors, shall forthwith damask or make waste paper of the said book or books, and sheet or sheets; and all and every such offender and offenders shall also forfeit the sum of three-pence for every sheet thereof, either printed or printing, or published or exposed to sale, contrary to the true intent and meaning of this Act; the one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same, in any such Court of Record, by action of debt, bill, plaint, or information, in which no wager of law, essoign, privilege, or protection, nor more than one imparlance, shall be allowed: provided always, that in Scotland such offender or offenders shall be liable to an action of damages in the Court of Session in Scotland, which shall and may be brought and prosecuted in the same manner in which any other action of damages to the like amount may be brought and prosecuted there; and in any such action where damages shall be awarded, double costs of suit or expenses of process shall be allowed.

V. And, in order to ascertain what books shall be from time to time published, be it enacted, that the publisher or publishers of any and every book demandable under this Act, which shall be published at any time after the passing of this Act, shall, within one calendar month after the day

without consent of the proprietor, shall be liable to an action for damages, and shall also forfeit the books to the proprietor, and 3*d.* per sheet.

Double costs.

The title of all books shall be entered at Stationers Hall within one

month after
publication.

on which any such book or books respectively shall be first sold, published, advertised, or offered for sale, within the bills of mortality, or within three calendar months if the said book shall be sold, published, or advertised in any other part of the United Kingdom, enter the title to the copy of every such book, and the name or names and place of abode of the publisher or publishers thereof, in the register book of the Company of Stationers in London, in such manner as hath been used with respect to books the title whereof hath heretofore been entered in such register book, and deliver one copy on the best paper, as aforesaid, for the use of the British Museum; which register book shall at all times be kept at the hall of the said company; for every of which several entries the sum of two shillings shall be paid, and no more; which said register book may at all seasonable and convenient times be resorted to and inspected by any person; for which inspection the sum of one shilling shall be paid to the warehousekeeper of the said Company of Stationers; and such warehousekeeper shall, when and as often as thereto required, give a certificate under his hand of every or any such entry, and for every such certificate the sum of one shilling shall be paid; and in case such entry of the title of any such book or books shall not be duly made by the publisher or publishers of any such book or books, within the said calendar month, or three months, as the case may be, then the publisher or publishers of such book or books shall forfeit the sum of five pounds, together with eleven times the price at which such book shall be sold or advertised, to be recovered, together with full costs of suit, by the person or persons, body politic or corporate, authorised to sue, and who shall first sue for the same, in any Court of Record in the United Kingdom, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, nor more than one imparlance, shall be allowed: provided always, that in the case of magazines, reviews, or other periodical publications, it shall be sufficient to make such entry in the register book of the said company within one month next after the publication of the first number or volume of such magazine, review, or other periodical publication: provided always, that no failure in making any such entry shall in any manner affect any copyright, but shall only subject the person making default to the penalty aforesaid under this Act.

Warehouse-
keeper of
Stationers Hall
to transmit to
librarians lists
of books entered,
and call on
publisher for the
copies demanded.

VI. And be it further enacted, that the said warehousekeeper of the Company of Stationers shall, from time to time and at all times, without any greater interval than three months, transmit to the librarian or other person authorised on behalf of the libraries before mentioned correct lists of all books entered in the books of the said company, and not contained in former lists; and that on being required so to do by the said librarians or other authorised person, or either of them, he shall call on the publisher or publishers of such books for as many of the said copies as may have been demanded of them.

Publishers may
deliver such
books at the
library.

VII. Provided always, and be it further enacted, that if any publisher shall be desirous of delivering the copy of such book or volume as aforesaid as shall be demanded on behalf of any of the

said libraries at such library, it shall and may be lawful for him to deliver the same at such library to the librarian or other person authorised to receive the same (who is hereby required to receive and to give a receipt in writing for the same); and such delivery shall, to all intents and purposes of this Act, be held as equivalent to a delivery to the said warehousekeeper.

VIII. And whereas it is reasonable that authors of books already published, and who are now living, should also have the benefit of the extension of copyright; be it further enacted, that if the author of any book or books which shall not have been published fourteen years at the time of passing this Act shall be living at the said time, and if such author shall afterwards die before the expiration of the said fourteen years, then the personal representative of the said author, and the assignee or assigns of such personal representative, shall have the sole right of printing and publishing the said book or books for the further term of fourteen years after the expiration of the first fourteen years: Provided that nothing in this Act contained shall affect the right of the assignee or assigns of such author to sell any copies of the said book or books which shall have been printed by such assignee or assigns within the first fourteen years, or the terms of any contract between such author and such assignee or assigns.

Authors of books already published, now living, to have the benefit of the extension of copyright;

IX. And be it also further enacted, that if the author of any book or books which have been already published shall be living at the end of twenty-eight years after the first publication of the said book or books, he or she shall for the remainder of his or her life have the sole right of printing and publishing the same; provided that this shall not affect the right of the assignee or assigns of such author to sell any copies of the said book or books which shall have been printed by such assignee or assigns within the said twenty-eight years, or the terms of any contract between such author and such assignee or assigns.

and if living at the end of 28 years the sole right of publication shall be in them during life.

X. Provided nevertheless, and be it further enacted, that all actions, suits, bills, indictments, or informations for any offence that shall be committed against this Act shall be brought, sued, and commenced within twelve months next after such offence committed, or else the same shall be void and of no effect.

Limitation of actions.

3 & 4 WILL. IV. c. 15.

An Act to amend the Laws relating to Dramatic Literary Property.

WHEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled 'An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns,' it was amongst other things provided and enacted, that from and after the passing of the said Act the author of any book or books composed and not printed or published, or which should hereafter be composed and printed and

54 G. 3, c. 156.

The author of any dramatic piece shall have as his property the sole liberty of representing it or causing it to be represented at any place of dramatic entertainment.

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

Penalty on persons performing pieces contrary to this Act.

published, and his assignee or assigns, should have the sole liberty of printing and reprinting such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author should be living at the end of that period, for the residue of his natural life: and whereas it is expedient to extend the provisions of the said Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed, and not printed and published by the author thereof or his assignee, or which hereafter shall be composed, and not printed or published by the author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof; and that the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall, from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof: provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorised such representation, but that such sole liberty of the author or his assignee shall be subject to such right or authority.

II. And be it further enacted, that if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act, or right of the author or his assignee, represent, or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained, at any place of dramatic entertainment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings, or to the full amount of the benefit or advantage arising from such representation, or the

injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act, to be recovered, together with double costs of suit, by such author or other proprietors, in any court having jurisdiction in such cases in that part of the said United Kingdom or of the British dominions in which the offence shall be committed; and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same.

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

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

Limitation of actions.

Explanation of words.

5 & 6 WILL. IV. C. 65.

An Act for preventing the Publication of Lectures without Consent.

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

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

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

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

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

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

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

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

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

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

8 Anne, c. 19.

54 G. 3, c. 156.

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

V. Provided further, that nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two justices living within five miles from the place where such lecture or lectures shall be delivered two days at the least before delivering the same, or to any lecture or lectures delivered in any University or public school or college, or on any public foundation, or by any individual in virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

6 & 7 WILL. IV. c. 50.

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

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

17 G. 3, c. 57.

Provisions of recited Act extended to Ireland.

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

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

5 & 6 VIOT. c. 45.

An Act to amend the Law of Copyright.

WHEREAS it is expedient to amend the law relating to copyright, and to afford greater encouragement to the production of literary works of lasting benefit to the world: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from the passing of this Act an Act passed in the eighth year of the

Repeal of former Acts.

8 Anne, c. 19.

reign of her Majesty Queen Anne, intituled 'An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned;' and also an Act passed in the forty-

41 G. 3, c. 107.

first year of the reign of his Majesty King George the Third, intituled 'An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the Time therein mentioned;' and also an Act passed in the fifty-fourth year of the reign of his

54 G. 3, c. 146.

Majesty King George the Third, intituled 'An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns;' be and the same are hereby repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceedings at law or in equity pending at the time of passing this Act, or for enforcing any cause of action or suit, or any right or contract, then subsisting.

Interpretation of Act.

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

Endurance of term of copyright in any book hereafter to be published in the lifetime of the

III. And be it enacted, that the copyright in every book which shall after the passing of this Act be published in the lifetime of its author shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns:

prov'ed always, that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published, and his assigns.

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

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

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

author;

If published after the author's death.

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

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

Copies of books published after the passing of this Act, and of all subsequent editions, to be delivered within certain times at

the British
Museum.

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

Mode of deliver-
ing at the Bri-
tish Museum.

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

A copy of every
book to be deli-
vered within a
month after de-
mand to the offi-
cer of the Sta-
tioners Com-
pany, for the fol-
lowing libraries:
the Bodleian at
Oxford, the
Public Library
at Cambridge,
the Faculty of
Advocates at
Edinburgh, and
that of Trinity
College, Dublin.

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

Publishers may
deliver the

IX. Provided also, and be it enacted, that if any publisher shall be desirous of delivering the copy of such book as shall be

demanded on behalf of any of the said libraries at such library, it shall be lawful for him to deliver the same at such library, free of expense, to such librarian or other person authorised to receive the same (who is hereby required in such case to receive and give a receipt in writing for the same), and such delivery shall to all intents and purposes of this Act be held as equivalent to a delivery to the said officer of the Stationers Company.

copies to the libraries, instead of at the Stationers Company.

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

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

XI. And be it enacted, that a book of registry, wherein may be registered, as herein-after enacted, the proprietorship in the copyright of books and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licences affecting such copyright, shall be kept at the Hall of the Stationers Company, by the officer appointed by the said Company for the purposes of this Act, and shall at all convenient times be open to the inspection of any person, on payment of one shilling for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, and impressed with the stamp of the said Company, to be provided by them for that purpose, and which they are hereby required to provide, to any person requiring the same, on payment to him of the sum of five shillings; and such copies so certified and impressed shall be received in evidence in all courts, and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of copyright or licence as therein expressed, but subject to be rebutted by other evidence, and in the case of dramatic or musical pieces shall be *prima facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

Book of registry to be kept at Stationers Hall.

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

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

XIII. And be it enacted, that after the passing of this Act it shall be lawful for the proprietor of copyright in any book hereto-

Entries of copyright may be

made in the book of registry.

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

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

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

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

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

In actions for

XVI. And be it enacted, that after the passing of this Act, in

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

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

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

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

exposed to sale or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, five pounds to the use of such officer of Customs or Excise, and the remainder of the penalty to the use of the proprietor of the copyright in such book.

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

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

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

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

XIX. And be it enacted, that the proprietor of the copyright in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts, shall be entitled to all the benefits of the registration at Stationers Hall under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first number or volume

first published after the passing of this Act in any such work which shall have been published heretofore, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

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

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

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

XXIII. And be it enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed or imported without the consent of the registered pro-

registration of the whole.

The provisions of 3 & 4 W. 4, c. 15, extended to musical compositions, and the term of copyright, as provided by this Act, applied to the liberty of representing dramatic pieces and musical compositions.

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

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

Books pirated shall become the property of the proprietor of the

copyright, and may be recovered by action.

prietor of such copyright, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover.

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

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

Proviso for dramatic pieces.

Copyright shall be personal property.

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

General issue.

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

Limitation of actions;

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

Saving the rights of the universities, and the

XXVII. Provided always, and be it enacted, that nothing in this Act contained shall affect or alter the rights of the two universities of Oxford and Cambridge, the colleges or houses of learning

within the same, the four universities in Scotland, the Collogo of the Holy and Undivided Trinity of Queen Elizabeth, near Dublin, and the several colloges of Eton, Westminster, and Winchester, in any copyrights heretofore and now vested or hereafter to be vested in such universities and colloges respectively, any thing to the contrary herein contained notwithstanding.

colloges of Eton, Westminster, and Winchester.

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

Saving all subsisting rights, contracts, and engagements.

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

Extent of the Act.

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

Act may be amended this session.

5 & 6 VICT. c. 100.

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

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

Commencement of Act and repeal of former Acts.

II. Provided always, and be it enacted, that notwithstanding such repeal of the said Acts every copyright in force under the

Proviso as to existing copyrights.

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

Grant of
copyright.

III. And with regard to any new and original design (except for sculpture and other things within the provisions of the several Acts mentioned in the Schedule (C.) to this Act annexed), whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, whether by printing, or by painting, or by embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined: be it enacted, that the proprietor of every such design, not previously published, either within the United Kingdom of Great Britain and Ireland or elsewhere, shall have the sole right to apply the same to any articles of manufacture, or to any such substances as aforesaid, provided the same be done within the United Kingdom of Great Britain and Ireland, for the respective terms hereinafter mentioned, such respective terms to be computed from the time of such design being registered according to this Act; (that is to say,)

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

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

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

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

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

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

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

Class 5.—Paper hangings:

Class 6.—Carpets :

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

Class 8.—Shawls not comprised in Class 7 :

Class 9.—Yarn, thread or warp, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced :

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

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

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

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

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

Conditions of copyright.

Registration.

Marks denoting a registered design.

V. And be it enacted, that the author of any such new and original design shall be considered the proprietor thereof, unless he

The term
'proprietor'
explained.

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

Transfer of
copyright and
register thereof.

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

Form of Transfer, and Authority to register.

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

Form of Request to register.

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

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

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

Piracy of
designs.

VII. And for preventing the piracy of registered designs, be it enacted, that during the existence of any such right to the entire

or partial use of any such design no person shall either do or cause to be done any of the following acts with regard to any articles of manufacture or substances in respect of which the copyright of such design shall be in force, without the licence or consent in writing of the registered proprietor thereof; (that is to say,)

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

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

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

Recovery of penalties for piracy.

In England, either by an action of debt or on the case against the party offending, or by summary proceeding before two justices having jurisdiction where the party offending resides; and if such proprietor proceed by such summary proceeding, any justice of the peace acting for the county, riding, division, city, or borough where the party offending resides, and not being concerned either in the sale or manufacture of the article of manufacture, or in the design, to which such summary proceeding relates, may issue a summons requiring such party to appear on a day and at a time and place to be named in such summons, such time not being less than eight days from the date thereof; and every such summons shall be served on the party offending, either in person or at his usual place of abode; and either upon the appearance or upon the default to appear of the party offending, any two or more of such justices may proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party offending, or upon the oath or affirmation of one or more credible witnesses, which such justices are hereby authorised to administer, may convict the offender in a penalty of not less than five pounds or more than thirty pounds, as aforesaid, for each offence, as to such justices doth seem fit; but the aggregate amount of penalties for offences in respect of any one design committed by any one person, up to the time at which any of the proceedings herein mentioned shall be instituted, shall not exceed the sum of one hundred pounds; and if the amount of such penalty or of such penalties, and the costs attending the conviction, so assessed by such justices, be not forthwith paid, the amount

of the penalty or of the penalties, and of the costs, together with the costs of the distress and sale, shall be levied by distress and sale of the goods and chattels of the offender, wherever the same happen to be in England; and the justices before whom the party has been convicted, or, on proof of the conviction, any two justices acting for any county, riding, division, city, or borough in England, where goods and chattels of the person offending happen to be, may grant a warrant for such distress and sale; and the overplus, if any, shall be returned to the owner of the goods and chattels, on demand; and every information and conviction which shall be respectively laid or made in such summary proceeding before two Justices under this Act may be drawn or made out in the following forms respectively, or to the effect thereof, *mutatis mutandis*, as the case may require:

Form of Information.

‘**B**E it remembered, that on the _____ at _____ in the county of _____ *A.B.* of _____ in the county of _____ [or *C.D.* of _____ in the county of _____] at the instance and on the behalf of *A.B.* of _____ in the county of _____] cometh before us _____ and _____ two of her Majesty’s Justices of the Peace in and for the county of _____, and giveth us to understand that the said *A.B.* before and at the time when the offence herein-after mentioned was committed, was the proprietor of a new and original design for [*here describe the design*], and that within twelve calendar months last past, to wit, on the _____ at _____ in the county of _____ *E.F.* of _____ in the county of _____ did [*here describe the offence*], contrary to the form of the Act passed in the _____ year of the reign of her present Majesty, intituled “An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.”’

Form of Conviction.

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

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county

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

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

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

Proviso as to
action for
damages.

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

Registration
may in some
cases be can-
celled or
amended.

Penalty for wrongfully using marks denoting a registered design.

XI. And be it enacted, that unless a design applied to ornamenting any article of manufacture or any such substance as aforesaid be so registered as aforesaid, and unless such design so registered shall have been applied to the ornamenting such article or substance within the United Kingdom of Great Britain and Ireland, and also after the copyright of such design in relation to such article or substance shall have expired, it shall be unlawful to put on any such article or such substance, in the manner hereinbefore required with respect to articles or substances whereto shall be applied a registered design, the marks hereinbefore required to be so applied, or any marks corresponding therewith or similar thereto; and if any person shall so unlawfully apply any such marks, or shall publish, sell, or expose for sale any article of manufacture, or any substance with any such marks so unlawfully applied, knowing that any such marks have been unlawfully applied, he shall forfeit for every such offence a sum not exceeding five pounds, which may be recovered by any person proceeding for the same by any of the ways hereinbefore directed with respect to penalties for pirating any such design.

Limitation of actions.

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

Costs.

Justices may order payment of costs in cases of summary proceeding.

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

Registrar, &c. of designs to be appointed.

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

Registrar's duties.

XV. And be it enacted, that the said registrar shall not register any design in respect of any application thereof to ornamenting any articles of manufacture or substances, unless he be furnished, in respect of each such application, with two copies, drawings, or

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

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

Certificate of registration of design.

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

Of the commencement of the period of registry; and

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

Of the originality of the design; and

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

And any such writing purporting to be such certificate shall, in the absence of evidence to the contrary, be received as evidence, without proof of the handwriting of the signature thereto, or of the seal of office affixed thereto, or of the person signing the same being the registrar or deputy registrar.

XVII. And be it enacted, that every person shall be at liberty to inspect any design whereof the copyright shall have expired, paying only such fee as shall be appointed by virtue of this Act in that behalf; but with regard to designs whereof the copyright shall not have expired, no such design shall be open to inspection, except by a proprietor of such design, or by any person authorised

Inspection of registered designs.

by him in writing, or by any person specially authorized by the registrar, and then only in the presence of such registrar or in the presence of some person holding an appointment under this Act, and not so as to take a copy of any such design or of any part thereof, nor without paying for every such inspection such fee as aforesaid: provided always, that it shall be lawful for the said registrar to give to any person applying to him, and producing a particular design, together with the registration mark thereof, or producing such registration mark only, a certificate stating whether of such design there be any copyright existing, and if there be, in respect to what particular article of manufacture or substance such copyright exists, and the term of such copyright, and the date of registration, and also the name and address of the registered proprietor thereof.

Application of
fees of regis-
tration.

XVIII. And be it enacted, that the Commissioners of the Treasury shall from time to time fix fees to be paid for the services to be performed by the registrar, as they shall deem requisite, to defray the expenses of the said office, and the salaries or other remuneration of the said registrar, and of any other persons employed under him, with the sanction of the Commissioners of the Treasury, in the execution of this Act; and the balance, if any, shall be carried to the consolidated fund of the United Kingdom, and be paid accordingly into the receipt of her Majesty's Exchequer at Westminster; and the Commissioners of the Treasury may regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the payment of such fees in any cases where they may think it expedient so to do: provided always, that the fee for registering a design to be applied to any woven fabric mentioned or comprised in classes 7, 9, or 10, shall not exceed the sum of one shilling; that the fee for registering a design to be applied to a paper hanging shall not exceed the sum of ten shillings; and that the fee to be received by the registrar for giving a certificate relative to the existence or expiration of any copyright in any design printed on any woven fabric, yarn, thread, or warp, or printed, embossed, or worked on any paper hanging, to any person exhibiting a piece end of a registered pattern, with the registration mark thereon, shall not exceed the sum of two shillings and sixpence.

Penalty for
extortion.

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

Interpretation
of Act.

XX. And for the interpretation of this Act, be it enacted, that the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows;

(that is to say,) the expression 'Commissioners of the Treasury' shall mean the Lord High Treasurer for the time being, or the Commissioners of her Majesty's Treasury for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender.

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

Alteration of Act.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

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

SCHEDULE (B.)

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

SCHEDULE (C.)

| DATE OF ACTS. | TITLE. |
|------------------------------|---|
| 38 Geo. 3, c. 71. (1708.) | An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned. |
| 54 Geo. 3, c. 56. (1814.) | An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts. |

3 & 7 VICT. c. 65.

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

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

5 & 6 Vict.
c. 100.

Commencement
of Act.

Grant of
copyright.

II. And with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be for the whole of such shape or configuration or only for a part thereof, be it enacted, that the proprietor of such design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being regis-

tered according to this Act: provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of his late Majesty King George the Third, and intituled respectively 'An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned,' and 'An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned.'

Proviso.

38 G. 3, c. 71.

54 G. 3, c. 56.

III. Provided always, and be it enacted, that no person shall be entitled to the benefit of this Act unless such design have before publication thereof been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such design every article of manufacture made by him according to such design or on which such design is used, hath thereon the word 'registered,' with the date of registration.

Conditions of copyright.

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

Penalty for wrongfully using marks denoting a registered design.

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

Floor or oil cloths included in Class Six.

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

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

VII. And be it enacted, that so much of the said first-mentioned Act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be

Appointment of registrar, &c.

and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this Act as of the said first-mentioned Act, the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the Lords of the said Committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said Committee; and such registrar shall have a seal of office; and the Commissioners of Her Majesty's Treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this Act.

Registrar's
duties.

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

Drawings.

Discretionary
power as to
registry vested

IX. And be it enacted, that if any design be brought to the said registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered

under this present Act, it shall be lawful for the said registrar to refuse to register such design otherwise than under the present Act and in the manner hereby provided; and if it shall appear to the said registrar that the design brought to be registered under the said first-mentioned Act or this Act is not intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said registrar in his discretion wholly to refuse to register such design: provided always, that the Lords of the said Committee of Privy Council may, on representation made to them by the proprietor of any design so wholly refused to be registered as aforesaid, if they shall see fit, direct the said registrar to register such design, whereupon and in such case the said registrar shall be and is hereby required to register the same accordingly.

in the registrar.

Proviso.

X. And be it enacted, that every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection except in the presence of such registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

Inspection of
Index of Titles
of Designs, &c.

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

Interpretation
of Act.

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

Alteration
of Act.

 7 VICT. C. 12.

An Act to amend the Law relating to International Copyright.

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty, intituled 'An Act for securing to Authors in certain Cases the Benefit of international Copyright' (and which Act is hereinafter,

1 & 2 Vict.
c. 59.

for the sake of perspicuity, designated as 'The International Copyright Act'), her Majesty was empowered by order in Council to direct that the authors of books which should after a future time, to be specified in such order in Council, be published in any foreign country, to be specified in such order in Council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as her Majesty should by such order in Council direct, not exceeding the term which authors, being British subjects, were then (that is to say), at the time of passing the said Act, entitled to in respect of books first published in the United Kingdom; and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such order in Council should extend: And whereas an Act was passed in the session of Parliament held in the fifth and sixth years of the reign of her present Majesty, intituled 'An Act to amend the Law of Copyright' (and which Act is hereinafter, for the sake of perspicuity, designated as 'The Copyright Amendment Act'), repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their representatives the copyright of books: And whereas an Act was passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled 'An Act to amend the Laws relating to Dramatic Literary Property' (and which Act is hereinafter, for the sake of perspicuity, designated as 'The Dramatic Literary Property Act'), whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which should be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted, that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And whereas by the said Copyright Amendment Act the provisions of the said Dramatic Literary Property Act and of the said Copyright Amendment Act were made applicable to musical compositions; and it was thereby also enacted, that the sole liberty of representing or performing, or causing or permitting to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, should endure and be the property of the author thereof and his assigns for the term in the said Copyright Amendment Act provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition: And whereas under or by virtue of the four several Acts next hereinafter mentioned; (that is to say,) an Act passed in the eighth year of the reign of his late Majesty King George the Second, intituled 'An Act for the Encouragement of the Arts of designing, engraving, and

5 & 6. Vict.
c. 45.

3 & 4 W. 4,
c. 15.

8 G. 2. c. 13.

etching historical and other Prints, by vesting the Properties thereof in the Inventors or Engravers during the Time therein mentioned;’ an Act passed in the seventh year of his late Majesty King George the Third, intituled ‘An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of designing, engraving, and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints;’ an Act passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled ‘An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases;’ and an Act passed in the session of Parliament hold in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled ‘An Act to extend the Protection of Copyright in Prints and Engravings to Ireland;’ (and which said four several Acts are hereinafter, for the sake of perspicuity, designated as the Engraving Copyright Acts;) every person who invents or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draughtsman, is entitled to the copyright of such print for the term of twenty-eight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: And whereas under and by virtue of an Act passed in the thirty-eighth year of the reign of his late Majesty King George the Third, intituled ‘An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned,’ and of an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled ‘An Act to amend and render more effectual an Act of his present Majesty, for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts’ (and which said Acts are, for the sake of perspicuity, hereinafter designated as the Sculpture Copyright Acts), every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso relievo, representing any of the

7 G. 3, c. 38.

17 G. 3, c. 57.

6 & 7 W. 4,
c. 59.

38 G. 3, c. 71.

54 G. 3, c. 56.

matters aforesaid, or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided that the name of the proprietor, with the date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And whereas the powers vested in her Majesty by the said International Copyright Act are insufficient to enable her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said Copyright Amendment Act with respect to authors of books first published in the British dominions; and the said International Copyright Act does not empower her Majesty to confer any exclusive right of representing or performing dramatic pieces or musical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first published abroad; and it is expedient to vest increased powers in her Majesty in this respect, and for that purpose to repeal the said International Copyright Act, and to give such other powers to her Majesty, and to make such further provisions, as are hereinafter contained: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Act herein designated as the International Copyright Act shall be and the same is hereby repealed.

Repeal of
International
Copyright Act.
Her Majesty, by
order in Council,
may direct that
authors, &c.
of works first
published in
foreign countries
shall have copy-
right therein
within her
Majesty's
dominions.

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

If the order
applies to books,
the copyright

III. And be it enacted, that in case any such order shall apply to books, all and singular the enactments of the said Copyright Amendment Act, and of any other Act for the time being in force

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

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

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

law as to books first published in this country shall apply to the books to which the order relates, with certain exceptions.

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

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

shall have been registered as herein-after is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

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

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

the name and place of abode of the maker thereof, the name of the proprietor of the copyright therein, and the time and place of its first publication in the foreign country named in the order in Council under which the benefit of this Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and the officer of the said Company of Stationers receiving such copies so to be delivered as aforesaid shall give a receipt in writing for the same, and such delivery shall to all intents and purposes be a sufficient delivery under the provisions of this Act.

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

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

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

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

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

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

national copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

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

X. And be it enacted, that all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any order in Council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorised in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorised to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

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

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

Second or subsequent editions.

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

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

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

different foreign countries and for different classes of books or other articles.

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

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

XVI. And be it enacted, that a copy of every order of her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

XVII. And be it enacted, that it shall be lawful for her Majesty by an order in Council from time to time to revoke or alter any order in Council previously made under the authority of this Act, but nevertheless without prejudice to any rights acquired previously to such revocation or alteration.

XVIII. Provided always, and be it enacted, that nothing in this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book, the author whereof and his assigns may be entitled to the benefit of this Act.

XIX. And be it enacted, that neither the author of any book, nor the author or composer of any dramatic piece or musical composition, nor the inventor, designer, or engraver of any print, nor the maker of any article of sculpture, or of such other work of art as aforesaid, which shall after the passing of this Act be first published out of her Majesty's dominions, shall have any copyright therein respectively, or any exclusive right to the public representation or performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

XX. And be it enacted, that in the construction of this Act the word 'book' shall be construed to include 'volume,' 'pamphlet,' 'sheet of letter-press,' 'sheet of music,' 'map,' 'chart,' or 'plan;' and the expression 'articles of sculpture' shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words 'printing' and 're-printing' shall include engraving and any other method of multiplying copies; and the expression 'Her Majesty' shall include the heirs and successors of her Majesty; and the expressions 'Order of her Majesty in Council,' 'Order in Council,' and 'Order,' shall respectively mean order of her Majesty acting by and with the advice of her Majesty's most Honourable Privy Council; and the expression 'Officer of the Company of Sta-

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

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

Orders in Council to be laid before Parliament.

Orders in Council may be revoked.

Translations.

Authors of works first published in foreign countries not entitled to copyright except under this Act.

Interpretation clause.

tioners' shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

Act may be repealed this session.

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

7 & 8 VICT. c. 73.

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

5 & 6 Vict.
c. 47.

7 & 8 Vict.
c. 12.

Her Majesty, by order in Council, may reduce the duties on foreign books and prints in cases in which copyright is allowed to the country of export under 7 & 8 Vict. c. 12;

WHEREAS by an Act passed in the session of Parliament held in the fifth and sixth years of her present Majesty, intituled 'An Act to amend the Laws relating to the Customs,' certain duties of Customs were granted and made payable upon books and prints of or from foreign countries: and whereas by an Act passed in the present session of Parliament, intituled 'An Act to amend the Law relating to International Copyright,' it is amongst other things enacted, that it shall be lawful for her Majesty, by any order in Council, to grant unto the authors, inventors, designers, engravers, or makers of any books, prints, or other works of art first published in any foreign country specified in such order, the privilege of copyright therein for certain periods, and under certain conditions, in the said last-mentioned Act defined and contained: and whereas it is expedient that provision should be made in the manner hereinafter mentioned for reducing, in cases where her Majesty shall have issued any such order in Council as aforesaid, the duties of customs now payable on the importation of books and prints: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever and so often as her Majesty shall by virtue of the said recited power, by any order or orders in Council, declare that the authors, inventors, designers, engravers, or makers of any books, prints, or other works of art first published in any foreign country, shall have the privilege of copyright therein, then and in every such case it shall be lawful for her Majesty, by any order or orders in Council, to declare that in respect of books and prints, or either of them, published in and imported from such foreign country, the duties of customs now payable on the importation of books and prints respectively shall, from and after a time to be named in such order or orders,

altogether cease and determine; and that in lieu thereof there shall be payable on such books or prints respectively, from and after such time as aforesaid, only such duties of Customs as are set forth in the Schedule to this Act annexed.

II. And be it enacted, that with regard to books and prints published in and imported from any foreign country, between which country and her Majesty there is now subsisting, and shall at the time of the making of any such order in Council as is hereinafter described subsist, any treaty or convention binding her Majesty to admit the books and prints of such country, either conditionally or unconditionally, into the United Kingdom, on the same terms as those of the most favoured nation, it shall be lawful for her Majesty, by any order or orders in Council, to declare that in respect of books and prints, or either of them, published in and imported from such foreign country, the duties of Customs now payable on the importation of books and prints respectively shall, from and after a time to be named therein, altogether cease and determine, and that in lieu thereof there shall be payable on the importation of such books or prints respectively, from and after such time as aforesaid, only such duties of Customs as are set forth in the Schedule to this Act annexed: provided always, that in case the privileges granted by any treaty to any foreign country, in respect of which any such order or orders in Council as last aforesaid shall by virtue of this enactment be issued, shall have been granted conditionally, such order shall expressly declare that such foreign country hath duly fulfilled the conditions required in return for such privileges, and that it is entitled thereto.

III. And be it enacted, that it shall be lawful for her Majesty, by any further order or orders in Council, from time to time to revoke the whole or any part of any order or orders issued by her Majesty in Council under the authority of this Act; and that from and after a day to be named in such Order or Orders of Revocation, such order or orders issued under the authority of this Act, or such part thereof as shall be specified in such Order or Orders of Revocation, shall cease and determine, and that the duties of Customs now payable upon books and prints respectively shall be payable in like manner as if such order or orders, or such part or parts thereof respectively, had not been made.

IV. And be it enacted, that every order or orders in Council issued under the authority of this Act shall, within fourteen days after the issuing thereof, be twice published in the 'London Gazette.'

V. And be it enacted, that a copy of every order or orders in Council issued under the authority of this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

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

and may reduce the duties on books and prints in favour of countries with which her Majesty has treaties of reciprocity.

If any treaty be conditional, order to state the fulfilment of the condition.

Power to her Majesty in Council to revoke any orders.

Orders to be published in the Gazette;

and to be laid before Parliament.

Act may be amended this session.

SCHEDULE to which the foregoing Act refers.

| Books; viz. | s. | d. |
|--|----|----|
| Works in the language or languages of the country of export, originally produced therein, or original works of that country in the dead languages, or other works in the dead languages with original commentaries produced in that country - the cwt. | 15 | 0 |
| All other works published in the country of export, if printed prior to the year 1801 - - the cwt. | 20 | 0 |
| If printed in or since the year 1801 - the cwt. | 50 | 0 |
| Prints and drawings, plain or coloured single - each | 0 | 0½ |
| Ditto - bound or sewn - the dozen | 0 | 1½ |

10 & 11 VICT. c. 95.

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

& 6 Vict.
c. 45.

8 & 9 Vict.
c. 93.

Her Majesty
may suspend in
certain cases

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of her present Majesty, intituled 'An Act to amend the Law of Copyright,' it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorised by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: and whereas by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of her present Majesty, intituled 'An Act to regulate the Trade of the British Possessions abroad,' books wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: and whereas by the said last-recited Act it is enacted, that all laws, bye laws, usages, or customs in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to the said Act or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever: now be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case the Legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights

of British authors in such possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to her Majesty, and in case her Majesty shall be of opinion that such Act or ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for her Majesty, if she think fit so to do, to express her royal approval of such Act or ordinance, and thereupon to issue an order in Council declaring that so long as the provisions of such Act or ordinance continue in force within such colony the prohibitions contained in the aforesaid Acts, and herein-before recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended as far as regards such colony; and thereupon such Act or ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such order in Council, any thing in the said last-recited Act or in any other Act to the contrary notwithstanding.

II. And be it enacted, that every such order in Council shall, within one week after the issuing thereof, be published in the 'London Gazette,' and that a copy thereof, and of every such Colonial Act or ordinance so approved as aforesaid by her Majesty, shall be laid before both Houses of Parliament within six weeks after the issuing of such order, if Parliament be then sitting, or if Parliament be not then sitting, then within six weeks after the opening of the next session of Parliament.

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

the prohibitions against the admission of pirated books into the colonies in certain cases.

Orders in Council to be published in Gazette. Orders in Council and the colonial acts or ordinances to be laid before Parliament. Act may be amended, &c.

13 & 14 VICT. c. 104.

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

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

I. That the registrar of designs, upon application by or on behalf of the proprietor of any design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere, and which may be registered under the Designs Act, 1842, or under the Designs Act, 1843, for the provisional registration of such design, under this Act, and upon being furnished with such copy, drawing, print, or description in writing or in print as in the

Certain designs may be registered provisionally for one year.

judgment of the said registrar shall be sufficient to identify the particular design in respect of which such registration is desired, and the name of the person claiming to be proprietor, together with his place of abode or business, or other place of address, or the style or title of the firm under which he may be trading, shall register such design in such manner and form as shall from time to time be prescribed or approved by the Board of Trade; and any design so registered shall be deemed 'provisionally registered,' and the registration thereof shall continue in force for the term of one year from the time of the same being registered as aforesaid; and the said registrar shall certify, under his hand and seal of office, in such form as the said board shall direct or approve, that the design has been provisionally registered, the date of such registration, and the name of the registered proprietor, together with his place of abode or business, or other place of address.

Benefits conferred by provisional registration.

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

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

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

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

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

V. That the Board of Trade may by order in writing with respect to any particular class of designs, or any particular design, extend the period for which any design may be provisionally registered under this Act, for such term not exceeding the additional term of six months as to the said board may seem fit; and whenever any such order shall be made, the same shall be registered in the office for the registration of designs, and during the extended term the protection and benefits conferred by this Act in case of provisional registration shall continue as fully as if the original term of one year had not expired.

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

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

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

Extension of period of provisional registration by Board of Trade.

Registration of sculpture, models, &c.

Benefits conferred by registration of sculpture, &c.

copy, or cast which shall have been so pirated shall have and be entitled to the same remedies as are provided for the recovery of penalties incurred under the Designs Act, 1842: provided always, that the proprietor of any sculpture, model, copy, or cast which shall be registered under this Act shall not be entitled to the benefit of this Act, unless every copy or cast of such sculpture, model, copy, or cast which shall be published by him after such registration shall be marked with the word 'registered,' and with the date of registration.

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

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

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

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

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

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

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

XII. That in order to prevent the frequent and unnecessary removal of the public books and documents in the office for the registration of designs, no book or document in the said office shall be removed for the purpose of being produced in any court or before any justice of the peace, without a special order of a judge of the Court of Chancery, or of one of her Majesty's superior courts of law, first had and obtained by the party who shall desire the production of the same.

Public books and documents in the Designs Office not to be removed without judge's order.

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

Judges may order copies of documents to be furnished to be given in evidence.

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

Copies of documents delivered by the registrar to be sealed, and to be evidence.

XV. That the several provisions contained in the said Designs Acts (so far as they are not repugnant to the provisions of this Act) relating to the transfer of designs, to cancelling and amending registration, to the refusal of registration in certain cases, to the mode of recovering penalties, to the awarding and recovery of costs, to actions for damages, to the limitation of actions, to the certificate of registration, to penalties for wrongfully using marks, to the fixing and application of fees for registration, and to the penalty for extortion, shall apply to the registration, provisional registration, and transfer of designs, sculptures, models, copies, and casts, and to the designs, sculptures, models, copies, and casts entitled to protection under this Act, and to matters under this Act, as fully and effectually as if those provisions had been re-enacted in this Act with respect to designs, sculptures, models, copies, and casts registered and provisionally registered under this Act; and the forms contained in the Designs Act, 1842, may for

Certain provisions of Designs Acts, 1842 and 1843, extended to this Act.

the purposes of this Act be varied so as to meet the circumstances of the case.

Interpretation
of terms.

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

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

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

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

The expression 'The Board of Trade,' shall mean the Lords of the Committee of Privy Council for the consideration of all matters of Trade and Plantations:

The expression 'Registrar of Designs,' shall mean the Registrar or Assistant Registrar of Designs for Articles of Manufacture:

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

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

Short title.

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

15 VICT. c. 12.

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

7 & 8 Vict.
c. 12.

WHEREAS an Act was passed in the seventh year of the reign of her present Majesty, intituled 'An Act to amend the Law relating to International Copyright,' hereinafter called 'The International Copyright Act:' and whereas a convention has lately been concluded between her Majesty and the French Republic, for extending in each country the enjoyment of copyright in works of

literature and the fine arts first published in the other, and for certain reductions of duties now levied on books, prints, and musical works published in France: and whereas certain of the stipulations on the part of her Majesty contained in the said treaty require the authority of Parliament: and whereas it is expedient that such authority should be given, and that her Majesty should be enabled to make similar stipulations in any treaty on the subject of copyright which may hereafter be concluded with any foreign power: be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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

II. Her Majesty may, by order in Council, direct that the authors of books which are, after a future time, to be specified in such order, published in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions hereinafter contained or referred to, be empowered to prevent the publication in the British dominions of any translations of such books not authorised by them, for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorised translations of such books hereinafter mentioned are respectively first published, and in the case of books published in parts, not extending as to each part beyond the expiration of five years from the time at which the authorised translation of such part is first published.

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

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

V. Subject to any provisions or qualifications contained in such

Translations.

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

Her Majesty
may by order
in Council direct
that the authors
of books pub-
lished in foreign
countries may
for a limited
time prevent
unauthorised
translations.

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

Her Majesty
may by order in
Council direct
that the authors
of dramatic
works repre-
sented in foreign
countries may
for a limited
time prevent
unauthorised
translations.

Thereupon the

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

Adaptations, &c. of dramatic pieces to the English stage not prevented. All articles in newspapers, &c. relating to politics may be republished or translated; and also all similar articles on any subject, unless the author has notified his intention to reserve the right.

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

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

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

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

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

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

mentioned in that behalf in the order by which it is protected, and in the manner provided by the said International Copyright Act for the registration and deposit of original works:

5. In the case of books published in parts, each part of the original work must be registered and deposited in this country in the manner required by the said international copyright within three months after the first publication thereof in the foreign country:
6. In the case of dramatic pieces, the translation sanctioned by the author must be published within three calendar months of the registration of the original work:
7. The above requisitions shall apply to articles originally published in newspapers or periodicals, if the same be afterwards published in a separate form, but shall not apply to such articles as originally published.

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

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

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

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

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

Foregoing provisions and 7 & 8 Vict. c. 12, to be read as one Act. French translations to be protected as hereinbefore mentioned, without further order in Council.

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

*Reduction of
Duties.*

Recital of
9 & 10 Vict.
c. 58.

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

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

It is hereby declared, that for the purposes of the said Act every work published in the country of export, of which part has been originally produced in the United Kingdom, shall be deemed to be and be subject to the duty payable on 'works originally produced in the United Kingdom, and republished in the country of export,' although it contains also original matter not produced

Rates of duty
not to be raised
during continu-
ance of treaty,
and if further
reduction is
made for other
countries it may
be extended to
France.

For removal of
doubts as to
construction of
schedule to 9 &
10 Vict. c. 58.

in the United Kingdom, unless it shall be proved to the satisfaction of the Commissioners of her Majesty's Customs by the importer, consignee, or other person entering the same, that such original matter is at least equal to the part of the work produced in the United Kingdom, in which case the work shall be subject only to the duty on 'works not originally produced in the United Kingdom.'

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

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

Lithographs, &c.

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

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

21 & 22 VICT. c. 70.

An Act to amend the Act of the Fifth and Sixth Years of her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

WHEREAS by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled 'An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture,' herein-after called 'The Copyright of Designs Act, 1842,' there was granted to the proprietor of any new and original design in respect of the application of any such design to ornamenting any article of manufacture

5 & 6 Vict. c.
100.

contained in the tenth class therein mentioned, with the exceptions therein mentioned, the sole right to apply the same to any articles of manufacture, or any such substances as therein mentioned, for the term of nine calendar months, to be computed from the time of such design being registered according to the said Act: and whereas it is expedient that the term of copyright, in respect of the application of designs to the ornamenting of articles of manufacture comprised in the said tenth class, should be extended, and that some of the provisions of the said Act should be altered, and that further provision should be made for the prevention of piracy, and for the protection of copyright in designs under the Acts in the schedule hereto annexed, and herein-after called 'The Copyright of Designs Acts:' be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Short title.

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

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

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

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

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

Copyright not to be prejudiced if articles marked.

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

Pattern may be registered.

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

Proprietor to give the number and date of registration.

VI. The proprietor of such extended copyright shall, on application by or on behalf of any person producing or vending any article of manufacture so marked, give the number and the date of the registration of any article of manufacture so marked; and

any proprietor so applied to who shall not give the number and date of such registration shall be subject to a penalty of ten pounds, to be recovered by the applicant, with full costs of suit, in any court of competent jurisdiction.

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

Penalty on issuing articles not so marked.

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

Proceedings for prevention of piracy may be instituted in the county courts.

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

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

SCHEDULE referred to in the foregoing Act.

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| <p>5 & 6 Vict. c. 100. [10 Aug. 1842.]</p> <p>6 & 7 Vict. c. 65. [22 Aug. 1843.]</p> <p>13 & 14 Vict. c. 104. [14 Aug. 1850.]</p> <p>14 Vict. c. 3. [11 April, 1851.]</p> | <p>An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.</p> <p>An Act to amend the Laws relating to the Copyright of Designs.</p> <p>An Act to extend and amend the Acts relating to the Copyright of Designs.</p> <p>An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.</p> |
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24 & 25 VICT. c. 73.

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

5 & 6 Vict. c.
100.

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

5 & 6 Vict. c.
100, and other
Acts relating to
copyright of de-

I. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the words 'provided the same be done within the United Kingdom of Great Britain and Ireland' had not been contained in the said recited Act; and the

said recited Act, and all Acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere, and whether the inventor or proprietor of such design be or be not a subject of her Majesty.

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

signs, extended.

Application of Acts.

25 & 26 VICT. c. 68.

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

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs have no copyright in such their works, and it is expedient that the law should in that respect be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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

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

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

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

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

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

Penalties on infringement of copyright.

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

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

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

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

VI. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person, not being the pro-

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

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

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

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

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

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

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding ten pounds, or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or

Penalties on
fraudulent pro-
ductions and
sales.

Penalties.

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

Recovery of pecuniary penalties.

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

In England and Ireland.

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

In Scotland.

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

Superior courts of record in which any action is pending may make an order for an injunction, inspection, or account.

IX. In any action in any of her Majesty's superior courts of record at Westminster and in Dublin, for the infringement of any such copyright as aforesaid, it shall be lawful for the court in which such action is pending, if the court be then sitting, or if the court be not sitting then for a judge of such court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such court or judge may seem fit.

Importation of pirated works prohibited.

X. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein or in the design whereof there shall be

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

Application in such cases of Customs Acts.

XI. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for sale, hire, exhibition, or distribution, any such work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations, and negatives of photographs, or may recover damages for the retention or conversion thereof: provided that nothing herein contained, nor any proceeding, conviction, or judgment, for any act hereby forbidden, shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

Saving of right to bring action for damages.

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

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

DIRECTIONS

ISSUED BY

BOARD OF TRADE FOR REGISTRATION OF
DESIGNS.

ORNAMENTAL DESIGNS.

DIRECTIONS FOR REGISTERING AND SEARCHING.

PERSONS proposing to Register a Design for Ornamenting an Article of Manufacture, must bring or send to the Designs Office :—

1. TWO EXACTLY SIMILAR *copies, drawings (or tracings), photographs, or prints* thereof, with the proper fees.
2. THE NAME AND ADDRESS of the Proprietor or Proprietors, or the Title of the Firm under which he or they may be trading, together with their Place of Abode, or Place of carrying on business, *distinctly written or printed.*
3. THE NUMBER of the Class in respect of which such Registration is intended to be made, except it be for Sculpture.

The aforesaid *Copies* may consist of portions of the manufactured articles (*except Carpets, Oil-Cloths, and Woollen Shawls*), when such can conveniently be done (as in the case of *Paper Hangings, Calico Prints, &c.*), which, as well as the *Drawings* or *Tracings* (not in Pencil) or *Prints* of the Design, to be furnished when the article is of such a nature as not to admit of being pasted in a book, *must, whether coloured or not, be facsimiles of each other.*

Should Paper Hangings or Furnitures exceed 42 inches in length, by 23 inches in breadth, drawings will be required, but they must not exceed these dimensions.

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

APPLICATION TO REGISTER.

(Blank Forms may be obtained at the Office.)

C. D. Works, March 31st, 1852.

You are hereby requested to Register, Provisionally,* the accompanying——Ornamental Designs (in Class 1, [2, 3, 4, &c.,]) (or for Sculpture)† in the name of (A. B. of——, of——,) or, (A. P. of——, and C. D. of——, &c., trading under the style or firm of B. D. & Co., of——, of——, of——,) who claim to be the Proprietors thereof, and to return the same (if sent by Post), directed to——, (if brought by hand,) to the bearer of the official acknowledgment for the same.

To the Registrar of Designs, (Signed) B. D. & Co.,
 Designs Office, London. by J. F.

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

* If not Provisionally, strike out the word 'Provisionally.'

† Here insert 'for Sculpture,' if for Sculpture, or the Class or Classes.

‡ Insert here the name and address of the Proprietor, in the form in which it is to be entered on the Certificate.

A Design may be registered in respect of one or more of the above Classes, according as it is intended to be employed in one or more species of manufacture, but a separate fee must be paid on account of each separate Class, and all such Registrations must be made at the same time.

After the Design has been registered, one of the two copies, drawings (or tracings), or prints, will be filed at the Office, and the other returned to the Proprietor, with a Certificate annexed, on which will appear the *Mark to be placed* on each article of manufacture to which the Design shall have been applied.

If the Design is for an Article Registered under Class 10, no Mark is required, but there must be printed on such Article, at each end of the original piece thereof, the Name and Address of the Proprietor, and the word 'Registered,' together with the years for which the Design is registered.

If the Design is for Sculpture, no Mark is required to be placed thereon after Registration, but merely the word 'Registered,' and the date of Registration.

If the Design is for Provisional Registration, no Mark is required to be placed thereon after Registration, but merely the words 'Provisionally Registered' and the date of Registration.

Any Person who shall put the Registration Mark on any Design not registered, or after the Copyright thereof has expired, or when the Design has not been applied within the United Kingdom, is liable to forfeit for every such Offence 5*l.*

TRANSFERS.

In case of the transfer of a Design, registered, whether Provisionally or completely, a copy or the certified copy thereof must be transmitted to the Registrar, together with the Forms of Application (which may be procured at the Office), properly filled up and signed. The transfer will then be registered and the certified copy returned.

EXTENSION OF COPYRIGHT.

The Copyright may be extended in certain cases in Provisional Registration, for a term not exceeding the additional term of Six Months, and in Complete Registration for a term not exceeding the additional term of Three Years, as the Board of Trade may think fit.

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

SEARCHES.

All Designs of which the Copyright has expired may be inspected at the Designs Office, on the payment of the proper fee; but no Design, the Copyright of which is existing, is in general open to inspection. Any person, however, may, by application at the Office, and on production of the Registration Mark of any Particular Design, be furnished with a Certificate of Search, stating whether the Copyright be in existence and in respect to what particular article of manufacture it exists: also, the term of such Copyright and the date of Registration, and the name and address of the Registered Proprietor thereof.

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

As this mark is not applied to a Provisionally Registered Design, or to articles Registered under Class 10, Certificates of Search for such Designs will be given on production of the Design, or a copy or drawing thereof, or other necessary information, with the date of Registration.

Persons bringing Designs to be registered, on delivering them, must compare such Designs together, count them, and see that the Name and Address and Number of Class is correctly given, and examine their Certificates previous to leaving the Office, to see that the Name, &c., is correctly entered, as no error can afterwards be rectified.

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

All communications for the Registration of Designs may be made either through the General Post Office, directed to 'The Registrar of Designs, Designs Office, London,' or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a Post Office Order for the amount, PAYABLE AT THE POST OFFICE, CHARING CROSS, to J. H. BOWEN, Esq., be enclosed, the Designs will be duly registered, and the Certified Copies returned to the Proprietors free of expense. *Postage Stamps, Orders upon Bankers or other Persons, Country and Scotch Bank Notes, and light gold cannot be received in payment of fees.*

The DESIGNS OFFICE, No. 1, WHITEHALL; S.W., is open every day, between the hours of 10 in the Morning and 4 in the Afternoon, during which time enquiries and searches may be made. Designs and Transfers are registered from 11 until 3, after which latter hour *no money can be received for the same.*

Directions for Registering Designs for Articles of Utility may be procured at the Office.

By Order of the Registrar,

J. H. BOWEN, *Chief Clerk.*

ORNAMENTAL.

COPYRIGHT OF DESIGNS FOR ORNAMENTING ARTICLES OF MANUFACTURE.

By PROVISIONAL REGISTRATION under the Designs Act, 1850 (13 & 14 Vict. c. 104), a Copyright of One Year (which may be further extended for six months by order of the Board of Trade) is given to the Author or Proprietor of Original Designs for Ornamenting any Article of Manufacture or Substance. During such terms the Proprietor of the Design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the Copyright, sell any article with the Design applied thereto, until after Complete Registration, *which must be effected prior to the expiration of the Provisional Registration.*

By COMPLETE REGISTRATION under the Designs Act, 1842 (5 & 6 Vict. c. 100), a Copyright or Property is given to the Author or Proprietor of any New or Original Design for Ornamenting any Article of Manufacture or Substance for the various Terms specified in the following Classes, which Terms may be extended under special circumstances.

Under the Designs Act, 1858 (21 & 22 Vict. c. 70), a Copyright is given for Articles in CLASS 10, for a term of 3 years, subject to the Proviso therein contained.

APPENDIX.

| CLASS | ARTICLE | COPYRIGHT | REGISTRATION FEES | |
|-------|--|-----------|-------------------|----|
| | | | £ | s. |
| 1. | Articles composed wholly or chiefly of Metal | 5 years | 1 | 0 |
| 2. | Ditto do. Wood | 3 " | 1 | 0 |
| 3. | Ditto do. Glass | 3 " | 1 | 0 |
| 4. | Ditto do. Earthen-ware, Bone, Papier Maché, or other solid substances not comprised in Classes 1, 2, and 3 | | | |
| 5. | Paper Hangings | 3 " | 1 | 0 |
| 6. | Carpets, Floor Cloths, and Oil Cloths | 3 " | 0 | 10 |
| 7. | Shawls (patterns printed, &c., &c.) | 9 months | 0 | 1 |
| | Ditto do. extended term of 9 months | | 0 | 1 |
| | Shawls (patterns printed, &c., &c.) for the whole term of 18 months | | 0 | 0 |
| 8. | Shawls (not comprised in Class 7) | 3 years | 0 | 7 |
| 9. | Yarn, Thread or Warp (printed, &c., &c.) | 9 months | 1 | 0 |
| 10. | Woven Fabrics (patterns printed, &c., &c.), except those included in Class 11 | 9 months | 0 | 1 |
| 11. | Woven Fabrics, technically called Furnitures (patterns printed, &c., &c.), the repeat of the pattern exceeding 12 inches by 8 inches | 3 years | 0 | 1 |
| 12. | Woven Fabrics (not comprised in any preceding Class) | 3 " | 0 | 5 |
| | Woven Fabrics (not comprised in any preceding Class), Damasks and Figured Quilts | 12 months | 0 | 5 |
| | Woven Fabrics (not comprised in any preceding Class), Damasks and Figured Quilts | 12 " | 0 | 5 |
| | Woven Fabrics (not comprised in any preceding Class), Damasks and Figured Quilts extended term of | 2 years | 0 | 16 |
| | Woven Fabrics (not comprised in any preceding Class), Damasks and Figured Quilts whole term of | 3 " | 1 | 0 |
| 13. | Lace and other articles (not comprised in any preceding Class) | 12 months | 0 | 5 |

TABLE OF FEES.

PROVISIONAL REGISTRATION.

| | |
|---|------------------|
| Registration in all Classes, One Year | 1s. each Design. |
| Transfer | 5 " |
| Certifying former Registration (to Proprietor of Design). | 1 " |
| Cancellation or Substitution (according to Decree or Order in Chancery) | 5 " |

COMPLETE REGISTRATION.

| Registering Designs | Copyright | Fee |
|--|---------------------|------|
| | | £ s. |
| Class 1 | 5 years each Design | 1 0 |
| " 2 | 3 ditto " | 1 0 |
| " 3 | ditto " | 1 0 |
| " 4 | ditto " | 1 0 |
| " 5 | ditto " | 0 10 |
| " 6 | ditto " | 1 0 |
| " 7 | 9 months " | 0 1 |
| " " extended term of | ditto " | 0 6 |
| " " whole term of | 18 months " | 0 7 |
| " 8 | 3 years " | 1 0 |
| " 9 | 9 months " | 0 1 |
| " 10 | 3 years " | 0 1 |
| " 11 | ditto " | 0 5 |
| " 12 | 12 months " | 0 5 |
| Damasks and Figured Quilts | ditto " | 0 5 |
| Ditto do. extended term of 2 years | " " | 0 16 |
| Ditto do. 'whole term of 3 years | " " | 1 0 |
| " 13 | 12 months " | 0 5 |
| In all the 13 Classes (Copyright not extended) | " " | 7 0 |
| In Classes 1, 2, 3, and 4, inclusive, do. | " " | 5 0 |
| In Classes 5 to 13, inclusive, do. | " " | 3 0 |

REGISTRATION OF SCULPTURE:—

| | Fee |
|-----------------------|------|
| | £ s. |
| Each Design | 5 0 |

COMPLETE REGISTRATION AND REGISTRATION OF SCULPTURE:—

| | | | |
|--|---|--|-----|
| Transfer | { | Same as Registration Fee, but for Sculpture each Design. . . . | 1 0 |
| Certifying former Registration (to Proprietor) | | | |
| Cancellation or Substitution (according to decree, or order in Chancery) | | | |

INSPECTIONS, &c., OF PROVISIONAL AND COMPLETE REGISTRATIONS AND SCULPTURE:—

| | |
|--|-----|
| Search | 0 2 |
| Inspection of all the Designs of which the Copyright has expired, each quarter or part of quarter of an hour, each Class | 0 1 |
| Taking Copies of Expired Designs, for each hour or part of an hour, each Copy | 0 1 |
| Taking Copies of Unexpired Designs (according to Judge's order), for each hour or part of an hour, each Copy | 0 2 |

Office Copies of a Design will be charged for according to the nature of the Design.

By the Designs Act of 1850, a protection of a nature similar to that granted for Designs for Ornamenting Articles of Manufacture by the Act of 1842, is granted to Sculptures, Models, Copies, or Casts of the whole or part of the human figure, or of animals, for the term or unexpired part of the term, during which Copyright in such Sculpture, Models, Copies, or Casts may or shall exist under the Sculpture Copyright Acts, and the Fee for Registering the same is 5*l.*

To obtain this protection it is necessary—

1st. That the Design *should not have been published*, either within the United Kingdom of Great Britain and Ireland, or elsewhere, previous to its Registration.

2nd. That after PROVISIONAL REGISTRATION, every Copy of the Design *should have thereon, or attached thereto*, the words 'Provisionally Registered,' and the Date of Registration.

3rd. That after COMPLETE REGISTRATION, every Article of Manufacture published by the Proprietor thereof, to which such Design shall have been applied, *should have thereon, or attached thereto*, a particular MARK, which will be exhibited on the Certificate of Registration.

4th. That after Registration of SCULPTURE every copy thereof *should have thereon, or attached thereto*, the word 'Registered,' and the Date of Registration.

These Conditions being observed, the right of the Proprietor is protected from piracy by a penalty of from 5*l.* to 30*l.* for each offence, each individual illegal publication or sale of a Design constituting a separate offence. This Penalty may be recovered by the aggrieved party either by action in the superior or County Courts, or by a summary proceeding before two Magistrates.

If a Design be executed by the Author on behalf of another Person, for a valuable consideration, the latter is entitled to be registered as the Proprietor thereof; and any person purchasing either the exclusive or partial right to use the Design, is in the same way equally entitled to be registered; and for the purpose of facilitating the transfer thereof a short form (copies of which may be procured at the Designs Office) is given in the Act.

USEFUL.

COPYRIGHT OF DESIGNS FOR ARTICLES OF UTILITY.

By PROVISIONAL Registration under the Designs Act, 1850 (13 & 14 Vict. c. 104), a Copyright for One Year (which may be further extended for Six Months by order of the Board of Trade),

is given to the Author or Proprietor of any New or Original Design for the SHAPE or CONFIGURATION either of the whole or of part of any Article of Manufacture, such SHAPE or CONFIGURATION having reference to some PURPOSE of UTILITY, whether such Article be made in Metal or any other Substance. During such terms the Proprietor of the Design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the Copyright, sell any article with the Design applied thereto, until after Complete Registration, which must be effected prior to the expiration of the Provisional Registration.

By COMPLETE Registration under the Designs Act, 1843 (6 & 7 Vict. c. 65), a Copyright of THREE YEARS is given to the Author or Proprietor of any new or original design for the SHAPE or CONFIGURATION either of the whole or of part of any Article of Manufacture, such SHAPE or CONFIGURATION having reference to some PURPOSE of UTILITY, whether such Article be made in Metal or any other Substance.

To obtain this protection it is necessary—

1st. That the Design should *not have been published* either within the United Kingdom of Great Britain and Ireland, or elsewhere, previous to its Registration.

2nd. That after Registration, or Provisional Registration, every Article of Manufacture made according to such Design, or to which such Design is applied, should have upon it the word 'REGISTERED,' or 'PROVISIONALLY REGISTERED,' with the Date of Registration.

In case of Piracy of a Design so Registered, the same remedies are given, and the same penalties imposed (from 5*l.* to 30*l.* for each offence), as under the Ornamental Designs Act, 1842 (5 & 6 Vict. c. 100), and all the provisions contained in the latter Act relating to the Transfer of *Ornamental* Designs, in case of purchase or devolution of a Copyright, are made applicable to those *Useful* Designs registered under these Acts.

In addition to this, a *Penalty of not more than 5*l.* nor less than 1*l.** is imposed upon all persons marking, selling, or advertising for sale any article as 'Registered,' unless the Design for such Article has been registered under one of the *above-mentioned Acts*.

DIRECTIONS FOR REGISTERING.

PERSONS proposing to Register a Design for purposes of utility must bring or send to the Designs Office TWO EXACTLY SIMILAR Drawings or Prints thereof, made on a proper geometric scale, marked with letters, figures, or colours, to be referred to as hereinafter mentioned, together with the following

PARTICULARS.

1st. THE TITLE of the Design.

2nd. THE NAME AND ADDRESS of the Proprietor or Proprietors, or the Title of the Firm under which he

or they may be trading, together with their Place of abode, or Place of carrying on business, *distinctly written or printed.*

3rd. A STATEMENT in the following Form, viz.: '*The Purpose of Utility to which the Shape or Configuration of (the New Parts of) this Design has reference is*' &c., &c.

4th. A DESCRIPTION to render the same intelligible, distinguishing the several parts of the Design by reference to letters, figures, or colours.

NOTE.—No description of the parts of the drawings which are old will be admitted, except such as may be absolutely necessary to render the purpose of utility of the shape of the new parts intelligible.

5th. A SHORT AND DISTINCT STATEMENT of such part or parts (if any) as shall not be new or original, as regards the shape or configuration thereof, which must be in the following form, viz.:—(if the whole Design is New, state)—'*The whole of this Design is new in so far as regards the shape or configuration thereof.*' (If there are any Old Parts, state)—'*The Parts of this Design which are not new or original, as regards the shape or configuration thereof, are those marked (A B C, &c.), or coloured (blue, green, &c.)*'

NOTE.—The above particulars must be given in the aforesaid order under their several heads, and in distinct and separate paragraphs, which must be strictly confined to what is here required to be contained in each.

Each drawing or print, together with the whole of the above particulars, must be drawn, written, or printed on one side of a sheet of paper or parchment, not exceeding in size 24 inches by 15 inches; and on one of the said sheets, on the same side on which are the said drawings and particulars, there must be left two blank spaces each of the size of 6 inches by 4 inches, for the Certificates of Registration.

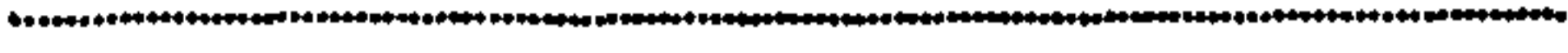
The above Regulations, which have been made by the Board of Trade, must be strictly complied with.

NOTICE.

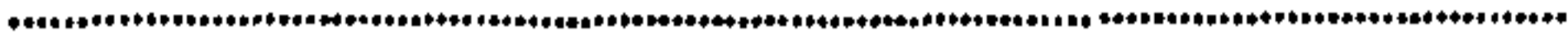
Parties are strongly recommended to read the Act before determining to register their Designs, in order that they may be satisfied as to the nature, extent, and comprehensiveness of the protection afforded by it; and further, that they come within the meaning and scope of the Acts, *of which facts the Registration will not constitute any guarantee.*

Specimen Form.

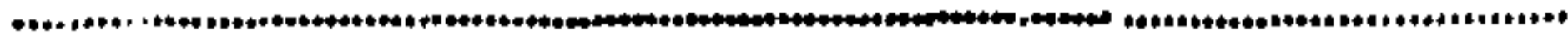
(Title of the Design.)



(Name of the Proprietor.)



(Address of the Proprietor.)



(The Drawing to be inserted here.)

(Statement of Utility.)

The purpose of Utility to which the Shape or Configuration of (the New Parts of) this Design has reference is.....

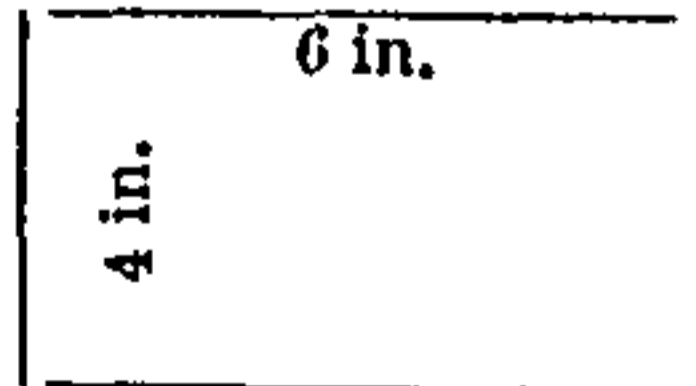
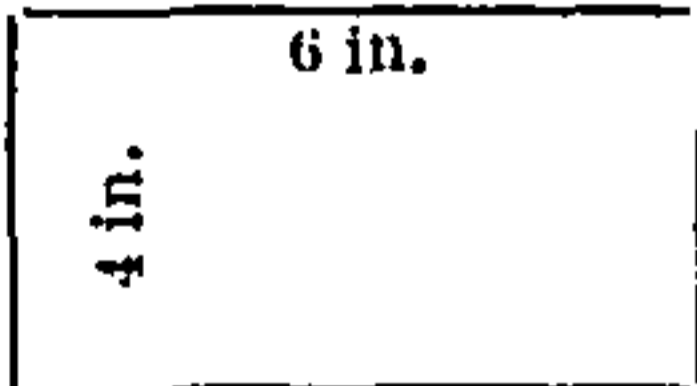
(Description.)

(If the whole Design is New, state—)

The whole of this Design is New in so far as regards the Shape or Configuration thereof.

(If there are any Old Parts, state—)

The Parts of this Design which are not New or original as regards the Shape or Configuration thereof, are those marked, &c. &c.



15 inches

24 inches

TABLES OF FEES.

PROVISIONAL REGISTRATION.

| | Fee s. |
|--|-----------|
| Registering Design | 10 |
| Certifying former Registration (<i>to Proprietor of Design</i>) | 5 |
| Registering and Certifying Transfer | 10 |
| Cancellation or Substitution (<i>according to decree or order in Chancery</i>) | 5 |
| Extension of Copyright | 10 |

COMPLETE REGISTRATION.

| | Stamp £ | Fee £ | Total £ |
|--|------------|----------|------------|
| Registering Design | 5 | 5 | 10 |
| Certifying former Registration (<i>to Proprietor of Design</i>) | 5 | 1 | 6 |
| Registering and Certifying Transfer | 5 | 1 | 6 |
| Cancellation or Substitution (<i>according to decree or order in Chancery</i>) | — | 1 | 1 |

INSPECTIONS, ETC., OF PROVISIONAL AND COMPLETE REGISTRATIONS.

| | Fee s. |
|--|-----------|
| Inspecting Register, Index of Titles and Names, for each quarter or part of quarter of an hour | 1 |
| Inspecting Designs, unexpired Copyright, each Design, ditto, ditto | 2 |
| Inspecting Designs, expired Copyright, each volume, ditto, ditto | 1 |
| Inspecting the Register of Inventions, under the 'Protection of Inventions Act, 1851,' ditto, ditto | 1 |
| Taking Copies of Designs, unexpired Copyright (<i>according to Judge's order</i>), for each hour or part of an hour, each Copy | 2 |
| Taking Copies of Designs, expired Copyright, for each hour or part of an hour, each Copy | 1 |

Office Copies of a Design will be charged for according to the nature of the Design.

As the Designs Acts, 1843 (6 & 7 Vict. c. 65), and 1850 (13 & 14 Vict. c. 104), give protection only to the *shape or configuration* of articles of utility (and not to any *mechanical action, principle, contrivance, application, or adaptation* (except in so far as these may be dependent upon, and inseparable from, the shape or configuration), or to the *material of which the article may be com-*

posed), no Design will be registered, the Description of, or Statement respecting which, shall contain any wording suggestive of the Registration being for any such mechanical action, principle, contrivance, application, or adaptation, or for the material of which the article may be composed.

With this exception and those mentioned in the Act, 1843, Clause IX., *all* Designs, the drawings and descriptions of which are properly prepared and made out, will, on payment of the proper fee, be registered *without reference to the nature or extent of the Copyright sought to be thereby acquired*; as Proprietors of Designs must use their own discretion in judging whether or not the Design proposed for Registration be for the shape or configuration of an article of utility coming within the meaning and scope of the Acts above mentioned.

After the Design has been registered, one of the drawings will be filed at the Office, and the other returned to the Proprietor duly stamped and certified.

Parties bringing Designs to this Office before half-past 12 o'clock, will be informed after 3 o'clock the same day whether they are approved of; and if so, they will be registered the following day; and, provided the fee has been paid before half-past 1 o'clock on such day, the certified copies will be ready for delivery after 3 o'clock on that subsequent.

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

TRANSFERS.

In case of the *transfer* of a COMPLETELY REGISTERED DESIGN, a copy thereof [or the certified copy, provided there is space sufficient thereon for the Certificate], made on one sheet of paper, with a blank space left for the Certificate, must be transmitted to the Registrar, together with the *forms* of application (which may be procured at the Office), properly filled up and signed; the transfer will then be registered, and the certified copy returned.

For the Transfer of a Design Provisionally Registered, the new copy will not be required, but the certified copy must be transmitted to the Registrar with the above-mentioned *forms*.

EXTENSION OF COPYRIGHT.

The Copyright may be extended in certain cases in Provisional Registration, for a term not exceeding the additional term of Six Months, as the Board of Trade may think fit.

In case of extension, the certified copy, together with the proper fee, should be transmitted to the Designs Office for Registration, *prior to the expiration of the existing Copyright*.

Persons bringing Designs to be registered, on delivering their

designs, and on examining their Certificates, previous to leaving the Office, *must see that the Titles, Names, &c., are correct, as no error can afterwards be rectified.*

SEARCHES.

An Index of the Titles and Names of the Proprietors of all the registered Designs for Articles of Utility is kept at the Designs Office, and may be inspected by any person, and extracts made from it.

Designs, the Copyright of which is *expired*, may be inspected and copied at the Office.

Designs, the Copyright of which is *unexpired*, may also be inspected, *but not copied*, except according to a Judge's order.

ALL COMMUNICATIONS FOR THE REGISTRATION OF DESIGNS, either for ornamental or useful purposes, may be made either through the General Post, directed to 'The Registrar of Designs, Designs Office, London,' or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a Post Office Order for the amount, PAYABLE AT THE POST OFFICE, CHARING CROSS, to J. H. BOWEN, Esq., be enclosed, the Designs will be duly registered, and the Certified Copies returned to the Proprietor, free of expence.

Postage Stamps, Orders upon Bankers or other Persons, Scotch and Country Bank Notes, and light gold, cannot be received in payment of fees.

The DESIGNS OFFICE, No. 1, WHITEHALL, is open every day, between the hours of 10 in the Morning and 4 in the Afternoon, during which time enquiries and searches may be made. Designs and Transfers are registered from 11 until 3.

Directions for Registering Ornamental Designs may also be procured at the Office.

By Order of the Registrar,

J. H. BOWEN, *Chief Clerk.*

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