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# B I L L

## To amend the Law of Copyright.

[Note.—The Words in the Bill printed in *Italics* are proposed to be inserted in the Committee.]

**W**HEREAS 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 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-first year of the reign of his Majesty King GEORGE the Third, intitued, "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 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the Copies and Copyright of Printed Books to the Authors of such Books, or their Assigns," be and the same are hereby Repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceedings at law or in equity pending at the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.

Printable.

1.  
Repeal of former Acts, 8 Anne, c. 19.

41 Geo 3, c. 107.

54 Geo. 3, c. 156 (extending Copyright in Books).

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2.  
Interpretation  
Clause.

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.

3.  
Copyright in any Book hereafter to be published in the lifetime of the Author, to belong to the Author and his Assigns for the Author's life, and for Sixty Years, commencing at his death; and if published after the Author's death, to belong to the Proprietor of the Manuscript for Sixty Years from the first publication thereof.

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 *Sixty* Years, commencing at the time of his death, and shall be the property of such Author and his assigns; and that the Copyright in every Book which shall be published after the death of its Author shall endure for the term of *Sixty* Years from the first publication thereof, and shall be the property of the Proprietor of the Manuscript from which such Book shall be first published, and his assigns.

4.  
In cases of subsisting Copyright, the extended Term to be enjoyed, 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

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 hereinafter 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

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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 to be entered in the Book of Registry hereinafter 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, and subject to such conditions as in such minute shall be expressed.

its extension shall be agreed to between the Proprietor and the Author.

And be it Enacted, That in case at any time after the expiration of such term of Copyright in any work as by law defined before and at the passing of this Act, and during the subsistence of the term of Copyright under this Act in any Book, such Book shall be out of print, and a period of *Five Years* shall have elapsed without the publication of an edition of such Book, it shall be lawful for any person desirous of republishing the same, to give notice by advertisement inserted in the London Gazette once in each week for *Three* successive weeks, and in cases where an entry of or relating to the Copyright of such Book shall have been made in the Registry hereinafter mentioned, by writing under his hand, addressed to every party who shall appear by such entry to be a proprietor of the Copyright of such Book, or to have any subsisting interest in such Copyright, and left at the last place of publication of such Book, and at the last known place of abode of every such proprietor and party interested as aforesaid, that the said Book is out of print, and that it is the intention of such person to republish the same; and it shall be lawful for such person, after the insertion of such advertisements, and the giving of such notice, where such notice shall be required, if no new edition of such Book shall in the meantime be published, at the expiration of *Twelve calendar Months*, to be computed from the time of the insertion of the last of such advertisements, and the giving such notice, to republish such Book for his own benefit, any thing herein contained to the contrary notwithstanding.

5.  
In cases where, after the expiration of the term of *Twenty-eight Years*, or the Author's life, a book shall be out of print, and *Five Years* shall elapse without the appearance of an edition, it shall be lawful for any person, after certain notice, to republish such Book, and to enjoy the Copyright therein.

And be it Enacted, That a printed Copy of the whole of every Book which shall be published after the passing of this Act, and also of any second or subsequent edition which shall be so published, with any additions or alterations, bound, sewed or stitched together, and upon the best paper on which the same shall be printed, together with all Maps, Prints or other Engravings belonging thereto, finished and

6.  
One Copy of every Book to be delivered at the British Museum.

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coloured in the same manner as the best Copies of the same shall be published, shall within *One calendar Month* after the day on which any such Book shall be first sold, published or offered for sale within the Bills of Mortality, or within *Three calendar Months* if the same shall be first sold, published or offered for sale in any other part of the United Kingdom, or within *Twelve calendar Months* if first 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.

7.  
Mode of delivering at the British Museum.

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, Good Friday and Christmas-day, to one of the Officers of the said Museum, or to some person authorized by the Trustees of the said Museum to receive the same, and such Officer or other person receiving such Copy is hereby required to give a receipt in writing for the same, and such delivery shall to all intents and purposes be deemed to be good and sufficient delivery under the provisions of this Act.

8.  
A Copy of every Book to be delivered within a Month after demand for the use of the following Libraries: Bodleian Library, Public Library at Cambridge, Advocates of Edinburgh, Trinity College, Dublin.

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 authorized by the Persons or Bodies Politic and Corporate, Proprietors and Managers of the Libraries following, (videlicet) the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, be delivered, 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.

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

on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same at such Library free of expense to such Librarian or other person authorized to receive the same (who is hereby required in such case to receive and 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 Officer of the Stationers' Company.

9.  
Publishers may deliver the Copies to the Libraries instead of the Stationers' Company.

And be it Enacted, That if any Publisher of any such Book, or of any second or subsequent Edition of any such Book, shall, having been thereunto lawfully required, neglect to deliver the same pursuant to this Act, he shall for any such default forfeit, besides the value of such Copy of such Book or Edition which he ought to have delivered, the sum of *Five Pounds*, to be recovered by the Librarian or other officer properly authorized of the Library for the use whereof such Copy should have been delivered in a summary way, on conviction before Two Justices of the Peace for the county or place where the Publisher making default shall reside, or by action of debt or other proceeding of the like nature at the suit of such Librarian or other officer in any Court of Record in the United Kingdom, in which action, if the Plaintiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

10.  
Penalty for default in delivering Copies for the use of the Libraries.

And be it Enacted, That a Book of Registry, wherein may be registered, as hereinafter enacted, the proprietorship in the Copyright of Books and assignments thereof, and in Dramatic and Musical Pieces, whether in manuscript or otherwise, and licenses 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 license as therein expressed, but subject to be rebutted by other evidence; and in the cases of Dramatic or Musical Pieces shall be *prima facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

11.  
Book of Registry to be kept at Stationers' Hall.

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,

12.  
Party making or causing to be made a

false Entry in the Book of Registry to be guilty of a Misdemeanor.

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.

13. Entries of Copyright may be made in the Book of Registry.

And be it Enacted, That after the *passing of this Act* it shall be lawful for the Proprietor of Copyright in any Book heretofore published, or in any Book hereafter to be published, to make entry in the Registry Book of the Stationers' Company of the title of such Book, the time of the first publication thereof, the name and place of abode of the Publisher thereof, and the name and place of abode of the Proprietor of the Copyright of the said Book, and of the interest of any person who may have been entitled to or interested in such Copyright, by virtue of any assignment, 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 of Copyright, and every person whose assignment or license shall appear in the said Registry, to assign his interest therein, or any portion thereof, 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: Provided always, That no original entry of the proprietorship of the Copyright in or to any Book hereafter to be published shall be made without the concurrence, expressed in writing, of the Publisher by whom such Book shall be published, according to the form in that behalf given in the said Schedule.

14. If any person be aggrieved by any entry in the Book of Registry, he may apply to the Lord Chancellor, Master of the Rolls, Vice Chancellor, Court of Law in Term, or Judge in Vacation, who may order such entry to be varied or expunged.

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 Petition, supported by Affidavit, to the Lord High Chancellor, Master of the Rolls or Vice Chancellor, or 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 Petition it shall be lawful for the Lord High Chancellor, Master of the Rolls or Vice Chancellor, upon hearing the matter of such Petition, if the parties petitioned against appear, or on due proof of the service of such Petition on all such parties as he shall think necessary, in case such parties do not appear, or upon being satisfied that reasonable ground exists for such parties not having been served with such Petition, to make such order for expunging, varying or confirming such entry, and as to the costs of such

such application, as to him shall seem just; and 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.

10 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, or any Book containing any portion of a Book in which there shall be such Copyright, to such extent as shall be injurious to the property therein, without the consent in writing of the Proprietor thereof, or shall import 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 cause to be sold, published or exposed to sale, or shall have in his possession for sale 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, and every such Proprietor shall in such action recover such damages as the Jury, on the trial of such action, or on the execution of a writ of inquiry thereon, where the trial shall be by Jury, or the Court in which such trial shall be had, where there shall be no Jury, shall give or assess (not being in any case less than *Forty Shillings*), with all costs of suit reasonably incurred, to be taxed as between attorney and client: 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; and in any such action where damages shall be awarded, all reasonable costs of suit or expenses of process shall be allowed as between attorney and client: Provided always, That nothing herein contained shall be construed to extend to the publication of any extracts fairly and bonâ fide made from any Book for the purpose of criticism, observation or argument, or to any translation of any Book into another language; but the Copyright in every translation shall be deemed to be the property of the Translator thereof and his assigns as though it were an original work.

15.  
Remedy for the Piracy of Books or parts of Books by Action on the Case.

Proviso for Scotland.

And be it Enacted, That after the *passing of this Act*, in any Action brought within the British Dominions against any person for

16.  
In Actions for Piracy, the Defendant to

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printing

give notice in writing of the objections to the Plaintiff's title or which he means to rely.

printing any such Book or portion of a Book as aforesaid, or for importing, selling, publishing or exposing to sale, or causing to be imported, sold, published or exposed to sale, any such Book or portion as aforesaid, 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, then the Defendant shall specify in such notice the name of the person who he alleges to have been the Author or first Publisher of such Book, or the proprietor of the Copyright therein, together with the title of such Book, and the time when and the place where such Book was first published, otherwise the Defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the Plaintiff in such action was not the Author or first Publisher of the Book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein; and at such trial or hearing no other 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.

17.  
Mode of proving the Publication and Identity of Books in Proceedings for Piracy.

AND whereas it would greatly tend to the suppression in the British Dominions of the piracy of Books first printed and published in the United Kingdom, wherein Copyright shall be subsisting at the time of the passing of this Act, if greater facilities than are now provided by law were given for proof in all the Courts of Her Majesty's Dominions of the publication of Books wherein Copyright shall subsist, and of the identity of Books wherein Copyright shall be claimed, with such Certificate of Registry as hereinbefore mentioned, and of the decrees, orders, judgments and proceedings in the Courts of the United Kingdom in all causes, petitions and proceedings relating to Copyright and the piracy thereof; BE it therefore Enacted, That after the *passing of this Act* the Officer of the said Company of Stationers shall, whenever thereunto reasonably required, upon production to him of any Book purporting to have been printed and appearing to him to have been printed within any part of the United Kingdom, corresponding in title, name and place of abode of the registered Publisher and Proprietor thereof, with the title, name and place of abode so entered in such Registry as aforesaid, to certify in the same Book or Copy under his hand and the seal or stamp of the said Company of Stationers, that  
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the same is a Book or Copy of the same Book to which such Certificate of Registry shall relate, on payment to him of the sum of Five Shillings, and such Book so certified, purporting to be signed by the officer making the same, and impressed with the seal or stamp of the Stationers' Company, shall at all times be admitted and received in all Her Majesty's Supreme and other Courts of Judicature in the British Dominions, in all proceedings under this Act, as *primâ facie* proof of the publication of such Book, and of the identity of the same, with the Book to which such Certificate of Registry shall relate; and that Office Copies of all decrees, orders, judgments and proceedings in any of the Courts of the United Kingdom, certified by the proper officer of such Courts to be true copies, and purporting to be sealed or stamped with the seal or stamp of such Courts respectively, shall at all times be admitted and received in all Her Majesty's Supreme and other Courts of Judicature in the British Dominions as sufficient *primâ facie* evidence of the several matters and things therein contained, without any other proof being required of the same, but subject to be rebutted by other evidence.

And be it Enacted, That after the *passing of this Act* it shall not be lawful for any person to import into any part of the United Kingdom, or into any other part of the British Dominions, for sale, any printed Book, first composed, or written or printed and published in any part of the said United Kingdom, and re-printed in any country or place whatsoever out of the British Dominions; and if any person shall import or bring, or cause to be imported or brought for sale 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 have in his possession for sale 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 shall cause to be sold, published or exposed to sale, or shall have in his possession for sale contrary to the true intent and meaning of this Act, to the use of the Proprietor of the Copyright in such Book.

18.  
No Person shall import into any part of the British Dominions for sale any Book first composed, &c. within the British Dominions and re-printed 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.

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, any Encyclopædia, Review, Magazine, Periodical Work, or Work published

19.  
Copyright in Encyclopædias, Periodical Works, and Works published in Series, to be

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in the Publisher or Conductor thereof, and proof of payment to the parties employed by him to be prima facie evidence of his property in their Articles.

Proviso securing the right of Authors who have reserved the right of publishing their Articles in a separate form.

20. Proprietors of Encyclopædia, Periodical Works, and Works published in Series to be at liberty to enter at once at Stationers' Hall, and thereon to have the benefit of the Registration of the whole Work.

21. The provisions of 3 & 4 Will. 4, extended to Musical Compositions, and the term of Copyright, as provided by this Act, applied to the liberty of representing Dramatic

lished in a series of Books or Parts, or any Book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles, or portions thereof, for publication in or as part of the same, and such Work, Volumes, Parts, Essays, Articles, or portions, shall have been or shall hereafter be composed under such employment, on the terms that the Copyright therein shall belong to such Projector, Publisher or Conductor, and paid for by such 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, and such Projector, Publisher or Conductor shall have all the remedies by this Act provided for the Proprietors of Copyright, shall be the property of such 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 : Provided always, 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 Projector, Publisher or Conductor as aforesaid.

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, 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.

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

Pieces and  
Musical  
Composi-  
tions.

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 hereinbefore 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.

20 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  
25 Dramatic Literary Property, during the whole of his interest therein, as fully as if the same were re-enacted in this Act.

22.  
The Propri-  
ctor of the  
right of Dra-  
matic Repre-  
sentation shall  
have all the  
Remedies  
given by the  
Act 3 & 4  
W. 4.

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 repre-  
30 senting 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.

23.  
No Assign-  
ment of Copy-  
right of a Dra-  
matic Piece  
shall convey  
the right of  
Representa-  
tion unless an  
Entry to that  
effect shall be  
made in the  
Book of  
Registry.

AND for the more speedy and effectual prevention of piracy of Copy-  
35 right, BE it Enacted, That after the *passing of this Act* it shall be lawful to and for the Lord Chancellor or Master of the Rolls for the time being in England and Ireland, and for the Vice-Chancellor in England for the time being, at any time, upon application by petition, in a summary way, and for the Court of Queen's Bench, or Court of  
40 Common Pleas, or Court of Exchequer in England and Ireland respectively, in Term time, and for any Judge of the said last-mentioned Courts, or any or either of them, in vacation, and for the Supreme Courts of

24.  
Power to  
grant Injunc-  
tions in case of  
Piracy

Judicature at Fort William, in Bengal, Madras or Bombay, and to  
 and for any of the Supreme or Upper Courts of Judicature in any part  
 of Her Majesty's British Dominions not hereinbefore particularly men-  
 tioned, upon application by motion, in a summary way, supported by  
 affidavit, or such other evidence as shall be produced in support of the  
 same, after hearing, or on due proof of service of such petition, or of  
 notice of such motion upon all such parties as he or they shall think  
 necessary, or in case any such party or parties shall not have been  
 served with such petition or with notice of such motion, upon being  
 satisfied, by affidavit, that reasonable ground exists for such party or  
 parties not having been so served, or if he or they shall think fit,  
 without hearing any party, to make such orders for the issuing of an  
 Injunction to restrain the printing, publishing, selling, disposing of and  
 exposing to sale of any Book which, without the consent in writing first  
 had and obtained of every person who shall appear by such registry as  
 aforesaid to be interested in the Copyright of any Book wherein copy-  
 right shall subsist, shall have been copied from such Book, or any part  
 thereof, and for the issuing of an Injunction to restrain the sale of any  
 Book so unlawfully imported as aforesaid, or for the issuing of an  
 Injunction for any of such purposes, and for the continuing and  
 enforcing or dissolving any such Injunction, as according to the course  
 and practice of each of such Courts respectively can or may now be  
 made in a suit regularly instituted; and also in any case where any  
 such Injunction as aforesaid shall have been issued upon the like  
 application as aforesaid, supported as aforesaid, to make such order for  
 or on account of the profits of or arising from the sale of any Book  
 which, without such consent as aforesaid, shall have been copied in the  
 whole or in part, or which shall have been so unlawfully pirated or  
 imported as aforesaid, wherein Copyright shall subsist, as according to  
 the course and practice of such Courts respectively can or may now be  
 made upon the hearing of a suit regularly instituted; and also upon the  
 making of any such application as aforesaid, or at any time afterwards  
 upon the like application as aforesaid, supported as aforesaid, to make  
 such order as to the costs of such applications as aforesaid, or any of  
 them, as to them or him shall seem meet; and that every order so made  
 as aforesaid shall be of the same force and effect, and shall be carried  
 on and prosecuted and enforced in the like manner and to the like  
 processes as the same or the like orders made in any suit regularly insti-  
 tuted can and may according to the course and practice of such Courts  
 respectively now be carried on, prosecuted and enforced, and that every  
 such order shall be final and conclusive to all intents and purposes:  
 Provided always, That upon any such application as aforesaid for the  
 issuing, continuing or dissolving any such Injunction as aforesaid being  
 made to any such Court or Judge as aforesaid, it shall be in the discretion  
 of the said Court or Judge to direct a Bill to be filed, or an action to be  
 brought

Proviso for  
Scotland.

brought, or an issue to be tried for establishing the right of the party applying or who shall have applied for such Injunction, and in the meantime either to grant, or continue or dissolve, or refuse to grant, continue or dissolve such Injunction, or to impose such terms upon the party  
5 by or against whom the same shall be or shall have been applied for as to the said Court or Judge shall seem meet: Provided always, that nothing herein contained shall prevent the Courts of Law in Scotland from granting to the Proprietor of any Copyright under this Act, in case of any infringement, actual or intended, of such Copyright, such  
10 remedy, by interdict or otherwise, as they have been used to grant before the passing of this Act.

And be it Enacted, That in all cases in which application shall, under the provisions of this Act, be made to the Supreme Courts of Judicature at Fort William, in Bengal, Madras or Bombay, or to  
15 any of the Supreme or Upper Courts of Judicature in Her Majesty's other British Dominions not hereinbefore particularly mentioned, for the issuing, continuing, enforcing or dissolving any such Injunction as aforesaid, a Copy of the Book to which such application shall relate, having therein such certificate of publication and identity as aforesaid,  
20 shall, unless rebutted by other evidence, be and be deemed sufficient evidence of such publication and identity, and a copy of any entry contained in the said registry in relation to such Book, bearing date at any time within *Twelve* calendar Months next before the hearing of such application, and so certified, and purporting to be  
25 signed and bearing such seal or stamp as aforesaid, shall, unless rebutted by other evidence, be and be deemed sufficient evidence of the Copyright in such Book being vested in and belonging to the person to whom the same shall by the said copy of the said entry appear to belong.

25.  
Mode of  
proving  
Copyright,  
&c., in Colo-  
nial Courts.

And be it Enacted, That all Copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book, and which shall have been unlawfully printed or imported without the consent of the registered Proprietor of such Copyright, in writing under his hand first obtained, shall be deemed to  
35 be the property of the party registered as the immediate Proprietor of such Copyright, 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  
40 the conversion thereof in an action of Trover; and it shall be lawful for any Two Justices of the Peace for the county, city, division, place, settlement, or colony, wherein such Copies of any Book shall be found, upon the information and complaint of such registered Proprietor of the Copyright or his Attorney, to summon before them

26.  
Books pirated  
shall become  
the Property  
of the Pro-  
prietor of the  
Copyright,  
and may be  
recovered by  
Action, or  
seized by  
Warrant of  
Two Justices.

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the party in whose possession such Copies shall be found, and on proof of the entry of such Book in the said Book of Registry and of the printing thereof, without such consent of the registered Proprietor, and of demand in writing made of the party in whose possession such Copies shall be, to issue their warrant for the seizure of such Copies, 5  
 and for the delivery thereof to such Complainant or his Attorney :  
 Provided always, That such warrant shall not be holden conclusive as against the possessor of such Copies of his right to the same, but that he may question the right to issue such warrant in any action of Trespass to be brought against the party on whose complaint 10  
 such warrant shall be granted : Provided always, That no action shall be brought against any Justice, Constable or Officer acting bonâ fide in the execution of the powers of this Act.

27.  
 No Proprietor of Copyright, commencing after this Act, shall sue or proceed for any Infringement before making entry in the Book of Registry.

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 20  
 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 25  
 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.

28.  
 Copyright shall be personalty.

And be it Enacted, That all Copyright shall be deemed personal 30  
 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 movable estate.

29.  
 Saving the Rights of the Universities and the Colleges of Eton, Westminster and Winchester.

Provided always, and be it Enacted, That nothing in this Act contained shall affect or alter the rights of the two Universities of Oxford 35  
 and Cambridge, the Colleges or Houses of Learning within the same ; the four Universities in Scotland ; the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, and the several Colleges of Eton, Westminster and Winchester, in any Copyrights 40  
 heretofore and now vested or hereafter to be vested in such Universities and Colleges respectively, any thing to the contrary herein contained notwithstanding.

Provided

5 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, anything herein contained to the contrary notwithstanding.

30.  
Proviso for saving all Rights and all Contracts and Engagements subsisting at the time of passing this Act.

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.

31.  
Act to extend to all parts of the British Dominions.

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

32.  
Act may be amended or repealed during the present Session.

## SCHEDULE to which the preceding ACT refers.

### —No. 1.—

#### ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT of a BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
[Date] - -	-- [Here set out the title of the Book.]	- - A. B., of Piccadilly, London.	-- C. D., of Edinburgh, Esquire.	[Date.]

### —No. 2.—

FORM of CONCURRENCE of the PUBLISHER of a BOOK, first entered to be signed by him, and delivered to the Office of the Stationers' Company previous to such Entry.

I, A. B., of [name of Publisher, and place in which he carries on business],  
 Bookseller and Publisher, do hereby certify, That I am [or, am about to be] the Publisher of a Book, entitled  
 [here set out the title of the Book], and that I concur in the entry to be made thereof in the Registry Book of  
 the Stationers' Company, according to the particulars hereunder written. Dated this                      day of  
 18                      .

[Here set forth the proposed Form of the Entry.]

A. B.

### —No. 3.—

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

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
1st Sept. 1839.	-- [Set out the title of the Book, and refer to the page of the Registry Book in which the original entry of the Copyright thereof is made].	- - A. B., of Edinburgh, Esquire.	- - C. D., of Cheapside, London, Bookseller and Publisher.





1841  
JAN 29  
23/10/2011

Copyright.

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**B I L L**

To amend the Law of Copyright.

(Prepared and brought in by  
Mr. Serjeant Talfourd, Sir Robert Harry  
Inglis, Lord Viscount Mahon, and Mr.  
Gladstone.)

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Ordered, by The House of Commons, to be Printed,  
29 January 1841.

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*Under 3 oz.*