

English copyright works "exchanging and abandoning their full and undoubted rights for an excise of 12½ per cent. on the sales." If the proposal was, that they should abandon these rights in *England, where the exercise of them has been fully secured*, the case would be different; but in Canada these rights have hitherto been entirely worthless because, so far from being secured, the "exclusive right and liberty to multiply and sell" has been neutralised by the freedom enjoyed by United States publishers to print and sell the same books on the other side of a long line of frontier, without its being possible to prevent their being smuggled into Canada. Under these circumstances, so far from objecting to Canadian publishers reprinting the "Lays," and Macaulay's other works, and giving me "12½ per cent. upon the retail price of all copies printed, to be paid before any publication," I should consider this a liberal and advantageous arrangement, and should encourage Canadian publishers to avail themselves of it to the utmost possible extent. If the majority of those present at the meeting in Albemarle Street, two years ago, acting under the influence of your legal adviser, had not rejected this offer, I should by this time have profited largely by it, even to getting a revenue on books printed in Canada for sale in the United States; instead of which, owing to the rejection of the offer, Canadian publishers have been forced to transfer their plant to the other side of the frontier, where they swell the mass of reprinting carried on without any acknowledgment of the rights of the owners of the copyrights. I instance my own case *by way of example*, but the owner of every English copyright work which is popular in Canada and the States has equally suffered by this mistaken decision.

Then you say, "I think it possible that, as in the United States, the printers and paper makers here might find their interests affected, and, as in the U.S., do all they can for themselves." By all means let them advocate their interests by every fair argument, but, in this case, they would be rather benefited than damaged; for whereas there is now unlimited reprinting of English copyright works in the United States, without any payment to the copyright owners, the proposal is that a check should be imposed upon this, by accepting the offer of the Canadian publishers to give our copyright owners 12½ per cent. on their sales, if they are allowed to reprint in competition with the Americans. The result, therefore, would be, that the local reprints would be partially subjected to a charge, instead of being entirely free; and English editions would be in as great request as ever among the rich, with the advantage of a rather less unlimited competition from local reprints.

I am persuaded that Mr. Appleton's Bill will not pass. The Americans will never submit to an absolute monopoly on the part of foreign authors and their assignees, so that they might fix the price of their books without fear of competition; nor, in my opinion, is it right that it should be so, either in the United States or Canada. Such an absolute monopoly is only possible under the protection of the municipal law of the countries in which the books were originally produced. As regards other countries, the owners of the copyrights must be content with some more general acknowledgment, which, like a circle in the water, would increase in diffusion as it diminished in intensity.

Our best course, in my opinion, will be to leave the United States to go their own way, but to make an immediate arrangement with Canada on the basis offered by them. At the present relative prices of labour and material in Canada and the States, this would lead to a partial transfer of the reprinting business from the States, where English authors get nothing, to Canada, where they would get 12½ per cent., with the probable ultimate result that the United States also would agree to allow authors, or their assignees, a per-centage on the sale of the reprints of their works, on condition that American authors were allowed the same privilege in England.

This arrangement would be equally applicable to the other British Colonies and India, which are at present deluged with United States reprints of English copyright works. Being founded on strictly equitable and workable principles, it is universally applicable.

The Act of Parliament passed to sanction the arrangement with Canada should, of course, prohibit the introduction into England of reprints of English copyright works from any quarter.

Lastly, I would submit that the circumstances call for early and decided action. We must not be "like dumb driven cattle." You would do well to confer with Sir John Rose, who was the great promoter of the Canadian compromise, and you are at liberty to show him anything I have written to you.

Sincerely yours,

T. Longman, Esq.,
&c. &c.

C. E. TREVELYAN.

B. (See Question 2.)

LETTERS FROM SIR CHARLES TREVELYAN TO THE EDITOR OF THE ATHENÆUM ON INTERNATIONAL COPYRIGHT.

May 6, 1872.

ALL property, even the most substantial, is the creature of law, by which it is moulded and modified in any manner required by the public good. The recent action upon landed property in Ireland suffices as an example. An author's property in his thoughts, which would otherwise become common to all the world the moment he had uttered them, is the last-born of modern legislation, being possible only in an advanced state of civilization.

The particular form usually given to literary property is that of the exclusive power of multiplying copies by the author or his assignees, in other words, a monopoly. This has caused a prevailing high price of books in England, which has been mitigated by the expedient of circulating libraries. As a general rule, people here do not themselves buy copyright works, but become members of a joint-stock company for the purpose of purchasing them, so that the same book suffices for a large number of readers.

In North America, including Canada as well as the United States, the case is different. It is our high privilege to provide nearly the whole of the literature of the English-speaking communities which sprang from this country. As no copyright has hitherto been allowed to English authors in the United States, our books are multiplied there merely for the cost of the paper and printing.

In Canada this cannot be done, because our Copyright Act is still law there; but under an Act passed in 1847, United States reprints of English copyright works can be imported into Canada upon payment of 12½ per cent. for the benefit of the author; and as it is difficult to prevent smuggling along a line of 3,000 miles of open frontier, they are practically imported duty free. The forty-four millions of North Americans have therefore become thoroughly accustomed to cheap literature as a national habit. Circulating libraries are unknown, and everybody, even in the remotest backwoods, obtains the latest new publication for his own special use.

Obviously this is a state of things to which the English law of copyright is not applicable.

No less than four Bills for the settlement of international copyright on this principle have been brought before Congress, but it is understood that there is not the remotest chance of any one of them passing. The people of the United States will not invest any person with the power of indefinitely enhancing the price of the books upon which they and their children are nourished. There is now every disposition to admit the just claims of English authors, but not by means of a monopoly. A fifth Bill has recently been brought in by Senator Sherman, brother of General Sherman, proposing to give authors or their assignees five per cent. upon the retail price, and it is believed that the question will be settled on this principle.

In Canada a more distinct issue has been raised. Three years ago the Canadians offered to pay a real 12½ per cent. on the retail price of English copyright works, provided they were allowed the same advantage of reprinting them which was enjoyed by the people of the United States. Having assumed the burdens and risks of independence, Canada thinks it equitable that she should also have the substantial advantages. In common with the United States, she is ready to give British authors their due; but as this is a matter of positive law, in reference to which every Government is bound to consult the welfare of its subjects, the Ministers of the "Dominion," like those of the "States," repudiate the principle of monopoly and accept that of a royalty. Every party concerned would be benefited by this arrangement. Authors and their assignees, instead of getting nothing at all, would obtain as high a rate of remuneration as the peculiar conditions of the Transatlantic book-market would allow; Canadian printers would find employment in their own country, instead of being driven to the United States for occupation; and, notwithstanding the royalty, the Canadian public would get their books cheaper than if they had to import them from the States.

There is one point upon which every English-speaking people, whether emancipated from all allegiance except that of affection for the mother country, or still in a position of liberal dependence, heartily sympathizes, namely, on all that concerns their common language and literature. This bond of union combines the entire Anglo-Saxon race in a confederation for the liberty and enlightenment of mankind, which is not less real because the great writers on international law were unconscious of it, and its integrity

is unguaranteed by any liability to "indirect claims." The merit of the North American proposal is, that it provides a simple elastic rule, which is universally applicable. Canada, Jamaica, Australia, New Zealand, and the group of settlements which acknowledges the Cape of Good Hope for its head, will all, in turn, desire to reprint our English copyright works, making due acknowledgment to the authors or their representatives. India is an Anglo-Saxon empire, and although English is not the vernacular language, it has been adopted as the language of commerce, public business, education, and literature. There is no country where there is a greater demand for our classical writers than in India. Even among the widely-extended seaboard populations of China and Japan, English is the common medium of international intercourse, until we again meet it firmly established as the vernacular of California and Columbia.

The author's royalty might be fixed at ten per cent. on the retail price. At home he would continue to get whatever might be prescribed by the municipal law of his own country; but to whatever extent his works might be reprinted abroad, it would be under license from the respective Governments, and his percentage would be paid before a single copy was permitted to be sold. It will be seen at a glance how much better this would be for authors than if they had to negotiate separately through the publishers of the different countries. With the United States, of course, it would be a matter of purely international negotiation; but as regards Canada, Australia, India, and the other members of the British Empire, it might be done by an Act of Parliament, passed by consent, enabling those British dependencies which complied with the conditions to participate in the advantages of the arrangement.

C. E. TREVELYAN.

In continuation of my previous letter, I have much pleasure in sending you the opinion of three eminent men in support of the Canadian proposal for the settlement of the copyright question.

C. E. TREVELYAN.

From Mr. CARLYLE.

Chelsea, April 1, 1872.

I HAVE read your decisively clear little pamphlet, and have the satisfaction of altogether assenting and approving. I am much mistaken if that is not the shortest, simplest, and completest method of settling the whole copyright question in this Yankee instance. Some weeks ago I signed a petition drawn up by Huxley, which probably you have seen, accepting cheerfully the American offer to English authors, and leaving English publishers entirely to their own devices in the matter, which latter class of persons, as you justly urge, should never have been imported into the discussion at all. This Huxley petition I have heard somewhere is not to be granted, whereupon I gladly fall back on your proposal, and indeed, from the first, should have preferred it as the really practical method. If you can push forward this proposal of yours to a victorious issue, I shall, out of public spirit, have a true satisfaction; though, for my own poor share, taking little or no interest in the question for a good while past.

From Mr. FROUDE.

Onslow Gardens, May 12.

MR. Carlyle desires me to tell you that he entirely sympathizes with your view of the copyright question, and that you may make any use you please of the letter which he wrote to you if you think the publication of it will be of use. . . . May I add for myself also that I am perfectly satisfied that you are right, and that we cannot do better than accept the Canadian proposal.

From Mr. KINGLAKE.

Hyde Park Place, April 22nd.

I CANNOT doubt that you are quite right in your judgment as to the true interest of copyright owners; and I am inclined to go further, and say that "the attempt to force Canada to concur in supporting the monopoly enjoyed by copyright owners in England is a bad and wrong piece of imperial legislation."

C. (See Question 12.)

CORRESPONDENCE between SIR C. TREVELYAN and GENERAL BADEAU, CONSUL GENERAL of the UNITED STATES.

DEAR GENERAL BADEAU, 8, Grosvenor Crescent, May 12th, 1872.

It has long appeared to me that there was one point on which we might all meet. Your people are of the same race, and have the same language and literature as our-

39265.

elves, the Canadians, Australians, and other branches of the great Anglo-Saxon family. This is not entirely a sentimental bond of union; but even if it were, genuine well-directed sentiment is stronger than material interest.

The time has, I think, arrived when this bond may be realised with interest. Authors have always been a popular class, the feeling towards the more eminent of them being compounded of admiration and gratitude. It is still the high privilege of the old mother country to supply the bulk of the literature upon which her glorious daughter is nourished; and our authors have this standing grievance against you, that for this great service they receive no remuneration. You know how keenly Dickens felt this, and how warmly he expressed it, so warmly that American society was at first disposed to be angry. But now that the lamp has been prematurely burned out, your people agree that it is not right that, so far as the forty millions of America are concerned, the labours of his life should have been without benefit to himself or his family.

These are as real as the Alabama claims, and they cannot be put off by being called "indirect." But they are entirely a debt of honour. That your people have become sensible of the obligation is plain from the five bills which have lately been introduced into Congress on the subject of international copyright. The difficulty now is only one of detail. Your people, rightly I think, object to give to any one a monopoly which would deprive them of the privilege of cheap literature they have hitherto enjoyed. The question, therefore, is whether any mode can be devised whereby the claims of our authors can be reconciled with those of your millions.

It is believed that free reprinting subject to a moderate royalty, would meet the case. In other words, your people would continue to have an unlimited power of reprinting our copyright works, but they would pay an allowance to the authors or their representatives in the shape of a percentage on the retail sales. This principle would be applicable, not only to the United States, but also to the whole English-speaking race in every part of the world. It would even include the Anglo-Saxon empire of India, where our common language has been adopted as that of education, commerce, and official business. They would all be united in one great confederacy, the rules of which would be that each member of it would enact what laws it pleased about copyright within its own limits, but when their copyright works were reprinted within the limits of other members of the confederacy, they would be subject to an uniform royalty of say 10 per cent.

This question has occupied my attention for some time past, and the latest expression of my opinion upon it is a letter in the last number of the "Athenæum," a copy of which I have the pleasure of enclosing.*

I am, &c.

General Badeau, C. E. TREVELYAN.
Consul General of the United States.

7, Victoria Square,

July 17th, 1872.

MY DEAR SIR CHARLES,

I HAVE great pleasure in forwarding you a copy of an extract from a dispatch which I have received from the State Department at Washington, acknowledging the receipt of your communication on the subject of "International Copyright." The article in the "Atlantic Monthly" referred to, was written by Mr. Charles Hall, the Assistant Secretary of State, and the writer of the dispatch quoted. I am a subscriber to the magazine mentioned, and will look over my files, and, if possible, send you the number for April.

I am, &c.

Sir Charles Trevelyan, ADAM BADEAU.
&c. &c.

Department of State.

SIR,

Washington, July 2nd, 1872.

YOUR despatch, No. 220, under date of 25th May, covering a communication from Sir Charles Trevelyan on the subject of International Copyright has been received.

The communication has been read with the interest which naturally attaches to the subject, and with the attention which is due to the high reputation of the writer.

The idea of Sir Charles Trevelyan is not wholly novel. Some observations in a somewhat similar sense may be found in a paper contributed to the "Atlantic Monthly" for April 1863, and printed at pages 495 and 496 of the eleventh volume of that magazine. This paper contains a report of some observations of Mr. Buckle on the subject.

Any conversation you may have with Sir Charles

* See the preceding letters to the Athenæum.

Trevelyan on this subject, will, of course, be informal and unofficial, as the Department does not at present contemplate any action with reference to International Copyright, the next steps to the establishment of which, if any, must be awaited from Congress.

I am, &c.
(Signed) CHARLES HALL,
Acting Secretary.

Adam Badeau, Esq.
Consul General of the United States,
London, England.

Consulate General of the United States of America,
London E.C. July 27, 1872.

MY DEAR SIR CHARLES,

I have not been able to find the copy of the "Atlantic Monthly" of which I wrote to you a week or two ago, but have obtained a copy of the important part of Mr. Hall's article, which I beg to enclose.

I am, &c.
ADAM BADEAU.

Sir C. Trevelyan,
&c. &c.

We got upon the inevitable subject of international copyright, which he (Mr. Buckle) discussed in a spirit of remarkable candor. His own experience was this, that the Messrs. Appleton reprinted his first volume without compensation, asking him to furnish materials for a prefatory memoir, of which request he took no notice; afterwards, when the second volume was published, they sent him something, I believe fifty pounds. In due course of time, receiving a request from Theodore Parker to that effect, he wrote a letter to aid him in the preparation of a memoir for the Messrs. Appleton's Cyclopædia.

I pointed out to Mr. Buckle the very important distinction between copyright for the British author and monopoly for the British publisher. I told him that the American people and their representatives in Congress could not have the least objection to paying a trifling addition to the cost of books, which would make, upon the immense editions sold of the popular books, a handsome compensation to the foreign authors,—but that they have very decided objections to the English system of enormously high prices of books. I instanced to him several books which can be bought in the United States for a quarter or half a dollar, while in England they cannot be purchased for less than a guinea and a half, that is for seven or eight dollars,—although the author gains very little by these high prices which, indeed, would be absolutely prohibitory of the circulation of the books in the United States.

And since the great literary market of the United States has been created at the public expense by the maintenance of a system of universal education, it is perhaps not unreasonable that our legislators should insist upon preserving, by the competition among publishers, the advantage of low prices of books, in pursuance of a policy which looks to a wide circulation. In Great Britain the publishers follow a different policy, and insist on selling books at high prices to a comparatively small circle of readers.

Mr. Buckle was kind enough to listen attentively to this sort of reasoning, and had the candor to admit that it is entitled to some degree of weight. Indeed, he said at once that he had earnestly wished to bring out a cheap edition of his own book in England (omitting the notes and references) for the use of the working classes, of whose appreciation, as I have previously mentioned, he had perceived many gratifying proofs; he had made his arrangements for this purpose, but was prevented from carrying them out by the opposition of his publishers, who objected that such an edition would injure their interest in the more costly edition. But Mr. Buckle freely declared that he would, in his circumstances, rather forego the profit on the sale of his book than restrict its circulation. I may, perhaps, be permitted to mention that another English author related to me his home experience, precisely to the same effect, in which the vested interests of his publishers thwarted him in his wish to publish an edition of his writings at a low price for general circulation.

It is quite certain that the British public must themselves be disenthralled from the tyranny of high prices with which they are now burdened, before they can ask to bring another land under the dominion of their exclusive system in literature.

This conversation led to a description of the reading public in America, of the intelligence and independence of our working people, of their habits of life and of thought, about which Buckle manifested great interest, asking many intelligent questions.

D. (See Question 83.)

EXTRACT FROM A LETTER TO SIR JOHN ROSE, BART.,
K.C.M.G., ON THE CANADIAN COPYRIGHT QUESTION
FROM TWO MEMBERS OF THE NATIVE BOOK TRADE
—JOHN LOVELL, of Montreal, and G. MERCER
ADAM, of Toronto.

We regret to find certain of the publishing trade, in connection with the Copyright Association here, suggesting a proposal designed by them as a compromise to our scheme, and which, were we to entertain, would neutralise if not imperil all we hope to gain, for all interests, by the operation of our Act. These gentlemen, as you may be aware, object to granting us unrestrained license, even on the plan of our Act, to reprint English copyrights; and, though conceding to us, in theory and conditionally, local publication for our market, they wish to retain to themselves the privilege of enregistering copyright of their publications in Canada, to the exclusion of the American reprint, unless a Canadian edition is not arranged for within a certain period; and to necessitate our publishing firms to negotiate for the right to republish in the instance of every copyright issued here which they may desire to reprint.

The effect of this would be to nullify all that is certain to be secured by our Act to the copyright-owner, and would place our people in a worse position in regard to their intellectual wants than they have hitherto been.

To insist upon this condition, it seems to us that we had better let the present state of things abide; for though the author's interests now "go by the board," our people have the boon of the American reprints, which would be denied us under the proposed scheme of the Copyright Association, unless we place ourselves at a disadvantage with the American, and bring ourselves into competition with his trade in the negotiation for advance sheets for our market, for which, in many instances, doubtless, we would be outbid by him. And that we would be outbid it is safe to presume, as the American publisher, having a much larger field, and consequently a more remunerative market, would, doubtless, make it a condition of giving anything to the English copyright-owner that he should have the monopoly of the markets of the whole American continent, including that of Canada.

Moreover, in compelling us to treat with the English publisher for the right of reproduction, time would necessarily be lost, and delays occur in the process, of coming to terms, at a period most critical to all interests in supplying the market, and just at the time when the American producer is free to manufacture and flood the Continent with his edition, in which our intended competing one would have no chance of sale, owing to its late issue and the conditions imposed upon the Canadian publisher.

It may be replied to this that, under the Association scheme, copyright would be secured in Canada by the owner, and our market would be protected in favour of the native reprint; but could we rely upon this, when our people, debarred by its expense from purchasing the original English library edition, and whilst a tardy native one was in process of being negotiated for, find a cheap and expeditiously reproduced American edition to their hands across a long and ill-defined boundary line? Or could we rely upon this, further, supposing the American edition out of reach altogether, if, in the time lost in negotiating, the period of demand for, and interest in, a publication is allowed to pass before the authorised reprint is put upon the market?

It may be that in the case of a few leading publishing houses on this side care would be taken that, either before or simultaneously with publication in England, a Canadian edition would be arranged for; but how would it be in the case of stray, out-of-the-way houses here, whose books are possibly ephemeral in their character, yet the current of thought and public attention to their subject at the moment gives them prominence, and for which there would be demand in Canada, and it might be found desirable and remunerative to reprint?

Certainly in such, and possibly frequent, an event, both our people and the copyright owner would suffer by the inability of our trade to supply the work at once; or, should our people insist upon supplying themselves, it would be by a process distasteful to them, and though it would merit reproof, yet such a course would be forced upon them by the circumstances under the contemplated compromise.

The author, besides, in insisting upon overtures first being made to the English publisher prior to reprinting, has no advantage in the proposed plan, as it may reasonably be presumed he would receive no more in the sum arranged for by the negotiating publisher than he would receive in the royalty accruing to him from the duty levied by the Act just passed by us. And referring to the royalty

(12½ per cent. on the wholesale price of the reprint) arranged for in the Act to be levied, in the author's interest, on the editions reprinted by the Canadian publisher, it cannot be questioned that the amount of this allowance, and the arrangement by which it is to be collected and secured to the copyright owner, are as satisfactory as could well be made; particularly so when it is considered that our Government makes and transmits to the author the full royalty, without cost of collection or transmission, and that the native publisher assumes all risks in the reprints undertaken, and levies no charge upon the owner of the work for commission, advertising, and

the many items which materially reduce the return to authors on the sale of their works in the English market. Further, as one of the great motives in reprinting in Canada for years to come, and until our native demand grows to greater proportions, is to manufacture for the large markets adjacent to us, and which, from our facilities of reproduction and cheaper labour, we are enabled to compete for, thus to hamper us by first negotiating with the owner here, which to the American is unnecessary, is to close the door upon this purpose, and to lose to the English author all that might be gained for him in the royalty he would receive on the editions disposed of in that field.

APPENDIX No. II.

PAPERS delivered in by MR. SHARON G. TURNER, 23rd May 1876.
(See Question 617.)

A.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP.)

To the Registering Officer appointed by the Stationers' Company. Fee 5s.

I, _____ of _____, do hereby certify, That I am the Proprietor of the Copyright of a book, intituled _____; and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such Copyright, according to the particulars underwritten.

(Every particular given must be clearly written.)

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

Dated this _____ day of _____, 187 .
Witness _____ (Signed)

N.B.—Office Hours from Ten to Four.

B.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING IN ANY BOOK PREVIOUSLY REGISTERED).

To the Registering Officer appointed by the Stationers' Company. Fee. 5s.

I, _____ of _____, being the Assigner of the Copyright of the Book hereunder described, do hereby require you to make entry of the Assignment of the Copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright.*

* * The date of the previous Registration or Assignment must be given here. } * Qy. abode. See Sec. 13.

[Form for all Assignment of Books (including Music, Dramatic Composition) under English Act, and for Assignment of every description of Copyright under International Acts.]

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

N.B.—Office Hours from Ten to Four.

C.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP OF DRAMATIC PIECE OR MUSICAL COMPOSITION.)

To the Registering Officer appointed by the Stationers' Company. Fee 5s.

I, _____ of _____, do hereby certify, That I am the Proprietor of the Liberty of Representation or Performance of a Dramatic Piece or Musical Composition, intituled _____ and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such Liberty of Representation or Performance, according to the particulars underwritten.

(Every particular given must be clearly written.)

Title of Dramatic Piece or Musical Composition.	Name and Place of Abode of the Author or Composer.	Name and Place of Abode of the Proprietor of the Liberty of Representation or Performance.	Time and Place of First Representation or Performance.

Dated this _____ day of _____, 187 .
Witness, _____ (Signed)

N.B.—Office Hours from Ten to Four.

D.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING ANY PIECE OR COMPOSITION PREVIOUSLY REGISTERED.)

To the Registering Officer appointed by the Stationers' Company. Fee 5s.

I, _____ of _____, being the Assigner of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition* hereunder described, do hereby require you to make entry of the Assignment of such *Liberty of Representation or Performance*.

Title of Dramatic Piece or Musical Composition.	Assigner of the Liberty of Representation or Performance.	Assignee of the Liberty of Representation or Performance.
<p>*** The date of the previous Registration or Assignment must be given here. }</p>		

Parties must attend in Person or by Agent. No Correspondence entered into.

Dated this _____ day of _____, 187 .

Witness, _____ (Signed)

N.B.—Office Hours from Ten to Four.

E.

(MEMORANDUM FOR REGISTRATION UNDER COPYRIGHT (WORKS OF ART) ACT.)

To the Registering Officer appointed by the Stationers' Company. Fee 1s.

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

(Every particular given must be clearly written.)

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

Dated this _____ day of _____, 187 .
(Signed)

N.B.—Office Hours from Ten to Four.

F.

(LA FORME POUR REQUÉRIR L'ENREGISTREMENT DE PROPRIÉTÉ À STATIONERS' HALL, LONDON.)

A Monsieur le Registraire nommé par la Corporation des Libraires.

Moi, _____ de _____ je certifie par ceci, que je suis le Propriétaire du Droit d'Auteur d'un Livre, intitulé _____ et je vous requies par ceci d'inscrire sur le Livre d'Enregistrement de la Corporation des Libraires ma Propriété du tel Droit d'Auteur selon les détails ci-dessous écrits.

Le Titre du Livre.	Le Nom et la Demeure de Auteur ou du Compositeur.	Le Nom et la Demeure du Propriétaire du Droit d'Auteur.	L'Epoque et le Lieu de la première Publication.

Daté ce _____ jour de _____ 18 .
Témoin, _____ (Signé)

N.B.—Il faut que tous les détails soient écrits très clairement.

Original entry.

Form under International Copyright Act.

This Form is at present used for every work, whether Book, Print, Piece of Sculpture; whether French, German, &c. &c.

APPENDIX No. III.

ANALYSIS of the STATUTE LAW of COPYRIGHT.

(By the Secretary to the Commission.)

REFERRED to in the EVIDENCE of FREDERIC RICHARD DALDY, Esq.

(See Question 970.)

The Imperial Statutes relating to the law of copyright may be arranged in ten distinct classes, according to the branch of the subject to which they refer, though in some cases it happens that the same Act, by incorporation or otherwise, relates to more of these classes than one. In the following analysis this classification has been retained, and it is as follows:—

1. Books.
2. Musical Compositions.
3. Dramatic Pieces,
4. Lectures.
5. Engravings, Etchings, Lithographs, Prints, &c.
6. Paintings, Drawings, and Photographs.
7. Sculpture.
8. Designs.
9. Colonial Copyright.
10. International Copyright.

I.—COPYRIGHT IN BOOKS.

The statutes relating to copyright in books are 5 & 6 Vict. c. 45; 16 & 17 Vict. c. 107; and 18 & 19 Vict. c. 96.

The statute 5 & 6 Vict. c. 45, which is the principal Act on the law of copyright, extends (sec. 29) to the United Kingdom and to every part of the British dominions. The provisions of this Act are frequently incorporated by reference in other statutes, and thus relate to other branches of the law of copyright than copyright in books.

5 & 6 Vict. c. 45. s. 29.
Extent of "Act."

DEFINITION OF TERMS:

- (a.) The word "book" means "every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published."
- (b.) The words "dramatic piece" mean "every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment."
- (c.) The word "copyright" means "the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied."

5 & 6 Vict. c. 45. s. 2.
Meaning of "book."

"Dramatic piece."

"Copyright."

PERIOD OF COPYRIGHT IN BOOKS:

- (a.) If published during the author's lifetime, for his life and seven years after death, or for 42 years from publication, whichever shall last expire.
- (b.) If published after the author's death, 42 years from publication.

5 & 6 Vict. c. 45. s. 3.
Publication during author's life.
After death.

PROPERTY IN COPYRIGHT:

- (a.) If the book be published in the author's lifetime, the copyright belongs to him and his assigns.
- (b.) If published after the author's death, to the proprietor of the manuscript and his assigns.
- (c.) As to encyclopædias, reviews, magazines, periodical works, or works published in a series of books or parts for which various persons are employed by the proprietor to write articles. If the articles are written and paid for on the terms that the copyright therein shall belong to the proprietor of the work, the same rights belong to him as to the author of a book, except in one particular, in which particular a difference is made between essays, articles, or portions of reviews, magazines, or periodical works of a like nature, and those of encyclopædias. In the case of the former (but not of encyclopædias), the right of separate publication reverts to the author after 28 years for the remainder of the period of the copyright, and during the 28 years the proprietor of the work cannot publish the articles separately without the consent of the author or his assigns. Authors can, however, by contract reserve to themselves a right of separate publication, during the 28 years, of the articles they write, in which case the copyright in the separate publication belongs to them, but without prejudice to the rights of the proprietor of the magazine or other periodical.
- (d.) No assignment of the copyright in any book which contains a dramatic piece or musical composition is to convey to the assignee the right of representation or performance, unless the assignment is registered and an intention that such right shall be conveyed is expressed in the register.
- (e.) Copyright is personal property, and is transmissible by bequest, or in cases of intestacy like other personal property.
- (f.) Nothing in statute 5 & 6 Vict. c. 45, affects the existing or future rights of the Universities or Colleges of Oxford and Cambridge, the four Universities of Scotland, Trinity College, Dublin, and the Colleges of Eton, Westminster, and Winchester, as to copyrights vested in them.
- (g.) Assignment of copyright may be effected by entry of the assignment in the book of registry at Stationers' Hall, as effectually as if made by deed.

5 & 6 Vict. c. 45. s. 3.
Publication during author's life.
After death.

5 & 6 Vict. c. 45. s. 15.
Encyclopædias, periodical works, &c.

5 & 6 Vict. c. 45. s. 22.
Assignment of copyright in books containing dramatic or musical pieces.

5 & 6 Vict. c. 45. s. 25.
Personal property and transmissible.

5 & 6 Vict. c. 45. s. 27.
Rights of Universities and schools.

5 & 6 Vict. c. 45. s. 13.
Assignment of copyright.

COPYRIGHT EXISTING WHEN THE ACT WAS PASSED:

- (a.) The period of copyright subsisting when statute 5 & 6 Vict. c. 45 was passed was extended to the term provided by that Act, and it was to be the property of the then proprietor.
- (b.) The period was not extended if it was at that time the property of a publisher or a person who had acquired it for other consideration than natural love and affection, unless the author or, if dead, his representative, should, before the expiration of the copyright, agree to accept the benefits of the Act, and cause a minute of such agreement to be registered.

5 & 6 Vict. c. 45. s. 4.
Existing copyright extended.

Except in certain cases.

REFUSAL TO REPUBLISH AFTER DEATH OF AUTHOR:

5 & 6 Vict. c. 45. s. 5.
License to publish
after death of author.

In case the proprietor of copyright refuses after the death of the author to republish the book, the Judicial Committee of the Privy Council may grant a license to any person complaining of the withholding of the book from the public, to republish the same in such manner and subject to such conditions as the Committee may think fit.

PRESENTATION COPIES FOR LIBRARIES:

5 & 6 Vict. c. 45.
ss. 6 and 7.
Delivery at British
Museum.

(a.) A copy of the best class of every book sold or published within the British dominions, and of second or subsequent editions, is required to be delivered in the manner specified at the British Museum within one month from publication or sale, if published or sold within the bills of mortality, or within three months if within any other part of the United Kingdom, or within twelve months if within any other part of the British dominions. A receipt is to be given.

5 & 6 Vict. c. 45.
ss. 8 and 9.
Copies for Universities.

(b.) A copy, of the class of which the largest number of copies is printed for sale, of every book published, and of second and subsequent editions, is to be delivered within one month after demand in writing at Stationers' Hall, for the Bodleian Library, Oxford, the Public Library, Cambridge, the Library of the Faculty of Advocates, Edinburgh, and the Library of Trinity College, Dublin, and a receipt is to be given. Publishers may deliver such copies at the libraries instead of at Stationers' Hall, if they prefer it, and obtain receipts there.

5 & 6 Vict. c. 45. s. 10.
Penalty.

(c.) The penalty for omission to deliver any such book is 5*l.*, besides the value of the copy, and it is recoverable with costs by summary means before justices or by action.

REGISTRATION OF COPYRIGHT:

5 & 6 Vict. c. 45.
ss. 11 and 24.
Book of registry,
inspection, and copies.
Omission to register.

(a.) A book of registry wherein may be registered the proprietorship in copyright, in books, and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licenses affecting such copyright, is to be kept at Stationers' Hall. Such register is to be open to inspection on payment of 1*s.* per entry, and certified copies of entries are to be procurable on payment of 5*s.* Registration is not compulsory, but the omission to register affects the right to sue for infringement.

5 & 6 Vict. c. 45. s. 11.
Certified copies evidence.

(b.) Certified copies of entries are evidence in all courts, and *prima facie* proof of proprietorship, or assignment of copyright or license, or of the right of representation or performance of dramatic or musical pieces, as the case may be.

5 & 6 Vict. c. 45. s. 12.
False entries and sham
copies.

(c.) Wilfully making or causing false entries in the register, or tendering sham copies in evidence, is an indictable misdemeanor.

5 & 6 Vict. c. 45. s. 13.
Matters to be entered
in book of registry.

(d.) The proprietor of copyright may enter in the register book the title of the book, the time of first publication, the name and place of abode of the publisher, and of the proprietor of the copyright, or of any portion of such copyright, in the specified form, on payment of 5*s.*

5 & 6 Vict. c. 45. s. 12.
Registration of encyclopedias,
periodical works, &c.

(e.) Proprietors of copyright in encyclopedias, reviews, magazines, periodical works, or works published in a series of books or parts, may register them at Stationers' Hall by entering in the book of registry the title of the work, the time of publishing the first volume, number, or part, and the name and place of abode of the proprietor and publisher.

5 & 6 Vict. c. 45. s. 13.
Assignment by registra-
tion.

(f.) A registered proprietor may assign his interest, or any portion of his interest, by entering in the register the assignment and the name and place of abode of the assignee, and such assignment without any stamp is to be as effectual as if made by deed.

5 & 6 Vict. c. 45. s. 14.
Correction of errors
in register.

(g.) Any person aggrieved by an entry in the register may apply to the Court, or, in vacation to a judge for an order that the entry may be expunged or varied.

INFRINGEMENT OF COPYRIGHT, AND REMEDIES:

5 & 6 Vict. c. 45.
ss. 15 and 16.
Action for infringement.

(a.) If any person in any part of the British dominions prints for sale or exportation any copyright book without the consent in writing of the proprietor, or imports such book for sale or hire knowing it to have been so unlawfully printed, or with that knowledge sells, publishes, or exposes it for sale, or has the same in his possession for sale, the offender is liable to an action, to be brought in that part of the British dominions where the offence is committed. In Scotland the action is to be in the Court of Session. Section 16 relates to procedure in such actions, including notice of objections (if any) to the plaintiff's title to be given by the defendant.

5 & 6 Vict. c. 45. s. 17.
Unlawful importation
of foreign reprints.
Penalties.

(b.) No person other than the proprietor of copyright, or person authorized by him, may import into any part of the British dominions for sale or hire any foreign reprint of a copyright book first composed or written, or printed and published, in any part of the United Kingdom. Any such reprinted books imported into the British dominions for sale or hire, or sold, published, or exposed for sale there, are to be forfeited, and they are to be seized by any Customs and Excise officers and destroyed. Offenders are to forfeit 10*l.*, and double the value of every copy of the book imported, 5*l.* to the officer, and the remainder to the proprietor of the copyright.

16 & 17 Vict. c. 107.
ss. 44 and 46.
Importation of foreign
reprints of books when
notice of copyright has
been given to the
Customs authorities.
Customs lists to be
made.

(c.) Reprints made in any country other than the United Kingdom of copyright books, as to which the proprietor of the copyright has given the Commissioners of Customs notice in writing of such copyright, and the period of its expiration, are prohibited importation into the United Kingdom; if imported, they are to be forfeited and destroyed, or otherwise disposed of, as the Commissioners of Customs may direct. The Commissioners are to cause to be publicly exposed at the ports of the United Kingdom, and in Her Majesty's possessions abroad, lists of all copyright books of which the proprietors of the copyright have given such notice. If any person has reason to complain of the insertion of any book in the lists, he may bring the matter in the manner specified in the Act before a judge at chambers, who may order the entry to be expunged or retained, as he shall think proper, and an appeal from the judge's decision is given to any person dissatisfied therewith. No book is to be inserted in the Customs list until the person giving notice of the copyright has made and subscribed a declaration of the truth of the contents of the notice.

18 & 19 Vict. c. 96.
ss. 39 and 40.
Improper entries in
lists.

Declaration of truth
before entry in list.

5 & 6 Vict. c. 45. s. 23.
Property in illegal
reprints.

(d.) All copies of registered copyright books unlawfully printed or imported without the written consent of the proprietor of the copyright are to be deemed his property, and he is to be registered as such. After demand in writing he is entitled to sue for such copies, or damages for their detention.

5 & 6 Vict. c. 45. s. 24.
Registration required
before action.

(e.) No proprietor of copyright can sue or take any summary proceeding for infringement until his copyright is registered at Stationers' Hall. Omission to register, however, does not affect the copyright, but merely the right to sue.

5 & 6 Vict. c. 45. s. 26.
Limitation of actions, &c.

(f.) All legal proceedings are to be commenced within twelve months from the date of the offence, except in the case of the British Museum or the four Universities proceeding for the delivery of books.

179

II.—COPYRIGHT IN MUSICAL COMPOSITIONS.

The statutes relating to copyright in musical compositions are 3 & 4 Wm. IV. c. 15; 5 & 6 Vict. c. 45; 16 & 17 Vict. c. 107; and 18 & 19 Vict. c. 96. 5 & 6 Vict. c. 45, s. 20. Application of Dramatic Copyright Act to musical compositions.

The statute 3 & 4 Wm. IV. c. 15 applied originally to copyright in dramatic pieces alone, but by the 20th section of the Act 5 & 6 Vict. c. 45 its provisions were extended to musical compositions.

The statute 5 & 6 Vict. c. 45 applies to musical compositions, for by section 2 the word "book" as used in the Act is to be construed to include a sheet of music, and in the 20th section it is specially enacted that the provisions of that Act shall apply to musical compositions. 5 & 6 Vict. c. 45. Application of law of copyright in books.

The Customs Acts, 16 & 17 Vict. c. 107, and 18 & 19 Vict. c. 96, do not in terms refer to musical compositions, but seem to use the word "book" in the same sense as it is used in the Act 5 & 6 Vict. c. 45, and thus include musical compositions. 16 & 17 Vict. c. 107. 18 & 19 Vict. c. 96. Application of Customs Acts relating to books. Identity with law of copyright in books.

The statute law respecting musical compositions seems therefore with slight exception to be the same as in the case of books. (See I.—COPYRIGHT IN BOOKS.)

PERIOD OF COPYRIGHT:

- (a.) If a musical composition be printed and published, the same as in books, but *quære* whether it dates from publication or first public performance (5 & 6 Vict. c. 45 s. 20). 5 & 6 Vict. c. 45, s. 20. Period if printed and published.
- (b.) If publicly performed but not printed and published, *quære* whether the copyright is perpetual under statute 3 & 4 Wm. IV. c. 15, s. 1, or for the time limited for books by the Act 5 & 6 Vict. c. 45, dating from first public performance. 3 & 4 Wm. IV. c. 15, s. 1. and 5 & 6 Vict. c. 45, s. 20. Period if publicly performed but not printed and published.

PROPERTY IN COPYRIGHT:

No assignment of the copyright of any book containing a musical composition conveys to the assignee the right of performance, unless an entry of the assignment is made in the Register Book, wherein the intention that such a right should pass is expressed. 5 & 6 Vict. c. 45, s. 22. Assignment of copyright in book containing a musical composition.

REGISTRATION OF COPYRIGHT:

In case of musical compositions in manuscript it is sufficient to register only the title, the name and place of abode of the composer, the name and place of abode of the proprietor, and the time and place of first performance. 5 & 6 Vict. c. 45, s. 20. Registration of manuscripts.

III.—COPYRIGHT IN DRAMATIC PIECES.

The statutes relating to copyright in dramatic pieces are 3 & 4 Wm. IV. c. 15, and 5 & 6 Vict. c. 45.

By the 20th section of the Act 5 & 6 Vict. c. 45, it was declared to be expedient to extend the term of the sole liberty of representing dramatic pieces to the full time provided by that Act for the continuance of copyright, and it was enacted that the sole liberty of representing dramatic pieces should endure and be the property of the author and his assigns, for the time provided for books, and that the provisions therein-before enacted in respect of the property of such copyright, and of registering the same, should apply to the liberty of representing dramatic pieces, except that the first public representation of any dramatic piece should be deemed equivalent to the first publication of a book. (As the purpose of this section was to *extend* the term of copyright, it could not be intended to apply to copyright under 3 & 4 Wm. IV. c. 15 in dramatic pieces not printed and published, though publicly performed, for that was unlimited. The enactment, however, in sec. 20 of 5 & 6 Vict. c. 45 that the first public representation should be deemed equivalent to the first publication of a book, creates some uncertainty as to the law.) (See I.—COPYRIGHT IN BOOKS.) 5 & 6 Vict. c. 45, s. 20. Application of the law of copyright in books.

MEANING OF "DRAMATIC PIECE:"

The words "dramatic piece" are defined in section 2 of the Act 5 & 6 Vict. c. 45 to mean and include "every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment." 5 & 6 Vict. c. 45, s. 2. Meaning of "dramatic piece."

PERIOD OF COPYRIGHT:

- (a.) If not printed and published (though publicly performed), perpetual. 3 & 4 Wm. IV. c. 15, s. 1. Period if not printed and published.
- (b.) If printed and published, the same as in books, the first public representation to be equivalent to the first publication of a book. 5 & 6 Vict. c. 45, s. 20. Period if printed and published.

PROPERTY IN COPYRIGHT:

- (a.) Copyright in dramatic pieces is the property of the author and his assigns. 5 & 6 Vict. c. 45, s. 20. In whom vested.
- (b.) No assignment of the copyright of any book containing a dramatic piece is to convey to the assignee the right of representation, unless an entry of the assignment is made in the Registry Book, wherein is expressed the intention that such right should pass by the assignment. 5 & 6 Vict. c. 45, s. 22. Assignment of copyright in a book containing a dramatic piece.

REGISTRATION OF COPYRIGHT:

In the case of dramatic pieces in manuscript it is sufficient to register only the title of the piece, the name and place of abode of the author, the name and place of abode of the proprietor of the copyright, and the time and place of the first representation. 5 & 6 Vict. c. 45, s. 20. Piece in manuscript.

INFRINGEMENT OF COPYRIGHT, AND REMEDIES:

- (a.) If any person within the British dominions causes a copyright dramatic piece to be represented without the previous written consent of the proprietor, he is liable for each representation to pay not less than 40s., or a sum equal to the full amount of benefit or advantage arising from the representation, or the injury or loss sustained by the proprietor, whichever shall be the greatest damages. 3 & 4 Wm. IV. c. 15, s. 2. Penalty for infringement.
- (b.) All actions or proceedings for infringement are to be commenced within twelve months after the offence. 3 & 4 Wm. IV. c. 15, s. 3. Limitation of actions.
- (c.) Nothing in the Act 5 & 6 Vict. c. 45 is to prejudice the remedies given by 3 & 4 Wm. IV. c. 15, or by that Act, although no entry shall have been made in the Book of Registry. 5 & 6 Vict. c. 45, s. 24. Remedies without registration.

IV.—COPYRIGHT IN LECTURES.

The only statute relating to copyright in lectures is 5 & 6 Wm. IV. c. 65, but the Acts 8 Anne, c. 19, and 54 Geo. III. c. 156 (both of which were repealed by the Copyright Act, 5 & 6 Vict. c. 45), are referred to in that statute.

PERIOD OF AND PROPERTY IN COPYRIGHT:

- 5 & 6 Wm. IV. c. 65. s. 1.
In whom vested if not
printed and published.
- 5 & 6 Wm. IV. c. 65. s. 4.
8 Anne, c. 19.
54 Geo. III. c. 156.
Period if printed and
published.
- (a.) If not printed and published, the author or the person to whom he has sold or otherwise conveyed the copy, for the purpose of delivering the lecture, to have the sole right of printing and publishing.
- (b.) If printed and published with leave of the author or his assigns, nothing in the Act is to prevent any person from printing, copying, and publishing a lecture whereof the time has expired within which the sole right to print and publish is given by statutes 8 Anne, c. 19, and 54 Geo. III. c. 156 (that is 28 years from first publication, or the life of the author if it exceeds that period).

INFRINGEMENT AND REMEDIES:

- 5 & 6 Wm. IV. c. 65. s. 1.
Penalties for infringement.
- 5 & 6 Wm. IV. c. 65. s. 2.
Newspapers.
- 5 & 6 Wm. IV. c. 65. s. 3.
No license from paying
to attend a lecture.
- 5 & 6 Wm. IV. c. 65. s. 4.
Publication after expiration
of copyright.
- (a.) Any person who obtains a copy of a lecture by taking it down, and publishes it without the leave of the author or his assignee, and every person who sells it or exposes it for sale, knowing it to have been published without the author's consent, is to forfeit the printed lecture and one penny for every printed sheet found in his custody, one half to the Crown, and the other to any person who sues for it.
- (b.) Printers and publishers of newspapers are with the above provision (a).
- (c.) No person allowed for fee and reward or otherwise to attend a lecture is, from that fact alone, to be deemed to have leave to print and publish it.
- (d.) Nothing in the Act is to prevent publication of a lecture previously published by leave of the author after the period of copyright has expired.

LIMIT OF COPYRIGHT:

- 5 & 6 Wm. IV. c. 65. s. 5.
Lectures not the
subject of copyright.
- Nothing in the Act is to extend to any lecture, or the publication of it, of the delivering of which notice in writing shall not have been given to two justices living within five miles of the place where the lecture is to be delivered, two days at least before the delivery, or to any lecture 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.

V.—COPYRIGHT IN ENGRAVINGS, ETCHINGS, LITHOGRAPHS, PRINTS, &c.

The statutes which relate to this branch of the law of copyright are 8 Geo. II. c. 13; 7 Geo. III. c. 38; 17 Geo. III. c. 57; 6 & 7 Wm. IV. c. 59; and 15 & 16 Vict. c. 12.

SUBJECTS OF THIS COPYRIGHT:

- Geo. II. c. 13. s. 1.
Historical or other prints
being original works.
- 7 Geo. III. c. 38. s. 1.
Additional subjects
being original works.
- 7 Geo. III. c. 38. s. 2.
Engravings, &c. from
pictures, &c.
- 15 & 16 Vict. c. 12. s. 14.
Lithographs, &c.
- 25 & 26 Vict. c. 68.
Photographs not
included.
- (a.) The statute 8 Geo. II. c. 13 gave copyright to persons who should "invent and design, engrave, etch, or work in mezzotinto or chiaro oscuro, any historical or other print or prints."
- (b.) That Act being found ineffectual for the purposes intended, the statute 7 Geo. III. c. 38 was passed, which gave the benefit and protection of the former, and of that Act to every person who should "invent or design, engrave, etch, or work 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."
- (c.) It also gave the benefit and protection of the former Act and of that Act to every person who should engrave, etch, or work in mezzotinto or chiaro oscuro, any print taken from any picture, drawing, model, or sculpture.
- (d.) Doubts having arisen whether these statutes (as well as 17 Geo. III. c. 57 and 6 & 7 Wm. IV. c. 59) extended to lithographs and certain other impressions, it was declared that the provisions of all those Acts were 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."
- (e.) Photographs are not included in these Acts; but copyright in them, as well as in paintings and drawings, has been given by statute 25 and 26 Vict. c. 68. (See post, VI.)

PERIOD OF AND PROPERTY IN COPYRIGHT:

- 7 Geo. III. c. 38. s. 6.
8 Geo. II. c. 13. s. 1.
Period 28 years.
Right conditional.
- The period for copyright in this class of works is 28 years from publication; but to entitle a person to copyright, the name of the proprietor must be engraved on each plate and printed on every print.

INFRINGEMENT AND REMEDIES:

- 8 Geo. II. c. 13. s. 1.
7 Geo. III. c. 38. s. 5.
Penalties for infringement.
- 7 Geo. III. c. 38. s. 5.
Limitation of proceedings.
- 7 Geo. III. c. 38. s. 7.
Limitation of actions.
- 17 Geo. III. c. 57.
6 & 7 Wm. IV. c. 59. s. 2.
Actions for damages.
- 25 & 26 Vict. c. 68. s. 8.
Summary proceedings.
- (a.) If any person copies in the whole or in part by varying, adding to, or diminishing from the main design, and sells any copyright engraving, print, or lithograph without the previous consent of the proprietor in writing signed by him in the presence of two witnesses, or knowing it to have been so wrongfully copied sells the copy without such consent, he is to forfeit the plates and every sheet on which the work is copied to the proprietor of the copyright, who is to destroy and damask the same. The offender is also to forfeit 5s. for every print found in his possession, one moiety to go to the Crown, and the other to any person who shall sue for the penalty.
- (b.) All suits or prosecutions to be commenced within six months after the offence is committed.
- (c.) All actions against any person for doing anything in pursuance of the Act to be commenced within six months after the fact committed.
- (d.) A right of action for damages was afterwards given, the earlier statutes only imposing penalties for infringement of this copyright.
- (e.) All pecuniary penalties, and all unlawful copies and things forfeited under the Acts for protection of copyright in engravings may be recovered, in England and Ireland, before two justices, by summary proceedings; and in Scotland before the Court of Session, or by summary action before the Sheriff.

The provisions of the Acts of Geo. II. and III. were extended to Ireland by statute 6 & 7 Wm. IV. c. 59.

VI.—COPYRIGHT IN PAINTINGS, DRAWINGS, AND PHOTOGRAPHS.

The only Act relating to this branch of the law of copyright is 25 & 26 Vict. c. 68.

PERIOD OF AND PROPERTY IN COPYRIGHT:

- 25 & 26 Vict. c. 68. s. 1.
The owner, the subject,
and the period of copy-
right.
- (a.) Every author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, and photograph which is made either in the British dominions or elsewhere (unless it was sold before the commencement of the Act), and his assigns, have the sole right of copying, engraving, reproducing and multiplying it by any

1-2, 5

means and of any size, for the life of the author and seven years after his death, subject, however, to the following provisions :—

- (b.) If the painting, drawing, or negative of the photograph is sold, or if it is executed for another person for a good or a valuable consideration, the vendor or the author cannot retain the copyright, unless it is expressly reserved for him by agreement in writing, signed by the vendee or the person for whom the work is executed, but it is to belong to the latter. A vendee, however, is not to be entitled to the copyright unless an agreement to that effect is made in writing, and signed by the vendor; but no such condition is prescribed in the case of a work executed for another person. 25 & 26 Vict. c. 68. s. 1. Sale to or execution for another person.
- (c.) Nothing in the Act is to prejudice the right to copy any work in which there is no copyright or to represent any scene or object in another representation of which there is copyright. 25 & 26 Vict. c. 68. s. 2. No restriction if no copyright.
- (d.) Copyright is personal property, and is assignable. Every assignment or license to copy is to be made by some note or memorandum in writing signed by the proprietor of the copyright, or his agent for that purpose, in writing. 25 & 26 Vict. c. 68. s. 3. Copyright personal property and assignable.

REGISTRATION OF COPYRIGHT :

- (a.) A register book is to be kept at Stationers' Hall in which every copyright under this Act is to be entered, as well as every assignment. The entry is to show the date of agreements or assignments, and the names of the parties thereto, and the name and place of abode of the proprietor of the copyright by virtue thereof, also the name and place of abode of the author, together with a short description of the nature and subject of the work, and, if the person registering wishes it, a sketch, outline, or photograph of the work. 25 & 26 Vict. c. 68. s. 1. Register book and matters to be entered therein.
- (b.) No proprietor of copyright is to be entitled to the benefit of the Act until registration, and no action is maintainable or penalty recoverable for anything done before registration. 25 & 26 Vict. c. 68. s. 1. Registration essential.
- (c.) Certain enactments in the statute 5 & 6 Vict. c. 45 relating to the register of copyright in books are to apply, viz., those relating to the keeping and inspection of the book and searches therein, and to the certified copies of entries which may be used in evidence; also those relating to the correction of errors in entries. 25 & 26 Vict. c. 68. s. 5. Application of statute 5 & 6 Vict. c. 45.

INFRINGEMENT OF COPYRIGHT, AND REMEDIES :

- (a.) If an author who has sold the copyright in a painting, drawing, or photograph, or if any other person except the proprietor repeats, copies, colourably imitates, or otherwise multiplies the work for sale, hire, exhibition, or distribution, or knowing that copies have been so unlawfully made, imports them into the United Kingdom, or sells, publishes, lets for hire, exhibits, or distributes such imported copies, he is liable to forfeit to the proprietor of the copyright 10*l.*, and all such copies and negatives of photographs. 25 & 26 Vict. c. 68. s. 6. Penalty for infringement.
- (b.) All pecuniary penalties and all copies and things forfeited may be recovered in England and Ireland by summary proceeding before two justices, and in Scotland before the Court of Session, or by summary action before the Sheriff. 25 & 26 Vict. c. 68. s. 5. Summary proceedings.
- (c.) In any action in England and Ireland for infringement the Court or a judge may make orders for injunctions, inspection, or account, and give directions respecting such proceedings. 25 & 26 Vict. c. 68. s. 2. Injunctions, inspection, and accounts.
- (d.) All repetitions, copies, or imitations of copyright paintings, drawings, or photographs made in any foreign state or in any part of the British dominions are prohibited importation into the United Kingdom except by consent of the proprietor, or of his agent authorised in writing; and if the proprietor shall declare that any goods imported are infringements they may be detained by the Customs officers. 25 & 26 Vict. c. 68. s. 10. Importation of copies prohibited.
- (e.) In addition to the power to recover penalties for infringement and forfeited copies, a proprietor of copyright may recover by action damages, and the delivery up of unlawful copies, or damages for their detention. 25 & 26 Vict. c. 68. s. 11. Action for damages and detention of unlawful copies.

FRAUD :

Penalties are imposed for various fraudulent acts by signing or marking pictures, drawings, and photographs, not the genuine work of the person represented by such signature or marks, and for fraudulently putting off such works so marked. 25 & 26 Vict. c. 68. s. 7. Counterfeit pictures.

- VII.—COPYRIGHT IN SCULPTURE.

The statutes which relate to copyright in sculpture are 54 Geo. III. c. 56, and 13 & 14 Vict. c. 104.

PERIOD OF AND PROPERTY IN COPYRIGHT :

- (a.) Copyright is given for 14 years to every person who makes any new and original sculpture, model, copy, or cast of human figures or of animals, or of any subject being matter of invention in sculpture, or of any alto or basso-relievo representing such subjects, provided the name of the proprietor, with the date, be put upon the subject before it is put forth or published. 54 Geo. III. c. 56. s. 1. Period 14 years, subject to a condition.
- (b.) From the 4th section of statute 54 Geo. III. c. 56, it is to be inferred that copyright in sculpture may be assigned, so as to secure it to a purchaser, by deed signed by the artist and attested by two credible witnesses. 54 Geo. III. c. 56. s. 4. Assignment of copyright.
- (c.) After the expiration of the 14 years the sole right of making and disposing of the sculpture returns to the artist, if living, for the further term of 14 years. 54 Geo. III. c. 56. s. 6. Further period of 14 years.

REGISTRATION OF COPYRIGHT :

The Registrar of Designs was (by the 6th section of statute 13 & 14 Vict. c. 104) upon application by the proprietor of sculpture, and upon being furnished with such copy, drawing, print, or description as in his judgment should be sufficient to identify the work, and the name and address of the proprietor, to register the sculpture in such manner as should be prescribed by the Board of Trade for the whole or part of the copyright term, and to certify the particulars of the registration. By the recent Act, 38 & 39 Vict. c. 93, the office of Registrar of Designs was abolished as a separate paid office, and the Commissioners of Patents have to make arrangements for the performance of the duties of the office, and the duties vested in the Board of Trade by the Copyright of Designs Act were also transferred to the same persons. 13 & 14 Vict. c. 104. s. 6. 38 & 39 Vict. c. 93. ss. 2-4. By whom registered and manner of registration.

INFRINGEMENT OF COPYRIGHT, AND REMEDIES :

- (a.) If any person within the 14 years makes, imports, or exposes for sale, or otherwise disposes of any pirated copy of copyright sculpture, the proprietor or his assignees may by action recover damages. 54 Geo. III. c. 56. s. 3. Damages for infringement.

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13 & 14 Vict. c. 104, s. 7.
Penalty for infringement if sculpture registered.

- (b.) If any person during the continuance of the copyright in sculpture which has been registered makes, imports, exposes for sale, or otherwise disposes of any pirated copy in such a manner as to entitle the proprietor to an action for damages under the Sculpture Copyright Acts, the offender is liable to forfeit not less than 5*l.*, and not more than 30*l.*, to the proprietor of the sculpture, who has the same remedies as are provided for the recovery of penalties under the Designs Act, 1842; but the proprietor is not to be entitled to the benefit of this Act (13 & 14 Vict. c. 104), unless every copy of the sculpture published by him is marked "registered," and with the date of registration.

VIII.—COPYRIGHT IN DESIGNS.

The statutes relating to copyright in designs for articles of manufacture are 5 & 6 Vict. c. 100; 6 & 7 Vict. c. 65; 13 & 14 Vict. c. 104; 21 & 22 Vict. c. 70; 24 & 25 Vict. c. 73; and 38 & 39 Vict. c. 93.

5 & 6 Vict. c. 100.
Designs for ornament.

6 & 7 Vict. c. 65.
Designs for articles of utility.

24 & 25 Vict. c. 73.
Foreign designs.

38 & 39 Vict. c. 93.
Duties transferred to Commissioners of Patents.

The statute 5 & 6 Vict. c. 100, by which all previous Acts were repealed, applied to designs solely for the ornamenting of articles of manufacture. Some of its provisions, however, were by the subsequent Act, 6 & 7 Vict. c. 65, extended to designs for articles of utility, so far as the design should be for the shape or configuration of the article, and by the same Act copyright for such designs was established.

By the later Act, 24 & 25 Vict. c. 73, it was enacted that the Acts relating to copyright in designs should not be limited to designs made and applied to articles of manufacture within the United Kingdom only, nor to subjects of Her Majesty alone, but that they should apply in every case wherever the design was made, and whether it was made by a British subject or a foreigner.

By the recent Act, 38 & 39 Vict. c. 93, all the powers, duties, and authorities vested in the Board of Trade by the Copyright in Designs Act were transferred to the Commissioners of Patents for Inventions.

PERIODS OF AND PROPERTY IN COPYRIGHT FOR ORNAMENTAL DESIGNS :

5 & 6 Vict. c. 100, s. 3.
6 & 7 Vict. c. 65, s. 5.
13 & 14 Vict. c. 104, s. 8.
21 & 22 Vict. c. 70, s. 3.
Classification of manufactures for the purpose of copyright.

- (a.) By the Act 5 & 6 Vict. c. 100 various articles of manufacture were arranged in classes, and different periods of copyright were allotted to the various classes. Copyright was granted for new and original designs, for articles of manufacture other than sculpture, whether the design should be for the pattern, or for the shape or configuration, or for the ornament thereof, the period of the copyright varying in respect to the different classes. Subsequent Acts made some alterations in the periods and classification, and they are now as follows :

Period 3 years :

Class 1.—Articles wholly or chiefly metal.

Class 2.—Articles wholly or chiefly wood.

Class 3.—Articles wholly or chiefly glass.

Class 4.—Articles wholly or chiefly earthenware, and (by statute 13 & 14 Vict. c. 104, s. 8) designs for ornamenting ivory, bone, papier maché, and other solid substances not comprised in classes 1, 2, and 3.

Class 5.—Paperhangings.

Class 6.—Carpets (and by statute 6 & 7 Vict. c. 65, s. 5), floorcloths, and oilcloths.

Class 8.—Shawls not comprised in class 7.

Class 10.—Woven fabrics composed of linen, cotton, wool, silk, or hair, alone or mixed, if the design be applied by printing, or by any other process by which colours are produced upon tissue or textile fabrics (excepting the articles included in Class 11). Copyright in designs for articles in this class was originally for nine months only, but was extended to three years by statute 21 & 22 Vict. c. 70, s. 3. The term of copyright, however, for this class is to terminate on the 31st of December in the second year after the design was registered, whatever may be the day of such registration.

Class 11.—Woven fabrics composed of linen, cotton, wool, silk, or hair, alone or mixed, if the design be applied by printing, or by any other process by which colours are produced upon tissue or textile fabrics, such woven fabrics being within the description technically called furniture, and the repeat of the design whereof shall be more than 12 by 8 inches.

Period 9 months :

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

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

Period 12 months :

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.

13 & 14 Vict. c. 104, s. 9.
Extension of period by order

- (b.) Power was given to the Board of Trade (now to the Commissioners of Patents) to order that the period of copyright of any particular class, or of any registered design, shall be extended for any period not exceeding three years, and such order may be revoked or altered. Any such order is to be registered.

5 & 6 Vict. c. 100, s. 4.
Registration and marking of articles necessary.

- (c.) No person is entitled to the benefit of the Designs Act, 1842, unless the design is registered before publication in the specified manner, and unless after publication every article is marked "R^d," with a reference to the register.

5 & 6 Vict. c. 100, s. 5.
Who the proprietor of copyright.

- (d.) The author of a new and original design is to be considered the proprietor, unless he executed it for another person for good consideration, in which case the latter is the proprietor; also any person acquiring a design for good consideration, or upon whom such design shall devolve, is the proprietor.

5 & 6 Vict. c. 100, s. 6.

- (e.) The right to the design may be transferred by writing, and a form for transfer is given in the Act. Transfers, whether by assignment or otherwise, may be registered.

21 & 22 Vict. c. 70, ss. 3, 4, and 6.
Special conditions for articles of the 10th class.

- (f.) The period for copyright in designs applied to articles in the 10th class was by statute 21 & 22 Vict. c. 70, s. 3, extended from nine months to three years, and by the fourth section it was made a condition that the name and address of the proprietor, and the word "Registered," together with the years for which such design was registered, should be printed on the articles at each end of the original piece; and by the 6th section the proprietor is, on application by any person producing or vending any article so marked, to give the number and date of registration, and on failure he is subject to a penalty of 10*l.*, to be recovered by the applicant.

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REGISTRATION OF COPYRIGHT FOR ORNAMENTAL DESIGNS :

- (a.) Every design, to secure copyright under the Copyright in Designs Act, 1842, must be registered before publication, such registration being in respect of the application of the design to one of the articles in the classes. The name of the proprietor must also be registered, and every article to which the design is applied must be marked in the manner mentioned in the Act. 5 & 6 Vict. c. 100. s. 4.
Registration requisite,
and the manner thereof.
- (b.) Transferees may register their title, and a form of request to the Registrar by the transferee to register is given in the Act. 5 & 6 Vict. c. 100. s. 6.
Registration of transfers.
- (c.) In case a person who has no title is registered, a judge in an action (formerly a suit in equity), instituted by the proprietor relative to such design, may by a decree or order in such action direct that the registration be cancelled, or that the name of the person entitled be substituted for the name wrongfully registered. 5 & 6 Vict. c. 100. s. 10.
Amendment of errors
in register.
- (d.) It is unlawful to put the marks indicating registration on any article, unless the design be registered with reference to that article, and also after the copyright has expired. Any person unlawfully applying such marks, or selling any article, knowing of such unlawful application of the marks, is liable to a penalty of 5*l.* to any person who sues for it. Such action must be brought within 12 months from the commission of the offence. A penalty of 10*l.* is imposed by statute 21 & 22 Vict. c. 70, s. 7, for similar offences, or for applying a copyright mark to any article without the authority of the proprietor, and during his copyright. The proprietor is empowered to recover this penalty. 5 & 6 Vict. c. 100.
ss. 11 and 12.
21 & 22 Vict. c. 70. s. 7.
Unlawful application
of registration marks.
Penalties.
- (e.) The office of Registrar formerly existing has been abolished as a separate paid office, and the Commissioners of Patents have to make arrangements as to the mode in which, and the persons by whom, the duties of Registrar are to be performed. 33 & 39 Vict. c. 30. s. 4.
Abolition of the office of
Registrar.
- (f.) The Registrar was by statute 5 & 6 Vict. c. 100 s. 15, not to register any design unless he was furnished with two copies, drawings, or prints of the design, with the name and address of the proprietor or his firm, and the number of the class in respect of which the application was made. The copies or drawings were to be numbered and registered; one was to be filed, and the other when numbered was to be returned to the applicant. Power, however, was given to the Registrar by the subsequent statute, 13 & 14 Vict. c. 104, s. 11, to dispense with such copies, drawings, and prints, if they cannot be furnished, or if he thinks it unreasonable or unnecessary to require them, and he may allow in lieu of them a written specification or description if sufficient to identify the design and render it intelligible. By the later Act, 21 & 22 Vict. c. 70, s. 5, it was declared that the registration of any pattern or portion of an article to which a design is applied, in stead or in lieu of a copy, drawing, print, specification, or description, is equally valid and effectual. 5 & 6 Vict. c. 100. s.
15 & 14 Vict. c. 104. s. 11.
21 & 22 Vict. c. 70. s. 5.
Drawings, descriptions,
or patterns of designs,
to be furnished to the
Registrar.
- (g.) Upon every copy or drawing of the design furnished to the Registrar he is to certify that the design has been registered, the date of the registration, the name and address of the proprietor, and the registered number of the design. Such certificate purporting to be signed and sealed by the Registrar or Deputy Registrar is, in the absence of evidence to the contrary, to be sufficient proof of the facts so certified, as well as of the originality of the design, and of the provisions of the Act and rules having been complied with. 5 & 6 Vict. c. 100. s. 16.
Certificate by Registrar.
- (h.) Every person may inspect a design if the copyright has expired, on payment of a fee; but if the copyright has not expired the design is not to be open to inspection, except by the proprietor, or any person authorised by him in writing, or specially authorised by the Registrar, and then only in the presence of the Registrar or other official, and not so as to take a copy of the design, nor without paying a fee. 5 & 6 Vict. c. 100. s. 17.
Inspection of designs.
- (i.) If any person produces a design or the registration mark, the Registrar may give a certificate stating whether there is any copyright of such a design, and if there is, in respect of what article it exists, the term of the copyright, the date of registration, and the name and address of the registered proprietor. 5 & 6 Vict. c. 100. s. 17.
Information to be
given by Registrar.
- (j.) The Treasury is from time to time to fix the fees to be paid. They are to be applied in payment of the expenses of the Register Office and salaries, and the balance, if any, is to be carried to the Consolidated Fund. The Treasury is also to make regulations as to the receipt, keeping, and amount of the fees. The fees in some cases for registering designs and for certificates is limited in the Act. 5 & 6 Vict. c. 100. s. 18.
Fees and their applica-
tion.
- (k.) The Registrar or any other officer guilty of extortion is liable to a penalty of 50*l.* to any person who shall sue for it, as well as to dismissal from office, and future incapacity. 5 & 6 Vict. c. 100. s. 19.
Extortion by officers.
- (l.) The Commissioners of Patents have power make, alter, and revoke regulations with respect to the mode of registration, and the documents and other matters to be furnished by persons effecting registration. Such regulations have to be gazetted and laid before Parliament, and to be published in such other way the Commissioners think fit. 13 & 14 Vict. c. 104. s. 10.
Regulations as to
registration.
- (m.) No books or documents in the Register Office are to be removed for the purpose of being produced in any court of justice without a special order of a judge of the High Court of Justice. 13 & 14 Vict. c. 104. s. 12.
Books, &c. in Register
Office not to be taken
for evidence.
- (n.) If any person not otherwise entitled thereto requires for the purpose of evidence or otherwise a copy of any registration, entry, drawing, print, or document, he may apply to a judge of the High Court of Justice, who, if he is satisfied that such copy is *bonâ fide* intended for such purpose, may order the Registrar of Designs to deliver a copy, and he is to do so upon payment of the proper fee by the applicant. 13 & 14 Vict. c. 104. s. 13.
Copies of entries, &c.
for evidence.
- (o.) All copies delivered by the Registrar are to be signed and sealed by him, and every document purporting to be a sealed copy is to be deemed to be a true copy, and is receivable in evidence without further proof for all purposes. 13 & 14 Vict. c. 104. s. 14.
Copies signed and
sealed to be evidence.

PROVISIONAL REGISTRATION UNDER 13 & 14 VICT. c. 104 :

- (a.) The Registrar of Designs upon application by the proprietor of a design not previously published anywhere, and which may be registered under the Act of 1842 or 1843, may "provisionally register" it upon being furnished with a copy, drawing, or description of the design sufficient to identify it, and the name and address of the proprietor, in such manner and form as the Commissioners of Patents (formerly the Board of Trade) may prescribe. The Registrar is to certify under his hand and seal of office that any registered design has been provisionally registered, and the date of registration, and the name and address of the proprietor. By the Act 21 & 22 Vict. c. 70, s. 5, it is sufficient to register a pattern or portion of an article of manufacture to which a design is applied, instead of a copy, drawing, or description. 13 & 14 Vict. c. 104. s. 1.
21 & 22 Vict. c. 70. s. 5.
Provisional registration
and certificate thereof.
- (b.) Provisional registration continues in force for one year from the date of the registration, but it may be extended for six months, as to any particular design or class of designs, by order of the Commissioners of Patents, in writing. 13 & 14 Vict. c. 104.
ss. 1 and 5.
Period for such regis-
tration.

13 & 14 Vict. c. 104. s. 2.
Property during provisional registration.

13 & 14 Vict. c. 104. s. 3.
Protection during provisional registration.

13 & 14 Vict. c. 104. s. 4.
Sale during provisional registration.

13 & 14 Vict. c. 104. s. 10.
Regulations, and the publication thereof.

13 & 14 Vict. c. 104. s. 15.
Application of provisions of the Designs Acts.

- (c.) The proprietor of any provisionally registered design has during the continuance of the registration, the sole right and property in the design, and the penalties and provisions of the Designs Act, 1842, for preventing piracy, apply for its protection.
- (d.) During provisional registration, neither the registration nor the exhibition or exposure of any design in any place in which articles are not sold, and to which the public is not admitted gratuitously, or in any place certified by the Commissioners of Patents (formerly the Board of Trade) to be a place of public exhibition within the meaning of the Act, nor the publication of any description of the design is to prevent the proprietor from registering it under the Designs Acts at any time during the continuance of the provisional registration. Every article, however, to which the design is applied when exhibited must be marked "provisionally registered."
- (e.) If the proprietor sells, exposes, or offers for sale any articles to which a provisionally registered design is applied, the registration is to be deemed to have been null and void immediately before such sale, exposure, or offer. He may, however, sell and transfer his right and property in the design itself.
- (f.) The Commissioners of Patents have power to make, alter, and revoke regulations with respect to the mode of registration, and the documents and other matters to be furnished by persons effecting provisional registration. Such regulations have to be gazetted and laid before Parliament, and to be published in such other manner as the Commissioners think fit.
- (g.) Sundry provisions of the Designs Acts apply to provisional registration under the Act 13 & 14 Vict. c. 104.

INFRINGEMENT OF COPYRIGHT FOR ORNAMENTAL DESIGNS, AND REMEDIES :

5 & 6 Vict. c. 100. s. 7.
Wrongful use of a copyright design prohibited.

5 & 6 Vict. c. 100. s. 8.
Penalties and the recovery thereof.

5 & 6 Vict. c. 100. s. 9.
Action for damages.

5 & 6 Vict. c. 100. s. 12.
Limitation of actions.

21 & 22 Vict. c. 70.
ss. 8 and 9.
Proceedings in the county court.

6 & 7 Vict. c. 65. s. 2.
Period, three years.

6 & 7 Vict. c. 65. s. 3.
Design must be registered and article marked.

6 & 7 Vict. c. 65. s. 6.
Application of statute 5 & 6 Vict. c. 100.

- (a.) During copyright no person may apply the 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, in respect of which the copyright is in force. And no person may publish, sell, or expose for sale any such article or substance with the design after any kind of notice that the consent of the proprietor had not been given to the application of the design thereto.
- (b.) The penalty for infringement is not less than 5*l.*, and not more than 30*l.*, to be forfeited to the proprietor, which may be recovered in England by action or summarily before two justices; but if the proprietor proceeds before justices, the aggregate amount of penalties for offences in respect of any one design committed by any one person up to the time the proceedings are commenced is not to exceed 100*l.* In Scotland the penalties may be recovered before the Court of Session, or by summary action before the sheriff; and in Ireland by action or by civil bill in the Civil Bill Court. The procedure is minutely specified in the Act.
- (c.) The proprietor may, instead of proceeding for the penalties, bring an action for the recovery of damages against a person infringing his right by applying the design for the purposes of sale, or by selling an article with the design, knowing it has been wrongfully used.
- (d.) No action or other proceeding for any offence under the Act 5 & 6 Vict. c. 100, is to be brought after twelve months from the commission of the offence.
- (e.) Proceedings can be instituted in the County Court for infringement of copyright.

PERIOD OF AND PROPERTY IN COPYRIGHT FOR DESIGNS FOR ARTICLES OF UTILITY :

6 & 7 Vict. c. 65. s. 3.
Registration essential.

6 & 7 Vict. c. 65. s. 4.
Unlawful marking of articles as "Registered."

33 & 39 Vict. c. 93. s. 4.
Abolition of the office of Registrar.

6 & 7 Vict. c. 65. s. 8.
13 & 14 Vict. c. 104. s. 11.
21 & 22 Vict. c. 70. s. 5.
Information, &c., to be furnished for registration.

- (a.) The proprietor of any new and original design for any article of manufacture, having reference to some purpose of utility, so far as such design is for the shape or configuration of the article, has the sole right to apply the design to any article, and to make and sell any such article, for three years from registration.
- (b.) No person is entitled to the benefit of the Act unless the design is registered before publication, and unless every article made according to the design is marked with the word "Registered" and the date of registration.
- (c.) All the provisions of the statute 5 & 6 Vict. c. 100, relating to the explanation of the term proprietor, and to the transfer of designs, apply with others to copyright in designs under statute 6 & 7 Vict. c. 65, so far as they are not repugnant to the provisions of that Act.

REGISTRATION OF COPYRIGHT FOR DESIGNS FOR ARTICLES OF UTILITY :

- (a.) Every design to secure copyright under the Act 6 & 7 Vict. c. 65, must be registered according to that Act before publication, and the name of the person claiming the right must be registered as proprietor, and after publication of the design every article made according to the design must be marked with the word "Registered" and the date of registration.
- (b.) It is unlawful to mark an article with the word "Registered," or to advertise it for sale as a registered article, unless a design applied to it be registered under this statute or the Act 5 & 6 Vict. c. 100, or after the copyright has expired. The penalty for an offence by so doing is not less than 1*l.*, or more than 5*l.*, to any person who sues for it.
- (c.) The office of Registrar under the statute 6 & 7 Vict. c. 65, has been abolished as a separate paid office, and the Commissioners of Patents have to make arrangements as to the mode in which, and the persons by whom, the duties of Registrar are to be performed.
- (d.) The Registrar is not to register any design unless he is furnished with two exactly similar drawings or prints of the design, with any writing that may be necessary to render the drawings intelligible, together with the title of the design, and the name of every person who claims to be proprietor of their firm, with his or their address. All these are to be on one sheet of paper or parchment, and on the same side of it. The size of the sheet is not to exceed 24 by 15 inches, and a blank space is to be left on one sheet, on the same side as the drawing, 6 by 4 inches, for a certificate. The drawings are to be in proper geometric scale, and the description is to set forth any parts of the design that may not be new or original. The Registrar is to register all such drawings in succession, and fix successive numbers on them; one copy he is to retain and file, and the other he is to return to the proprietor. He is also to keep a proper index of the titles of the registered designs. The Registrar has power, however (by statute 13 & 14 Vict. c. 104, s. 11), to dispense with such drawings or prints, if he thinks it unreasonable or unnecessary to require them, and may allow in lieu of them a written specification or description, if sufficient to identify the design and render it intelligible; and by statute 21 & 22 Vict. c. 70, s. 5, a pattern may be registered instead of a copy or description.

1790

- (e.) If a design be brought to be registered under 5 & 6 Vict. c. 100, and the Registrar thinks it ought to be registered under 6 & 7 Vict. c. 65, he may refuse to register it otherwise than under that Act, and if he thinks the design is not intended to be applied to any article of manufacture but only to a label or wrapper, or that the design is contrary to morality or order, he may refuse to register it altogether. An appeal from the Registrar's decision not to register at all lay to the Board of Trade, but now (under stat. 38 & 39 Vict. c. 93, s. 2) lies to the Commissioners of Patents. 6 & 7 Vict. c. 65, s. 9. /
Discretion of Registrar
- (f.) Every person may inspect the index of the titles of registered designs, not being ornamental designs, registered under 6 & 7 Vict. c. 65, and take copies, paying the statutory fees; and every person may inspect the designs and take copies on payment of the fees; but if the copyright has not expired the design is not open to inspection except in the presence of the Registrar or other official, and then not so as to take a copy of the design, nor without paying the fee. 6 & 7 Vict. c. 65, s. 10.
Inspection and copies
of designs.

PROVISIONAL REGISTRATION OF DESIGNS FOR ARTICLES OF UTILITY :

The statute 13 & 14 Vict. c. 104, enabling proprietors of designs to obtain "provisional registration" applies to designs for articles of utility, which may be registered under 6 & 7 Vict. c. 65, as well as to those for ornament, which may be registered under 5 & 6 Vict. c. 100. 13 & 14 Vict. c. 104, s. 1.
Application of statute
13 & 14 Vict. c. 104.

APPLICATION OF STATUTE 5 & 6 VICT. c. 100 TO 6 & 7 VICT. c. 65 :

All the provisions of statute 5 & 6 Vict. c. 100, so far as they are not repugnant to the provisions of statute 6 & 7 Vict. c. 65, and relating 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, are applied to the statute 6 & 7 Vict. c. 65, as if re-enacted therein. 6 & 7 Vict. c. 65 : 6.
Application of statute
5 & 6 Vict. c. 100,
generally.

IX.—COLONIAL COPYRIGHT.

The Imperial Statutes relating to colonial copyright are 5 & 6 Vict. c. 45; 10 & 11 Vict. c. 95; two Customs Acts, 16 & 17 Vict. c. 107, and 18 & 19 Vict. c. 96; and "The Canada Copyright Act, 1875," 38 & 39 Vict. c. 53.

RESTRICTIONS ON REPRINTING AND IMPORTATION :

- (a.) If any person in any part of the British dominions prints, either for sale or exportation, any book in which there is subsisting copyright without the consent of the proprietor in writing, or imports for sale or hire any such book so having been unlawfully printed, or, knowing of such unlawful printing, sells it, the offender is liable to an action at the suit of the proprietor, to be brought in that part of the British dominions where the offence is committed. 5 & 6 Vict. c. 45, s. 15.
Action for damages
for piracy.
- (b.) No person, other than the proprietor of copyright or a person authorised by him, may import into any 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 United Kingdom wherein there is copyright, and reprinted out of the British dominions. The penalty for breach of this law is that the books shall be forfeited, and that they shall be seized by the Customs or Excise officers and destroyed. There is also a penalty of 10*l.* and double the value of every copy imported, or, if the offender know of such wrongful importation of every copy sold by him, 5*l.* to the use of the officer, and the remainder to the proprietor of the copyright. A similar prohibition is made in the Customs Act, 16 & 17 Vict. c. 107, s. 160. 5 & 6 Vict. c. 45, s. 17.
16 & 17 Vict. c. 107, s. 160.
Importation of
foreign reprints of
copyright books.
- (c.) The prohibition in statute 16 & 17 Vict. c. 107, s. 160, does not apply, unless the proprietor of the copyright or his agent shall give notice in writing to the Commissioners of Customs that such copyright subsists, and shall state when the copyright will expire. The Commissioners are to exhibit at the several ports in the British possessions abroad printed lists of the books of which they have had notice, and all books imported contrary to the notices are to be forfeited. 16 & 17 Vict. c. 107, s. 160.
Notice of copyright to be
given to the Commis-
sioners of Customs.
Lists of prohibited books
to be published.
- (d.) If any person has cause to complain of the insertion of any book in the Customs' list, he may apply to a judge at chambers, who may order the book to be expunged from the list or retained, as he thinks right. 18 & 19 Vict. c. 96, s. 39
Amendment of lists.
- (e.) No book is to be inserted in the Customs' list until the person giving the notice has made and subscribed a declaration that the contents of the notice are true. 18 & 19 Vict. c. 96, s. 40.
Declaration of truth
of notice required.

SUSPENSION OF RESTRICTIONS :

- (a.) If the Legislature of 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 for Her Majesty's approval, Her Majesty may, if she shall think it is sufficient to secure for British authors reasonable protection within such possession, express her approval of the Act or Ordinance, and issue an Order in Council declaring that so long as the Act or Ordinance continues in force within the colony, the prohibitions in the Imperial Acts shall be suspended so far as regards that colony. 16 & 11 Vict. c. 95, s. 1
Protection of British
rights within a colony
Suspension of prohibi-
tions.
- (b.) Such Orders in Council are to be gazetted and laid before Parliament, and nothing in the Customs' Act above mentioned, 16 & 17 Vict. c. 107, is to prevent Her Majesty exercising the power of suspension. 10 & 11 Vict. c. 95, s. 2.
16 & 17 Vict. c. 107, s. 160.
Orders in Council to
be gazetted and laid
before Parliament.

(Canada.)

An Order in Council was made on the 7th July 1868, by which all prohibitions contained in the Imperial Acts against importing into Canada, and selling there foreign reprints of British copyright books were suspended. The Canadian Parliament had passed an Act in 1875 respecting copyrights, which was sent to Her Majesty for approval, but doubts arose whether the reserved Bill might not be repugnant to the Order in Council. The Act 38 and 39 Vict. c. 53 was therefore passed, by which it was enacted that,—

Order in Council
made 1868.
Canadian Act passed.

- (a.) Her Majesty might assent to the Act.
- (b.) That where any book in which there is copyright in the United Kingdom becomes entitled to copyright in Canada under the reserved Bill, it should be unlawful for any person not being the owner to import Canadian reprints into the United Kingdom. 38 & 39 Vict. c. 53, s. 3.
Assent to Act.
38 & 39 Vict. c. 53, s. 4.
Importation of Canadian
reprints into the United
Kingdom prohibited.

U u 3

Principle of the Canadian Act.

In a schedule to the Act, the Canadian Act is set out at length. The principle of the Canadian Act is that any author of a book, map, chart, musical composition, painting, drawing, sculpture, photograph, engraving, &c. domiciled in Canada or in any part of the British possessions, or who is a citizen of any country having an international copyright treaty with the United Kingdom, and his legal representatives, can obtain copyright in Canada for 28 years from the time of recording it there. This, however, is subject to the condition that the book be printed and published or reprinted and republished, or, in the case of a work of art, that it be produced or reproduced in Canada. Such publication may be previous to, contemporaneous with, or subsequent to publication elsewhere, but the copyright is not to continue in Canada after it has expired anywhere else. If at the expiration of the 28 years the author is still living, or has died and left a widow or child, a further period of 14 years for copyright accrues to him or them. In such case the book is to be recorded a second time. Certain practical conditions, such as depositing copies and giving information are imposed, before an author can, in any case, become entitled to the benefit of the Act. Interim copyright may be obtained pending publication in Canada, to last for a month, and nothing in the Act is to prevent the importation of British copyright works printed in the United Kingdom into Canada.

X.—INTERNATIONAL COPYRIGHT.

The statutes which relate to international copyright are 7 & 8 Vict. c. 12; 15 & 16 Vict. c. 12; 25 & 26 Vict. c. 68; and 38 Vict. c. 12.

At the time the earlier of these Acts were passed they did not extend to paintings, drawings, and photographs, but by the 12th section of the Act 25 & 26 Vict. c. 68, which gave copyright in these works, that Act is to be considered as including the provisions of the Act 7 & 8 Vict. c. 12.

PERIOD OF AND PROPERTY IN COPYRIGHT:

7 & 8 Vict. c. 12, s. 2.
Copyright for foreign works in this country.

(a.) Her Majesty may by Order in Council direct that as regards books, prints, articles of sculpture, and other works of art to be defined in the Order which shall after a future time to be specified in the Order be first published in any foreign country to be named in the Order, the authors shall have copyright in this country during a period to be defined in the Order, not exceeding the period allowed for copyright in similar works if made here.

7 & 8 Vict. c. 12, ss. 3 and 6.
Books. Application of 5 & 6 Vict. c. 45, and other Acts.
Registration requisite.

(b.) If the Order in Council relates to books all the provisions, other than any that may be excepted in the Order and those relating to presentation of copies to libraries, of the Act 5 & 6 Vict. c. 45 and other Acts relating to copyright in books are to apply, subject to any limitation in the Order of the period for the copyright. Books, to secure copyright, must be registered in the manner described in the Act.

7 & 8 Vict. c. 12, ss. 4 and 6.
Works of art. Application of enactments relating to similar English works.
Registration requisite.

(c.) If the Order in Council relates to prints, sculpture, or other works of art, all the Acts relating to copyright in similar works in this country are to apply, subject to the limitation in the Order of the period for copyright, save any enactments that may be excepted in the Order. To secure copyright the work must be registered in the manner described in the Act.

7 & 8 Vict. c. 12, ss. 5 and 6.
Dramatic pieces and musical compositions.
Application of statutes.
Registration requisite.

(d.) Her Majesty may by Order in Council direct that the authors of dramatic pieces and musical compositions which after a future time to be named in the Order shall be first publicly represented or performed in any foreign country to be named in the Order shall have the sole liberty of representation or performance in the British dominions during the period to be named in the Order, which must not exceed the period allowed for similar rights for dramatic or musical compositions here. After the time named, the Acts relating to musical and dramatic copyright are to apply, subject to the limitation as to the period contained in the Order, save any enactments that are excepted in the Order. It is necessary that the composition should be registered.

7 & 8 Vict. c. 12, s. 13.
Periods may vary.

(e.) The periods to be specified in the Orders in Council for the duration of copyright may vary for different countries or for different classes of works.

7 & 8 Vict. c. 12, s. 14.
Protection abroad for English works.

(f.) No Order in Council is to have any effect unless it is stated therein as the ground for issuing it that due protection has been secured by the foreign Power to which it relates for similar works of British subjects in that country.

7 & 8 Vict. c. 12, ss. 15 and 16.
Orders in Council to be gazetted and laid before Parliament.

(g.) Orders in Council are to be published in the "London Gazette," and are to take effect from publication; and they are to be laid before Parliament.

7 & 8 Vict. c. 12, s. 17.
Revocation of Orders in Council.

(h.) Power is reserved for Her Majesty to alter or revoke any Order in Council, but without prejudice to any rights acquired previously to the revocation or alteration.

7 & 8 Vict. c. 12, s. 19.
Copyright for foreign works only under this Act.

(i.) Copyright for any work, dramatic piece, musical composition, print, sculpture, or work of art first published out of Her Majesty's dominions can only be secured in this country under the Act 7 & 8 Vict. c. 12.

TRANSLATIONS OF PROTECTED FOREIGN BOOKS:

7 & 8 Vict. c. 12, s. 18.
15 & 16 Vict. c. 12, s. 1.
Translations of protected foreign books allowed.

(a.) By the 18th section of the statute 7 & 8 Vict. c. 12, it was enacted that nothing in that Act was to prevent the publication of translations of any book, the author of which might be entitled to the benefit of that Act. By the later Act, 15 & 16 Vict. c. 12, that section was repealed so far as the same is inconsistent with the provision of that Act.

15 & 16 Vict. c. 12, ss. 2 and 3.
Power to prevent publication of translations.

(b.) By Statute 15 & 16 Vict. c. 12, Her Majesty may by Order in Council direct that authors of books published, after a time to be specified in the Order, in any named foreign country, shall, subject to certain conditions (*see (d.)*), be empowered to prevent the publication in the British dominions of unauthorised translations, for a time to be specified in the Order, not exceeding five years from publication of an authorised translation, or if the book be published in parts, not exceeding, as to each part, five years from the publication of an authorised translation of such part. On such Order being made, and subject to any provisions therein, and to the performance of the required conditions, the copyright law is to apply to prevent unauthorised translation of the protected books.

15 & 16 Vict. c. 12, ss. 4 and 5.
Dramatic pieces.
Power to prevent representation of unauthorised translations.

(c.) As to dramatic pieces, Her Majesty may by Order in Council direct that authors of such pieces first publicly represented in a named foreign country shall, subject to certain conditions (*see (d.)*), be empowered to prevent the representation in the British dominions of unauthorised translations for a time not exceeding five years from the publication or first public representation of an authorised translation. On such Order being made, and subject to any provisions therein and to the performance of the required conditions, the copyright law as to dramatic pieces first publicly represented in the British dominions is to apply to prevent the representation of unauthorised translations.

- (d.) No author is to be entitled to the benefit of the Act, or of any Order in Council issued under it in respect of the translation of any book or dramatic piece unless the following conditions are complied with :
1. The original work must be registered, and a copy deposited at Stationers' Hall within three months after publication in the foreign country.
 2. The author must notify on the title page of the original work, or of the first part, if published in parts, 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. A translation sanctioned by the author, or a part thereof, must be published either in the foreign country or in the British dominions within one year after registration and deposit at Stationers' Hall of the original work, and the whole translation must be published within three years after the registration and deposit.
 4. The translation must be published and a copy deposited at Stationers' Hall within a time to be named in the Order in Council.
 5. In case of books published in parts, each part of the original work must be registered and deposited at Stationers' Hall within three months after publication in the foreign country.
 6. In the case of dramatic pieces, the translation sanctioned by the author must be published within three months of the registration of the original work.
 7. These conditions apply to articles originally published in newspapers or periodicals, if the same be afterwards published in a separate form, but not to such articles as originally published.
- (e.) Nothing in the Act, 15 & 16 Vict. c. 12, was to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in a foreign country, but by the recent Act, 38 Vict. c. 12, it was enacted that Her Majesty may in any Order in Council under the Act direct that the 6th section of that Act (which allows fair imitations or adaptations to the English stage) shall not apply to the dramatic pieces to which protection is so extended, and thereupon the former Act is to take effect with respect to such dramatic pieces, and to the translations thereof, as if the 6th section were repealed.
- (f.) Any article of political discussion published in any foreign newspaper or periodical may be republished or translated in English papers or periodicals, if the source from whence it is taken be acknowledged; and any other article so published may be republished or translated in like manner, unless the author has signified his intention of preserving the copyright therein, and the right of translation in some conspicuous part of the paper or periodical. In such case the article has the same protection as a book without the fulfilment of the above conditions (d.) relating to translations.

15 & 16 Vict. c. 12, s. 8
Conditions to be complied with to prevent translations.

15 & 16 Vict. c. 12, s. 6.
38 Vict. c. 12.
Fair imitations or adaptations of dramatic or musical pieces to the English stage.

15 & 16 Vict. c. 12, s. 7.
Political and other articles in newspapers and periodicals. Translations when allowable.

PRESENTATION COPIES FOR LIBRARIES :

- (a.) In the case of books for which copyright is acquired under an Order in Council made under statute 7 & 8 Vict. c. 12, the provisions of the Act 5 & 6 Vict. c. 45 relating to the delivery of copies for the British Museum and the four University Libraries are not to apply, though the remainder of the Act is.
- (b.) No author of any book, or any dramatic piece, or musical composition, if printed, or any inventor, designer, or engraver of any print, is to become entitled to any copyright under any Order in Council made under statute 7 & 8 Vict. c. 12, unless in addition to registration, he delivers at Stationers' Hall a copy of the work on the best paper, upon which the largest number of impressions are printed for sale, for which the officer of the Stationers' Company is to give a receipt in writing.
- (c.) It is not necessary to deliver at Stationers' Hall any copy of second or subsequent editions of books unless such editions contain additions or alterations.
- (d.) The officer of the Stationers' Company is, within one month, to deposit the copies so received in the library of the British Museum.
- (e.) The times to be prescribed in the Orders in Council for delivery of books and other articles at Stationers' Hall may vary for different foreign countries, and for different classes of books or other articles.

7 & 8 Vict. c. 12, s. 7.
Presentation under 5 & 6 Vict. c. 45, not required.

7 & 8 Vict. c. 12, s. 6.
Delivery of copies at Stationers' Hall.

7 & 8 Vict. c. 12, s. 12.
Second or subsequent editions.

7 & 8 Vict. c. 12, s. 11.
Deposit of copies in the British Museum.

7 & 8 Vict. c. 12, s. 13.
Times for delivery may vary.

REGISTRATION OF COPYRIGHT :

- (a.) Registration is required in every case for securing copyright, whether for books, prints, sculpture, or other works of art or musical or dramatic pieces, and it must be effected within the time specified in the Order in Council.
- (b.) Registration of books is effected by entering in the Register Book at Stationers' Hall the title to the copy thereof, the names and places of abode of the author and the proprietor, and the time and place of first publication in the foreign country named in the Order. In case of books published anonymously, it is sufficient to enter the name and place of abode of the first publisher instead of the author, with a declaration that the entry is on behalf of the author or first publisher, as the case may require.
- (c.) Registration of dramatic pieces and musical compositions is effected in the same way as in the case of books, except that the time and place of first representation or performance in the foreign country is, if the piece is in manuscript, to be registered instead of the place of first publication. The Act distinguishes between the registration of dramatic pieces and musical compositions that have been printed, and those that are in manuscript, but it appears to require the same particulars to be registered in each case; it probably, however, means that if the piece has been printed and published, the time and place of first publication in the country named in the Order is to be registered, but if it is in manuscript, the time and place of first representation or performance.
- (d.) Registration of prints is effected by entering in the Register Book at Stationers' Hall, the title thereof, the name and place of abode of the inventor, designer, or engraver, the name of the proprietor of the copyright, and the time and place of first publication in the foreign country named in the Order.
- (e.) Registration of sculpture or other work of art is effected by entering in the Register Book at Stationers' Hall a descriptive title, the name and place of abode of the maker, the name of the proprietor of the copyright, and the time and place of first publication in the foreign country named in the Order.
- (f.) The provisions of statute 5 & 6 Vict. c. 45, relating to the keeping and inspection of and searches in the Register Book, the delivery of copies of entries and their being evidence, to false entries, fictitious copies, and to correction of errors in the Register Book, apply to books and other works registered under 7 & 8 Vict. c. 12.

7 & 8 Vict. c. 12, ss. 5-6
Registration requisite to secure copyright in this country.

7 & 8 Vict. c. 12, ss. 6 and 7.
Mode of registration of books.

7 & 8 Vict. c. 12, s. 8.
Mode of registration of dramatic and musical pieces.

7 & 8 Vict. c. 12, s. 6.
Mode of registration of prints.

7 & 8 Vict. c. 12, s. 6.
Mode of registration of sculpture and works of art.

7 & 8 Vict. c. 12, s. 8.
Application of various provisions of statute 5 & 6 Vict. c. 45.

7 & 8 Vict. c. 12, s. 9.
Entry in register *prima facie* proof of rightful first publication.
Amendment of entry if there be a wrongful first publication.

- (g.) Every entry in the Register Book under statute 7 & 8 Vict. c. 12 of a first publication is *prima facie* proof of a rightful first publication. If there be a wrongful first publication, and any person has availed himself of it to obtain an entry of a spurious work, no order for expunging or varying such entry is to be made unless it be proved: 1st. If the wrongful publication was in a country other than the author's or first publisher's, and with which we have no international copyright treaty, that the party making the application was the author or first publisher. 2nd. If the wrongful first publication was in the country where a rightful first publication has taken place, or with which we have an international copyright treaty, that a competent court in such country has given judgment in favour of the right of the party claiming to be the author or first publisher.
- (h.) The times to be prescribed in the Orders in Council for registration may vary for different foreign countries and for different classes of books or other articles.

7 & 8 Vict. c. 12, s. 13.
Times for registration may vary.

INFRINGEMENT OF COPYRIGHT, AND REMEDIES:

7 & 8 Vict. c. 12, s. 10.
15 & 16 Vict. c. 12, s. 9.
Copies of protected foreign works prohibited importation. Penalties.

- (a.) All copies of foreign works of literature or art wherein there is copyright in this country printed or made in any foreign country except that in which the works were first published, and all unauthorised translations of any book or dramatic piece, the publication or public representation whereof is unlawful in the British dominions under statute 15 & 16 Vict. c. 12, are prohibited importation into any part of the British dominions, except by consent of the registered proprietor or his agent, authorised in writing; and, if imported, such copies or translations and the importers are subject to the enactments relating to similar offences in the Act 5 & 6 Vict. c. 45; and, as to books, to the enactments relating to prohibited goods in the Customs Acts.
- (b.) Any person who shall in any part of the British dominions import prohibited copies, or who, knowing them to be unlawfully imported or printed, shall sell, publish, or expose them for sale or hire, or have them in his possession for such purposes, is liable to an action for damages, as in case of similar offences against the statute 5 & 6 Vict. c. 45.

7 & 8 Vict. c. 12, s. 10.
Action for damages for wrongful importation.

PAPER put in by FREDERIC RICHARD DALDY, Esq. (See the end of the Witness' evidence, p. 58.)

MINORITY REPORT upon an "Act to Grant Foreign Authors a Copyright." Submitted at a Meeting of Publishers, held in the Directors' Room of the Mercantile Library Association, New York, February 7th, 1872.

THE undersigned is compelled to dissent from the majority of the committee in their report of an "An Act to Grant a Copyright to Foreign Authors." He does this with all the more reluctance because the publishing firm of which he is a member emphatically endorses the justice of the principles upon which the demand for an International Copyright Law is based, and has for years dealt with the foreign authors whose works it issues substantially as if such a law were actually in existence.

The practical obstacle in the way of devising such a measure is the difficulty of framing a law which, while it grants rights to English authors, shall not at the same time carry with it privileges, as regards this market, which the British publisher can neither claim nor expect, and which, if conceded, would not only virtually destroy the publishing interests of the United States, but prove most injurious to the American public.

That the "Act" now proposed, however honest in its aims, falls very far short of meeting these difficulties, is evident from the following considerations:—

Although the result of a call from the Library Committee of Congress upon the publishers for aid in framing an "International Copyright Law," it is not an International Copyright Law, nor should it be so regarded. It is in spirit and substance "An Act to protect American publishers," and should be so entitled, rather than "An Act to Grant a Copyright to Foreign Authors," as it claims to be; and it asks for publishers, as a class, legislation most extraordinary in character, entirely opposed to the spirit of the age, and such as they have no right to demand, save in contingencies which it is hardly possible can be forced upon them.

Further than this, it entirely ignores the idea of reciprocity, a principle which the International Copyright Law of Great Britain very properly makes prominent. It is well known that American authors have occasionally, through a legal fiction, secured alleged copyrights in Great Britain, but it is still doubtful whether these supposed copyrights are valid, and if they should so be held, they are only secured by a subterfuge, a resort to which every American author feels to be humiliating. The interests of American

publishers and American authors are so closely allied that self-interest demands that they should act together in a matter of such importance, and in simple justice no rights should be conceded to foreign authors which cannot at the same time be secured for our own. Nor is this, as it might appear at first sight, a merely technical objection to be remedied by the insertion of a clause declaring the measure operative only in countries which shall concede similar privileges to American authors. English publishers are too keenly awake to their own interests to allow the reciprocation of legislation which strikes so heavy a blow at them, and the British government would be long in comprehending the necessity which American publishers claim compels them to demand such legislation for their protection.

If the proposed measure is objectionable upon general grounds, it is still more so in its details. Indeed it entirely fails to meet these great practical difficulties which all who have examined the question freely admit stand in the way of an unrestricted International Copyright Law.

To gain for themselves all the advantages under this measure which they would have under an unrestricted Bill, English houses have only to secure American partners to represent them here. Their existing contracts and wide connexions with English authors would at once give them entire control of this market, thus creating the very monopoly of English publishers, which American publishers so greatly dread. The most careful consideration of this important point is earnestly urged. If it is well taken, the entire measure must fall to the ground. Further than this, the absolute exclusion of the English publisher from this market involves the necessity of legislation so odious in character, and so entirely opposed to the spirit of our institutions, that it could never receive public sanction.

Then again, the provision that any work copyrighted under this Act shall be manufactured here in all its parts, and thus be "wholly the product of the mechanical industry of the United States," is so stringently and offensively "protective" that it will provoke against the measure bitter hostility on the part of a very large class whose support is absolutely essential to the success of the measure. In itself, too, this clause is a manifest absurdity. Strictly construed, it would prevent the use of foreign cloth in binding, and even of foreign ink in printing, or of foreign rags in paper-making. But, while the friends of the proposed Bill would deny any such purpose as this, it is avowedly their intention to exclude electrotypes of illustrations and duplicate stereotype plates to be used in

manufacturing foreign copyrighted works, under the plea that without this restriction branches of English houses which might be established here in the way already suggested, would have great advantage over American publishers. If it is conceded that English publishers can in any way, direct or indirect, extend their copyrights to this country, it is a matter of comparatively small importance to American publishers, who are not themselves manufacturers, whether the books are made here or in England, since in that case the protection of the English publisher, which is in the copyright, is absolute, and shields him from all competition.

But even if this provision were essential to secure the rights of American publishers, it is doubtful whether the intelligent public would submit to it when they came to understand its practical operation. The first result of such a restriction would inevitably be a decided increase in the price of nearly all copyrighted foreign illustrated works, and the tendency would be to lower the standard of excellence in their finish, as there would be nothing to fear from competition with the editions with which they had previously come into comparison. Moreover, scores of scientific and art works absolutely indispensable to the student might be named which the American publisher would find himself unable to issue, solely on account of the great expense of producing the illustrations. Now these works are frequently made accessible to American readers at very much lower rates than the foreign editions of the same book, through the purchase from the English publisher of duplicate electrotypes, and the practice, as all acquainted with the matter know, is rapidly extending. In addition to all this, there are very few illustrated works which the American publisher would find it possible to reproduce within three months of their issue in Great Britain the limit fixed by this measure after which copyright lapses.

Another and most important defect in the proposed Bill is found in the second section, which places it absolutely within the power of the American publisher to exclude from this market revised editions of foreign works of which he may own the copyright. It is perfectly well understood that the system of publishing in Great Britain, which is radically different from our own, enables the authors of all successful scientific and other standard works to keep them fully up to the times by frequent revision and reimpressions. Exclude these editions from the United States, as the legislation proposed would do, and a wrong is inflicted on American scholars which would of itself break down the measure if it should ever become a law.

It will be observed that the Act as submitted makes no provision whatever for copyrighting cyclopædias, dictionaries, commentaries, or other works which more than one person may be the author. Yet such publications, from their very nature, if of any value, embody the results of far more labour and research than is comprised in a work which is the production of a single mind, and are proportionately all the more entitled to the protection which a copyright affords.

To recapitulate, the objections to the proposed measure are—

1. It is in no sense an International Copyright Law, but simply an Act to protect American publishers, regardless of the rights of American authors. It has so narrow a basis, therefore, that it can never receive the endorsement of the public.
2. Even if it were possible for American publishers to receive the "protection" proposed in compelling the manufacture of foreign copyrighted books in the United States, such "protection" would be wholly exclusive, since the copyright which the English publisher could hold indirectly through an American partner, would secure him the absolute control of this market whether the book was made here or in England.
3. For the reasons above stated the Act is objectionable in prohibiting the importation of stereos and electros, in failing to provide for the copyrighting of cyclopædias, &c., and in giving the American publisher power to exclude revised editions of works of which he may own the copyright.

The undersigned is well aware that it is much easier to offer objections to any measure of this sort than it is to frame one which shall meet the exigencies of the case. He is, moreover, perfectly free to acknowledge that he finds himself individually unable to suggest an International Copyright Law which shall dispose of difficulties that the combined intellects of Great Britain and of the United States have up to this time found insurmountable; but he wishes emphatically to assert that he calls attention to

39265.

these defects in the Act now proposed, through no narrow spirit of hostility to this particular measure. The objections urged are inherent in the Act itself, and are beyond question vital. They cannot be overcome by ignoring them. Before this Act can become a law it must pass the ordeal of the severest scrutiny, and if the more intelligent part of the community, whom it so deeply affects, fail to approve its provisions, as they certainly must do, it will not only fall to the ground, but will seriously compromise those who lay themselves open to the charge of advocating the measure for the narrow object of promoting their own business interests, greatly weaken their influence upon any future legislation bearing on this important subject, and inevitably retard the settlement of the great question which it ostensibly aims to adjust.

The undersigned recommends the adoption of the following resolution:—

Resolved—That the report of the majority be non-concurred in.

All of which is respectfully submitted.

EDWARD SEYMOUR,

Of the firm of Charles Scribner & Co.

654, Broadway, New York,
7th February 1872.

IS THE PROPOSED ACT TO "GRANT A COPYRIGHT TO FOREIGN AUTHORS" A PUBLISHER'S BILL?

The following facts will show whether the proposed "Act to grant a copyright to foreign authors" can justly be regarded as embodying the views of the publishers of the United States. From the official list, as furnished by the secretary of the meeting which was held in the Directors' Room of the Mercantile Library, New York, 7th February, it appears that there were invited from publishing houses in,—

New York	-	-	-	-	50
Boston	-	-	-	-	27
Philadelphia	-	-	-	-	24
					—
				Total invited	101

There were present representatives from the firms of,—

New York	-	-	-	-	17
Boston	-	-	-	-	2
					—
				Total present	19

There voted for the bill	-	-	-	-	9
" " minority report	-	-	-	-	5
Declined to vote	-	-	-	-	4
					—
				Number voting	18

In other words, the proposed "Act" failed to receive a majority of the votes of the houses represented, as only nine out of 18 recorded were cast for it. There were four who declined to vote, and five who voted for the minority report; nine in all who refused to indorse the proposed Act. Had those opposed to the measure, therefore, insisted on their parliamentary rights, the majority report could not have been declared the sense of the meeting.

It is not difficult to decide whether a measure which received the votes of but 9 out of 101 publishers whose right to be present was officially recognized, can justly be entitled the "publishers' Bill," especially when it is remembered that nine refused to vote for the measure, and the Philadelphia publishers in a body declined to sanction the movement by their presence.

It will be seen from the list below that 15 only of the New York publishers invited are checked as present whereas in the above statement 17 votes are credited to them. This discrepancy is explained by the fact that two gentlemen representing the same periodical were present without invitation. The names of both were inadvertently called by the secretary, but, as one voted for the majority report, and the other declined to vote, the result was not affected.

The difference between the number present and those voting or declining to vote is explained by the fact that Mr. Putnam was obliged to leave the meeting before the vote was reached; before doing so, however, he declared himself in favour of the minority report. If Mr. Putnam had been able to vote there would have been ten recorded as refusing to indorse the proposed Act against nine approving.

X x

The following lists, furnished by the secretary of the meeting, explain themselves:—

LIST of PUBLISHERS invited to the COPYRIGHT MEETING.

New York.

*Appleton, D., & Co.	Leavitt and Allen Bros.
Barnes, A. S., & Co.	Lee, Shepard, and Dillingham.
Broughton and Wyman.	*Lent, D. W. C., & Co.
Carleton, G. W., & Co.	Lockwood, Geo. R.
*Carter, Robt., and Bros.	*Miller, James.
Clark and Maynard.	Oakley, Mason, & Co.
*Collins and Bros.	Palmer, W. C., jr., & Co.
Colton, G. W., and C. B.	Pond, W. A., & Co.
DeWitt, R. M.	Pott, Young, & Co.
Dick and Fitzgerald.	*Putnam, G. P., and Sons.
Ditson, C. H., & Co.	*Randolph, A. D. F., & Co.
*Dodd and Mead.	Sadlier, D. and J., & Co.
*Dutton, E. P., & Co.	*Scribner, Chas., & Co.
Felt, F. B., & Co.	Schermerhorn, J. W., & Co.
Ferry, J. Milton.	*Sheldon & Co.
*Ford, J. B., & Co.	*Taintor Brothers.
Francis, D. G.	Tibbals, N., and Son.
Hale, E. J., and Son.	Townsend, W. A.
Hall, Wm., and Son.	Van Nostrand, D.
Harper and Bros.	Waters, Horace.
*Holt and Williams.	Wells, Samuel R.
Huntington, F. J., & Co.	Widdleton, W. J.
*Hurd and Houghton.	Wood, Wm., & Co.
Iverson, Blakeman, Taylor, & Co.	Woolworth, Ainsworth, & Co.
Judd, Orange, & Co.	
Kiggins, Tooker, & Co.	

Total number of New York publishers invited, 50.

* Represented, 15.

Boston.

Brewer and Tileston.	Little, Brown, & Co.
Crocker and Brewster.	Locke, J. S., & Co.
Crosby and Daurell.	Loring, A. K.
Davis, R. S., & Co.	Lthrop, D., & Co.
Dennett, W. H., & Co.	Nichols and Hall.
Ditson, Oliver, & Co.	Noyes, Holmes, & Co.
Ellsworth, Oliver.	*Osgood, J. R., & Co.
Ginn Bros., & Co.	Roberts, Bros.
Gould and Lincoln.	Shorey, Jno. I.
Graves and Ellis.	Thompson, Bigelow, and Brown.
Halliday, W. H., & Co.	Tilton, J. E., & Co.
Hammett, J. L.	Williams, A., & Co.
Hart, Henry.	Young, Henry A., & Co.
*Lee and Shepard.	

Total number of Boston publishers invited, 27.

* Represented, 2.

Philadelphia.

Baird, Henry C.	Lee, Henry C.
Bancroft, J. A., & Co.	Lee and Walker.
Bliss, Theodore, & Co.	Lindsay and Blakiston.
Butler, E. H., & Co.	Lippincott, J. B., & Co.
Challen, Howard.	Martien, Alfred.
Childs, Geo. W.	Moss & Co.
Cowperthwait & Co.	Perkinpine and Higgins.
Claxton, Remsen, and Halfelfinger.	Peterson, T. B., & Co.
Desilver, Chas.	Porter and Coates.
Edredge and Bros.	Potter, Jno. E., & Co.
Fortescue, W. S., & Co.	Smith, English, & Co.
Kay and Bro.	Sower, Potts, & Co.

Total number of Philadelphia publishers invited, 24.

The Philadelphia publishers formally declined to sanction the movement.

HOUSES REPRESENTED.

Sheldon & Co.	D. Appleton & Co.
Lee and Shepard	Holt and Williams.
James Miller.	G. P. Putnam and Sons.
A. D. F. Randolph & Co.	Charles Scribner & Co.
W. H. Bidwell.	E. R. Pelton.
Robert Carter and Bros.	Collins Brothers.
E. P. Dutton & Co.	Hurd and Houghton.
D. W. C. Lent & Co.	J. R. Osgood & Co.
Dodd and Mead.	J. B. Ford & Co.
Taintor Bros.	
Total	- - 19

Votes for the Bill.

Sheldon & Co.	D. W. C. Lent & Co.
A. D. F. Randolph & Co.	Lee and Shepard.
Robert Carter & Bros.	W. H. Bidwell.
J. B. Ford & Co.	Dodd and Mead.
D. Appleton & Co.	
Total	- - 9

Votes for the Minority Report.

Holt and Williams.	James Miller.
Charles Scribner & Co.	F. P. Dutton & Co.
Hurd and Houghton.	
Total	- - 5

Declined to Vote.

E. R. Pelton.	Collins and Brothers.
J. R. Osgood & Co.	Taintor Brothers.
Total	- - 4

Mr. Putnam left before the vote was taken.

Recapitulation.

Total number invited	- - - 101
" present	- - - 19
Votes for the Bill	- - - 9
" minority report	- - - 5
Declines to vote	- - - 4

AN ACT TO GRANT A COPYRIGHT TO FOREIGN AUTHORS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:—

Section 1. That any author of a manuscript intended to be published as a book, who is not a resident and citizen of the United States, may obtain a copyright for such manuscript upon the same terms and conditions as are now required of an American author, whenever such foreign author shall enter into a contract with an American publisher, a citizen of the United States, to manufacture the book in all its parts, so that it shall be wholly the product of the mechanical industry of the United States, and the title page thereof shall have been recorded in the office of the librarian of Congress within one month of the date of its publication in the country of which he is a citizen, and shall be published and exposed for sale in the United States within three months of said date of publication.

Section 2. And be it further enacted, That an American publisher having in conformity with the provisions of this act, manufactured and issued the work of a foreign author, he shall possess and hold the same rights to produce and offer such book for sale in the United States, which he now acquires relative to an American book, under the act granting and securing a copyright to American authors. Provided, that if such American publisher shall neglect, for the space of three months to keep the book so published by him on sale, or obtainable at his publishing house, then it may be imported or reprinted the same as might have been done before the passage of this Act.

Section 3. And be it further enacted, That articles in foreign newspapers, or contributions to foreign periodicals, shall not be entitled to be copyrighted under this Act; but the foreign author of successive contributions, known as a serial, may obtain for such serial all the benefits of this Act, whenever, upon the issue of the first number of said serial, he shall make an arrangement or contract with an American publisher for the issue of the future numbers of the said serial, each within one month, in the United States, according to the provisions of this Act for the publication of books of foreign authors.

Section 4. And be it further enacted, That nothing in this Act contained shall prevent the importation and reprinting of the work of any foreign author who has not secured for himself the benefits of this Act, in the same manner as was done in this country before the passage of this Act.

APPENDIX No. IV.

RIGHT OF STAGE REPRESENTATION OF NOVELS.

EXTRACTS FROM LETTERS received by Mr. JOHN HOLLINGSHEAD in 1874, in favour of securing a RIGHT OF DRAMATISATION for NOVELISTS in their own WORKS. Put in by Mr. HOLLINGSHEAD. (See Question 2596).

GEORGE ELIOT.—“I thoroughly concur in the opinion that the law of copyright in relation to the dramatisation of novels ought to be changed, and I shall willingly give my adhesion to any energetic effort towards attaining that end.”

ANTHONY TROLLOPE.—“If a dramatist have a property in the plot of his play, or a novelist in the words of his story,—why should not the novelist have a similar property in his plot? I do not think I should refuse the use of one of my stories to any respectable dramatist who might pay me the compliment of asking for it, but I do feel very bitter against those who endeavour to palm off as their own the work of others.”

LORD LYTTON.—“I heartily sympathise with your efforts, and shall be very willing to co-operate to obtain such an amendment of the copyright law as may prevent the unauthorised dramatisation of novels.”

WILKIE COLLINS.—“My ‘Poor Miss Finch’ has been dramatised (without asking my permission), by some obscure idiot in the country. I have been asked to dramatise it, and I have refused, because my experience tells me that the book is eminently unfit for stage purposes. What I refuse to do with my own work, another man (unknown in literature) is perfectly free to do against my will, and (if he can get his rubbish played) to the prejudice of my novel and my reputation.”

TOM TAYLOR.—“I quite agree with you that prior dramatisation by an author ought to secure his stage property in a story from infringement by another dramatist without his permission.”

CHARLES READE.—“I consider it a heartless and wicked act to dramatise a story written by a dramatist, because you must know he wishes to dramatise it himself.”

SHIRLEY BROOKS.—“That dramatisation question on which you write is one that ought to be taken up by all of us.”

M. E. BRADDON.—“I have written twenty-four novels; many of these have been dramatised, and a few of the dramatic versions still hold the stage. I have never received the smallest pecuniary advantage from any of these adaptations, nor does the law of copyright in any way assist me to protect what appears to be a valuable portion of my copyright, namely, the exclusive right to dramatised my own creation.”

WATTS PHILLIPS.—“‘Amos Clark’ was founded on a novel of mine. A thief the other day informed me he had as much right to give his version of my story as I had, by the law. Nearly every one of my stories have been dramatised, captured, and conveyed to the Cave of Adullam and elsewhere. Not a farthing given to me; only when I took up some of my situations (situations created by me), and worked them into a piece, I was told ‘they have been done before.’”

CHARLES MACKAY, LL.D.—“Please include my name among those who desire to co-operate in the reform of the copyright laws as affecting the right of stage representation.”

WESTLAND MARSTON, LL.D.—“I am warm in the conviction that where a writer creates a property for himself in one branch of fiction, he should not lose it because someone else may be inclined to present its substance with a mere modification of form.”

WILLIAM GILBERT.—“I sincerely wish you success in your attempt to prevent the piracy of novels, &c. for theatrical purposes.”

FLORENCE MARRYAT.—“One of my novels is at this moment being dramatised against my wishes.”

W. S. GILBERT.—“‘The Wicked World,’ ‘Creatures of Impulse,’ ‘On Guard,’ ‘Randall’s Thumb,’ are all dramatic versions of stories I have published.”

SIR CHARLES L. YOUNG.—“I shall be very happy to render any assistance in my power in order to secure to authors the rights of property in the product of their own brains.”

F. W. ROBINSON.—“The movement I hope will result in a reconsideration of the law of copyright as it affects the unauthorised dramatisation of stories, from which the novelist suffers immensely, and without hope of redress.”

PALGRAVE SIMPSON, Secretary of the Dramatic Authors’ Society.—“You will benefit all authors if you can bring about a change in the copyright law as regards novels, tales, and dramas.”

APPENDIX No. V.

COPY LETTERS, and EXTRACTS FROM LETTERS of EMINENT ARTISTS referred to in the EVIDENCE of Mr. BASIL FIELD.

(See Question 3684.)

1. LETTER from J. R. HERBERT, Esq., R.A., Corresponding Member of the Institute of France.

The Chimes, Kilburn,
Decr. 3rd, 1876.

MY DEAR MR. FIELD,

You have asked my views with regard to the very important question of copyright which was intended to have been, but which unfortunately was not, settled by the last Copyright Act. The practical working of the Act, although this was not the intention of those who passed it, is most calamitous for all artists, more particularly for beginners who are struggling with poverty, and who, therefore, are obviously not in a position to protect their interests by exacting written agreements from their purchasers. Again when an artist sells a painting it is very hard for the law to assume that by the act of selling he deprives himself of a totally separate property, namely, his copyright, unless he stipulates in writing to the contrary? It surely in all fairness ought to be, that in selling his painting he sells that only and nothing else; if he wishes to sell his copyright as well, that ought to be the subject of a separate agreement.

To illustrate this, assume that a young and unknown artist has painted a striking picture, and under pressure of poverty, sells it; he is clearly not in a position to bargain for his copyright; he is only too anxious to effect a sale. Assume that this young artist in a few years becomes eminent, the copyright of his early picture will become of considerable value; yet he, through whose labour this value

has been created, is the only person who by the law receives no benefit, surely it would be more just that the law should be reversed so that he might be the person to reap the benefit of his own labour, unless he had expressly assigned it away.

It would seem altogether an unjust view for the law to assume that when an artist sells a picture he intends to abandon any other right; he sells the picture and the picture only, and if the purchaser wishes to acquire the the copyright he should pay for it, otherwise it should remain in the artist to whom it naturally belongs. At present if a picture is sold and the artist has not the exceptional foresight to protect his rights by a written agreement, the copyright falls to the ground, and not only the person who buys the picture, but everybody who can get access to it has the power of reproducing it, and not only reproducing it but doing so in a manner which may seriously damage the artist’s reputation. Can anything be more disheartening than to see, as is frequently the case, third persons reaping the benefit of a copyright which the artist never dreamed of parting with. I feel in the strongest manner, therefore, that the law ought to be modified, so that when an artist sell a picture it should be understood that he sells the picture only, and that all other rights remain in him.

I think that portraits on commission stand on totally different ground, and that in these cases the law should be quite the reverse, and unless there is a written agreement to the contrary, the copyright should be in the person for whom the portrait is painted.

X x 2

With reference to the question of the number of years during which the copyright should exist after the death of the artist, I think it of vital importance that the present time should be extended.

I will only give one instance in exemplifying this, but I think that will be sufficient.

You are of course aware that the careful engraving of pictures is very expensive and laborious, and the work of years; this is more particularly the case with the more valuable works, which are rarely produced before a painter's prime, and by the time that a careful engraving of such works is finished, the greater part of the seven years, which is at present allowed after the artist's death may have elapsed, so that the artist's representatives may have little or no benefit from the labour and expense that has been bestowed upon the production of the engraving. The public would not be injured by the extension of time, and the artist would be often saved serious injury.

Believe me, &c.

Basil Field, Esq.,
&c.

J. R. HERBERT.

2. LETTER FROM G. D. LESLIE, R.A.

S, Grove End Road, St. John's Wood.

MY DEAR FIELD, January 13th, 1877.

I DREW the attention of the Council of the Royal Academy to the proposed amendments of the law of copyright on Tuesday, and I need not say that they met with their entire approbation, but as it was the first night of our new Council, and I had not had the opportunity of giving notice of motion on a previous evening, I could not obtain a formal vote of approval of them, and I am sorry that our next Council meeting will be too late to be of any use to you; I however intimated to the Council my intention of bringing the subject before them again before the Commission shall report to the Government, and from what was said I have no doubt but that the Academy will do its duty in the matter, and put itself at the head of a formidable artistic demonstration in favour of your admirable improvements of the law.

I have conversed with a great many of the members on the subject, and though their ignorance of the subject is a matter of regret and astonishment, yet there can be no doubt about their wishes in the matter, namely, the simplification of the law by the plain common sense measures you propose.

Many of the greatest artists I have known, as I daresay you know yourself, are extremely bad men of business, absorbed in their art, they pay little attention to their rights as long as they can sell their pictures and live comfortably they are content, but they are constantly made the victims of enterprising sharpers, and but too frequently the hat has to go round for their widows and children after their death. If they clearly understood what a valuable property a well-secured copyright would be to them and their families, a great deal of misery would be avoided; as it is, the law is enveloped in the usual halo of elaborate mystery, and with the characteristic carelessness of genius they trust entirely to the honour and good faith of their customers rather than bother themselves with memorandums and registrations, &c. The registration I especially object to, as after all it appears to be of no use without the memorandum, and to have to register every thing one does would be perfectly intolerable to me. I cannot see what Stationers' Hall has to do with the painters, perhaps with photographs and engravings which are on paper, or even water colours, but oil paintings, why should they go to Stationers' Hall?

It is not altogether the money's worth we ask for: our reputations are at stake. I have just had a small bad engraving done from a small early water-colour drawing of mine which is to be published now by an enterprising firm with my full titles put to it, this is done without the slightest request to me, they buy my little drawing somewhere and I cannot stop them; I don't want to be paid, but it is intolerable that on account of my youthful negligence my present fame should be damaged by this wretched plate.

I know very well at the time I painted that work I was under the delusion that an artist did retain the copyright, unless the purchaser distinctly bought it with the picture.

I firmly believe that 99 pictures out of 100 are improperly secured as regards their copyright; every artist I meet has a different idea about what the law is, hazy ideas about registration, and reservation &c. are the general rule, but I have met with none who are not decided on what the law should be, namely, the copyright to be to the painters without any trouble or question until he sells it, then let him or the purchaser do what they like, register or memorandum, or what you please.

I quite agree, however, in the matter of portraits in which

case the retaining the copyright by the artist would become intolerable to those who employed them.

I am a poor hand at writing, but I do feel very strongly the injustice you are so bravely striving to redress, and hope and trust you may be able to impress on the Commissioners the soundness of your views.

Believe me, &c.

Basil Field, Esq.,
Lincoln's Inn Fields, W.C.

G. D. LESLIE.

3. EXTRACT FROM LETTER OF FREDERICK GOODALL, R.A.

Graemes Dyke, Harrow Weald.

MY DEAR FIELD, November 28th, 1876.

I MOST heartily approve of your scheme for amending the law of copyright as it now stands in relation to the painter.

I quite agree with you that the copyright of a picture should remain the property of the painter as long as no agreement should have been entered into for the purchase of it, and that until he should have disposed of his copyright, there should be no necessity to register the picture.

4. EXTRACT FROM LETTER FROM H. T. WELLS, R.A.

Thorpe Lodge, Campden Hill, W.

MY DEAR FIELD, December 2nd, 1876.

.. * * * * * Until this evening I could not write to you on the copyright question * * *

I daresay, knowing as you do so well all the terms of that question, difficulties are patent to you that in my partial ignorance I cannot see, but to me it seems a matter of plain and easy justice that the copyright should belong absolutely to the painter with all the benefit of profits resulting from the publication of his work. On the other hand, after parting with his work, he should only have possession of it for the purpose of engraving, &c., by right of a distinct stipulation at the time of its sale or by the complaisance of the owner.

In the case of portraits painted to order, I recognise some of the difficulties you mention, and I think the painter should not have the power to publish, without a written permission from the owner, so that the owner might be protected against the possible annoyance of publication of a photograph or engraving done hurriedly before the picture was delivered to him.

The idea of separating portraits from so-called "works of imagination," and excluding them from the benefit of the prospective Act seems to me full of wrong, for, call it by what name you will, the canvas gives a product of the painter's self, and there would be no question of profits unless the public coveted that particular product rather than the work of another artist or a photograph done direct from the sitter.

A glance at the windows of the principal print publishers will convince any one of the large demand that exists for engravings from portraits or from pictures that would have to be classed as portraits, and it would certainly be a perversion of the profits if the authors or their representatives did not partake of them.

Yours, &c.

HENRY T. WELLS.

5. EXTRACT FROM LETTER FROM SIR JOHN GILBERT, R.A., President of the Society of Painters in Water Colours.

Vanburgh Park, Blackheath,

DEAR MR. FIELD, December 4th, 1876.

RECURRING to the subject of our conversation, the present state of the law of copyright, more particularly as it affects the artist, it seems to me that the simple and fair way to protect his interest, and his right is to vest that right in himself, he to have the copyright of his work for life, and for, say, 20 years after his death, that property to descend to his family.

Of course the artist can if he chooses waive his right to the purchaser of his work, but until he *himself* gives leave to take his property from him, the law should be his sufficient protector.

Believe me, &c.

JOHN GILBERT.

6. COPY of LETTER from F. W. BURTON, Esq., F.S.A.,
Director of the National Gallery.

43, Argyle Road,
November 28th, 1876.

MY DEAR FIELD,

I CAN have no sort of hesitation in giving you my views on the subject of artistic copyright if you think they could at all aid in procuring some satisfactory settlement of that question, and some just legislation upon it. Some years ago I took part in a movement having that aim in view, one in which your father took a deep interest; and I formed one of a deputation of which he was the spokesman, and which waited on Lord Palmerston to urge the necessity of instituting some measure of protection for artists in relation to copyright.

All that I have to say on the question can easily be said here. It will be found to agree entirely with the view you yourself have formed, and you are welcome to make any use you think proper of my letter. I think, then, that the copyright in any work of art laying just claim to originality in subject or in treatment, whether in painting, drawing, or design of any sort, or a model or piece of sculpture, should be considered by law the property of the artist, and (if it should be thought desirable) of his representatives for a certain term of years after his death, unless in selling or parting with the work he should part also with the copyright by written agreement, when it would rest with the purchaser of the copyright to register it. Unquestionably it does not answer the ends of common justice to leave the artist—above all, the young and inexperienced one—at the mercy of his own ignorance or inexperience on the one hand, and at that of the keen and heartless dealer on the other. It is needless to adduce quite possible or probable cases where a cruel injustice might be done to a young man (or young woman, for that matter, which would be still worse, you know) through want of foresight or of self-confidence, or through a temporary undervaluing of a work which may yet be the foundation of his fame, but over which he had exhausted himself mentally and bodily by the time the almost unhopèd-for opportunity of selling it presented itself. He parts with it for an almost nominal price, and without dreaming of stipulations. Another carries off the reward, and he is left, perhaps, struggling with material difficulties to nerve himself as well as he can for another effort.

In the case of copyright in portraits, I am inclined to think this should be the property of the person commissioning the portrait. There the artist might be left to make the conditions, or rather to offer them. By neglecting to do so he could not be fairly considered a loser. A portrait cannot be regarded as a work of imagination or invention *essentially*, however much artistic beauty may be thrown into it. Besides, it is the result of an agreement made beforehand between two contracting parties. The only thing in the case of portraits the artist should be enabled to guard against, if possible, would be the inadequate or unworthy rendering of his work in engraving or other mode of reproduction. This is a difficult question. But I think the artist should be legally furnished with the power to suppress, let us say an engraving of his work, if he had good reason to disapprove of it; and supposing it a portrait of some public personage painted by commission and to be engraved, and that the price included, or was associated with, the price of copyright. I think the artist should have the power either of insisting upon the reproduction being satisfactory, even at the cost of a second plate, or of reclaiming the copyright upon paying back the

amount he had received for it. I rather think, indeed, that some regulation of the kind would be desirable in all cases where the reproduction of an artistic work is concerned. It is unlikely the artist would ever find fault with the engraving without good reason, and he alone would be considered the proper judge as to the rendering of his picture.

I daresay in what I have put forward above there may be some crude views, and there may be many difficulties I have not seen. But, as I have already said, on the one great principle that the inventor of a work of art should be considered as the owner of the copyright in it until he deliberately parts with the same, I think there can be only one opinion; and I hope it may be possible to frame an Act which will protect the artist against all attempts at evasion of it.

Yours always sincerely,
Basil Field, Esq. FRED. W. BURTON.

7. COPY LETTER from A. D. TRIPP, Esq., Secretary to
the Society of Painters in Water Colours.

Society of Painters in Water Colours,
Gallery, 5, Pall Mall East, S.W.,
Decr. 7th, 1876.

MY DEAR FIELD,

You ask me to give you my ideas in connexion with artistic copyright.

We artists are not men of business, and we feel the inconvenience of having to deal with formal and stamped documents, and of having to register every work we wish protected. There are defects in the present system however which are more than inconveniences. The obligation upon us to assert our property rights in every work we produce by getting a formal agreement signed by the purchaser at or before the first sale from my experience acts *injuriously to us*, as I know purchasers who never think of asking for the copyright themselves, nevertheless object to sign an agreement reserving anything to the artist; they think they are acquiring an incomplete property in what they buy, and this leads to no end of misunderstanding; a common notion being that they are liable to be called upon to give up their work for the purpose of copying or engraving at the dictation of the artist.

If we do not get such an agreement, even if we volunteer to make over the copyright to a purchaser in not one case in a hundred (unless he is a dealer or publisher), does he take any steps to secure it, or even if secured to him to protect it by subsequent registration, and it lapses and becomes the property of anybody to use and abuse as he pleases regardless of the reputation or interest of the artist.

What we want is, simply the securing to us for life, and for the sake of our families a reasonable period after death of the copyright in our works, and a simple form by means of which we may transfer such property rights for any or no consideration to others, either at the time of selling our works, or subsequently.

Your wide acquaintance with artists and peculiar knowledge of all the circumstances connected with the existing Act however will enable you to speak to this matter with more authority than I can do, and I have entire confidence in your ability to represent our views.

Yours, &c.
Basil Field, Esq., ALFRED D. TRIPP.
36, Lincoln's Inn Fields.

APPENDIX No. VI.

PAPERS put in by Mr. J. WINTER JONES.

(See Question 1761.)

COPYRIGHT ACT.	
NEWSPAPERS (1875).	
England:	
Provincial (including Wales)	- 1,163
London	- 291
Scotch	- 167
Irish	- 135
Total	- 1,756

COPYRIGHT ACT.			
No. of ARTICLES (including Newspapers) received at BRITISH MUSEUM during years,—			
—	Newspapers.	Books, &c.	Total.
1873	40,651	35,849	76,500
1874	111,607	35,663	147,270
1875	115,563	29,919	145,482
Grand total			- 368,452

X x 3

COPYRIGHT ACT. BRITISH MUSEUM. PROSECUTIONS, &c. LONDON PUBLISHERS.

Information laid against Publishers since May 1850 (that being the date when authority was given to take proceedings)—158.

Out of this number, one publisher was found to be a bankrupt, one book was found to be published in America; the other publishers either were fined, &c. with costs, or the cases were settled out of court. Books due were delivered. (I find no record of the Museum losing a case.)

INTERNATIONAL COPYRIGHT.

	Books.			Music.			Maps, &c.			Total.
	Vols.	Parts.	Single sheets.	Vols.	Pieces.	Parts.	Sheets.	Atlases.	Prints &c.	
1857	158	30	—	12	266	113	—	1	6	586
1858	170	5	—	10	159	48	1	—	4	397
1859	249	7	1	22	256	25	2	2	126	690
	F. G.	F. G.	F. G.	F. G.	F. G.	F. G.	F. G.	F. G.	F. G.	
1860	156 45	38 12	—	10 5	61 90	—	2 0	—	39 1	459
1861	237 40	158 1	1 0	24 7	190 81	64 5	4 0	1 0	1 1	815
1862	225 73	408 25	7 0	32 7	210 116	36 23	—	2 0	25 2	1,191
1863	192 60	530 11	1 0	11 5	369 128	72 39	0 14	—	25 0	1,457
1864	160 33	475 98	—	21 7	229 186	30 24	—	—	20 0	1,283
1865	163 29	370 4	—	11 9	215 190	74 37	—	1 0	18 0	1,121
1866	179 36	499 11	—	34 16	377 178	143 84	—	—	43 0	1,605
1867	221 76	133 27	—	32 21	391 152	154 53	—	—	108 0	1,368
1868	201 79	87 18	—	35 31	431 145	253 53	—	—	58 0	1,391
1869	198 48	112 1	—	57 18	663 168	157 59	—	—	35 0	1,516
1870	197 51	81 71	0 3	39 20	424 265	199 99	0 9	1 0	114 0	1,573
1871	13 37	18 25	7 3	5 17	17 333	3 129	—	—	25 0	623
1872	186 77	136 34	51 3	60 30	504 428	254 259	—	1 0	88 0	2,111
1873	139 79	159 15	16 1	76 45	568 418	242 275	—	4 0	117 0	2,154
1874	190 89	153 21	2 0	74 109	646 701	221 359	—	—	73 0	2,565
1875	230 105	219 10	57 0	100 104	831 580	246 567	—	—	90 0	3,049

COPYRIGHT ACT.

No. of ARTICLES received at BRITISH MUSEUM during years (and for which receipts have been prepared):

1814	-	-	578	1845	-	-	8,855
1815	-	-	1,010	1846	-	-	9,682
1816	-	-	1,275	1847	-	-	9,057
1817	-	-	1,312	1848	-	-	9,520
1818	-	-	1,116	1849	-	-	9,566
1819	-	-	1,264	1850	-	-	9,834
1820	-	-	1,212	1851	-	-	9,871
1821	-	-	1,340	1852	-	-	13,934
1822	-	-	1,900	1853	-	-	14,081
1823	-	-	1,619	1854	-	-	19,578
1824	-	-	2,153	1855	-	-	25,818
1825	-	-	4,040	1856	-	-	26,335
1826	-	-	3,264	1857	-	-	28,396
1827	-	-	3,477	1858	-	-	28,373
1828	-	-	3,237	1859	-	-	28,807
1829	-	-	2,980	1860	-	-	26,366
1830	-	-	2,543	1861	-	-	27,743
1831	-	-	1,341	1862	-	-	26,856
1832	-	-	1,805	1863	-	-	26,285
1833	-	-	2,977	1864	-	-	25,750
1834	-	-	6,019	1865	-	-	27,529
1835	-	-	5,091	1866	-	-	27,644
1836	-	-	5,388	1867	-	-	24,083
1837	-	-	4,153	1868	-	-	31,863
1838	-	-	5,714	1869	-	-	25,900
1839	-	-	5,600	1870	-	-	26,966
1840	-	-	6,568	1871	-	-	23,509
1841	-	-	5,293	1872	-	-	28,591
1842	-	-	7,188	1873	-	-	35,849
1843	-	-	7,043	1874	-	-	35,663
1844	-	-	8,122	1875	-	-	29,919

INTERNATIONAL COPYRIGHT.

NAMES of COUNTRIES with whom CONVENTIONS have been made:

Prussia	-	-	-	May 13th, 1846.
Saxony	-	-	-	Aug. 24th, 1846.
Brunswick	-	-	-	March 30th, 1847.
Thuringian Union	-	-	-	July 1st, 1847.
Hanover	-	-	-	Aug. 4th, 1847.
Oldenburg	-	-	-	Dec. 28th, 1847.
French Republic	-	-	-	Nov. 3rd, 1851.
Anhalt	-	-	-	Feb. 8th, 1853.
Hamburgh	-	-	-	Aug. 16th, 1853.
Belgium	-	-	-	Aug. 12th, 1854.
Prussia (additional)	-	-	-	June 14th, 1855.
Spain	-	-	-	July 7th, 1857.
Sardinia*	-	-	-	Nov. 30th, 1860.

* No fresh convention has been made with the "Kingdom of Italy" (it is assumed that the one with Sardinia holds good for it.)

COPYRIGHT ACT.

—	Books.				Music.				Maps, and Atlases.				Daily Total.	Grand Total.
	Works.	Vols.	Parts.	Single Sheets.	Works.	Vols.	Pieces.	Parts.	Maps.	Sheets.	Atlases.	Parts.		
1876.														
January 1	33	34	92	2	11	—	11	—	—	—	—	—	139	139
" 3	3	3	35	—	—	—	—	—	—	—	—	—	38	177
" 4	3	8	2	—	2	—	2	—	—	—	—	—	12	189
" 5	32	34	80	8	—	—	—	—	—	—	—	—	122	311
" 6	27	63	5	3	—	—	—	—	—	—	—	—	71	382
" 7	23	23	575	—	—	—	—	—	—	—	—	—	598	980
" 8	32	35	98	7	51	1	49	1	—	—	—	—	191	1,171
" 10	21	20	42	—	8	—	8	—	—	—	—	—	70	1,241
" 11	6	6	14	—	1	—	1	—	—	—	—	—	21	1,262
" 12	9	8	6	—	1	—	—	1	—	—	—	—	15	1,277
" 13	6	6	128	—	—	—	—	—	—	—	—	—	134	1,411
" 14	52	51	190	—	—	—	—	—	—	—	—	—	241	1,652
" 15	15	15	21	3	—	—	—	—	—	—	—	—	39	1,691
" 17	48	48	44	2	2	—	2	—	—	—	—	—	96	1,787
" 18	36	38	23	3	1	—	1	—	2	—	2	—	67	1,854
" 19	18	22	11	—	2	—	2	—	—	—	—	—	35	1,889
" 20	57	69	34	—	10	1	9	—	—	—	—	—	113	2,002
" 21	46	48	79	1	—	—	—	—	—	—	—	—	128	2,130
" 22	4	4	62	1	—	—	—	—	—	—	—	—	67	2,197
" 24	10	10	3	—	—	—	—	—	—	—	—	—	13	2,210
" 25	3	3	16	—	8	—	8	—	—	—	—	—	21	2,231
" 26	3	3	19	—	2	—	2	—	—	—	—	—	24	2,255
" 27	8	8	—	—	—	—	—	—	—	—	—	—	8	2,263
" 28	11	13	8	—	—	—	—	—	—	—	—	—	21	2,284
" 29	—	—	21	—	—	—	—	—	—	—	—	—	21	2,305
" 31	13	17	10	—	1	—	1	—	—	—	—	—	28	2,333
February 1	4	4	33	6	—	—	—	—	—	—	—	—	43	2,376
" 2	13	12	120	—	49	5	44	—	—	—	—	—	161	2,537
" 3	66	64	49	—	—	—	—	—	—	—	—	—	121	2,658
" 4	42	45	400	—	46	—	44	—	1	1	—	—	492	3,150
" 5	29	31	14	1	—	—	—	—	—	—	—	—	46	3,216
" 7	36	44	72	0	—	—	—	—	—	—	—	—	116	3,332
" 8	10	12	1	—	4	—	4	—	—	—	—	—	17	3,349
" 9	12	10	14	—	2	—	2	—	—	—	—	—	26	3,375
" 10	36	39	22	32	5	—	5	—	—	—	—	—	98	3,473
" 11	2	2	4	—	—	—	—	—	—	—	—	—	6	3,479
" 12	6	7	1	—	—	—	—	—	—	—	—	—	8	3,487
" 14	40	39	46	2	—	—	—	—	—	—	—	—	87	3,574
" 15	64	64	5	—	52	28	24	—	—	—	—	—	121	3,695
" 16	24	24	12	—	22	22	—	—	—	—	—	—	58	3,753
" 17	19	20	31	7	—	—	—	—	—	—	—	—	58	3,811
" 18	19	19	26	3	16	16	—	—	—	—	—	—	64	3,875
" 19	89	87	110	4	41	1	40	—	—	—	—	—	242	4,117
" 21	31	36	3	—	14	1	13	—	70	70	—	—	123	4,240
" 22	4	4	20	—	1	—	1	—	—	—	—	—	25	4,265
" 23	58	60	33	1	4	—	4	—	—	—	—	—	98	4,363
" 24	48	49	55	—	3	—	3	—	—	—	—	—	107	4,470
" 25	7	7	27	—	—	—	—	—	—	—	—	—	34	4,504
" 26	6	8	1	—	—	—	—	—	—	—	—	—	9	4,513
" 28	39	38	52	—	—	—	—	—	—	—	—	—	90	4,603
" 29	20	21	38	—	2	—	2	—	—	—	—	—	61	4,664
March 1									Asia Wednesday.					
" 2	15	26	23	—	5	—	5	—	—	—	—	—	54	4,718
" 3	18	18	26	—	1	—	1	—	—	—	—	—	45	4,763
" 4	1	3	6	—	—	—	—	—	—	—	—	—	9	4,772
" 6	36	39	86	—	28	—	28	—	—	—	—	—	154	4,926
" 7	8	9	13	—	—	—	—	—	1	1	—	—	22	4,948
" 8	43	43	21	—	—	—	—	—	—	—	—	—	64	5,012
" 9	10	10	28	2	122	—	—	122	122	122	—	—	162	5,174
" 10	25	25	1	—	1	—	1	—	—	—	—	—	27	5,201
" 11	1	1	1	—	1	—	1	—	—	—	—	—	3	5,204
" 13	76	87	31	1	2	—	2	—	—	—	—	—	121	5,325
" 14	34	72	31	1	—	—	—	—	—	—	—	—	104	5,429
" 15	8	8	143	84	2	2	—	—	—	—	—	—	237	5,666
" 16	36	34	—	2	1	1	—	—	—	—	—	—	37	5,703
" 17	26	27	124	—	22	—	22	—	—	—	—	—	173	5,876
" 18	—	—	2	—	1	—	1	—	—	—	—	—	3	5,879
" 20	2	2	2	—	—	—	—	—	—	—	—	—	4	5,883
" 21	33	45	9	1	—	—	—	—	—	—	—	—	55	5,938
" 22	16	20	15	—	—	—	—	—	—	—	—	—	35	5,973
" 23	1	1	—	—	—	—	—	—	—	—	—	—	1	5,974
" 24	10	11	2	—	—	—	—	—	—	—	—	—	13	5,987
" 25	78	80	121	1	—	—	—	—	—	—	—	—	202	6,189
" 27	3	7	2	—	24	—	24	—	—	—	—	—	33	6,222
" 28	5	5	328	—	15	4	11	—	—	—	—	—	348	6,570
" 29	35	37	6	—	17	—	17	—	—	—	—	—	60	6,630
" 30	7	10	13	—	—	—	—	—	—	—	—	—	23	6,653
" 31	19	19	9	—	1	—	1	—	—	—	—	—	29	6,682
Total	1,789	1,974	3,844	186	604	50	430	124 123	74	72	2	—	—	6,682

APPENDIX No. VII.

PAPERS put in by MR. GREENHILL, 14th JULY 1876.

(See Question 1948.)

A.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am the Proprietor of the Copyright of a book, intituled _____; and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such Copyright, according to the particulars underwritten.

(Every particular given must be clearly written.)

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

Dated this _____ day of _____, 187 .
 Witness, _____ (Signed)

N.B.—Office Hours from Ten to Four.

B.

We, the undersigned, _____, the Author of a certain Book, intituled _____

and _____, of _____, do hereby certify, That we have consented and agreed to accept the benefits of the Acts passed in the sixth year of the reign of her Majesty Queen Victoria, cap. 45, for the extension of the Term of Copyright therein provided by the said Act, and hereby declare that such extended Term of Copyright therein is the property of the said _____

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

C.

(LA FORME POUR REQUÉRIR L'ENREGISTREMENT DE PROPRIÉTÉ À STATIONERS' HALL, LONDON.)

A Monsieur le Registraire nommé par la Corporation des Libraires.

Moi, _____ de _____ je certifie par ceci, que je suis le Propriétaire du Droit d'Auteur d'un Livre, intitulé _____ et je vous requiers par ceci d'inscrire sur le Livre d'Enregistrement de la Corporation des Libraires ma Propriété du tel Droit d'Auteur selon les détails ci-dessous écrits.

Le Titre du Livre.	Le Nom et la Demeure de l'Auteur ou du Compositeur.	Le Nom et la Demeure du Propriétaire du Droit d'Auteur.	L'Epoque et le Lieu de la première Publication.

Daté ce _____ jour de _____, 18 .
 Témoin, _____ (Signé)

N.B.—Il faut que tous les détails soient écrits très clairement.

D.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING IN ANY BOOK PREVIOUSLY REGISTERED.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, being the Assigner of the Copyright of the Book hereunder described, do hereby require you to make entry of the Assignment of the Copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright.

* * The date of the previous Registration }
or Assignment must be given here. }

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

N.B.—Office Hours from Ten to Four.

E.

(FORM OF CONCURRENCE OF THE PARTY ASSIGNING ANY PIECE OR COMPOSITION PREVIOUSLY REGISTERED.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, being the Assigner of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition* hereunder described, do hereby require you to make entry of the Assignment of such *Liberty of Representation or Performance*.

Title of Dramatic Piece or Musical Composition.	Assigner of the Liberty of Representation or Performance.	Assignee of the Liberty of Representation or Performance.

* * The date of the previous Registration }
or Assignment must be given here. }

*Parties must attend in Person or by Agent.
No Correspondence entered into.*

Dated this _____ day of _____, 187____ .
Witness, _____ (Signed)

N.B.—Office Hours from Ten to Four.

F.

(FORM OF REQUIRING ENTRY OF PROPRIETORSHIP OF DRAMATIC PIECE OR MUSICAL COMPOSITION.)

To the Registering Officer appointed by the Stationers' Company.

I, _____ of _____, do hereby certify, That I am the Proprietor of the *Liberty of Representation or Performance of a Dramatic Piece or Musical Composition*, intituled _____, and I hereby require you to make entry in the Register Book of the Stationers' Company of my Proprietorship of such *Liberty of Representation or Performance*, according to the particulars underwritten.

(Every particular given must be clearly written.)

Title of Dramatic Piece or Musical Composition.	Name and Place of Abode of the Author or Composer.	Name and Place of Abode of the Proprietor of the Liberty of Representation or Performance.	Time and Place of First Representation or Performance.

Dated this _____ day of _____, 187____ .
Witness, _____ (Signed)

N.B.—Office Hours from Ten to Four.

APPENDIX No. VIII.

PAPER delivered in by J. PALGRAVE SIMPSON, Esq.

(See the end of the witness' evidence, page 126.)

That Your Petitioners are the authors of 2,000 acting plays.

That with a view to protect the rights of the dramatic authors of Great Britain an Act of Parliament was passed in the 3rd year of the reign of His late Majesty King William IV., entitled "An Act to amend the laws relating to dramatic literary property."

"Whereas by an Act passed in the 54th year of the reign of His late Majesty King George III., intituled 'An Act to amend the several Acts for the encouragement of learning, by securing the copies and copyright of printed books to the authors of such books, or their assigns,' it was amongst other things provided and enacted that from and after the passing of the said Act the author of any book or books composed and not printed or published, or which should thereafter be composed and printed and published, and his assignee or assigns, should have the sole liberty of printing and reprinting such book or books for the full term of 28 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 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 or 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 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 10 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 28 years from the date 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 remainder of his natural life, have 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 commencement 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 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 damage, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act, 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 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 Plain-

tiff 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."

That Your Petitioners specially call attention to the mode, created by the 2nd section, of recovering penalty thereby created.

That Your Petitioners, amounting to 99 in number, have formed themselves into an association, and placed their several works within the reach of every manager of a theatre either metropolitan or provincial.

That the works of Your Petitioners are of considerable magnitude, and are upwards of 2,000 in number, such number being of course constantly on the increase, and are those necessary and invariably represented in the provinces and Her Majesty's dominions.

That it is a circumstance of daily occurrence that the rights of Your Petitioners are injured by managers of theatres, more especially those in the provinces, Channel Islands, and British colonies, and latterly by amateurs.

That by the 2nd section of the Act herein-before partly recited, the only mode of recovering penalty thereby created is by action in one of Her Majesty's Courts of Record.

That the fact of the penalty being so small, and mode of recovering it so expensive, and the delay in recovering so great, to say nothing of the well known risk even after success of obtaining either penalty or costs from the sort of persons who are alone likely to incur them, authors are deterred from exercising the power given them as aforesaid.

That the penalty of 40s. for every infringement of the right to represent any one of the several works of the several members of the association, though quite sufficient for the purpose for which it was enacted, provided there were any simple process for recovering it, is wholly insufficient to deter unprincipled persons from infringing the rights of Your Petitioners.

That with a view to afford greater facility to Your Petitioners in recovery of the penalty aforesaid; to check the multiplicity of actions; to deter managers from representing the works of Your Petitioners without their written authority; to give greater protection to the rights and property of Your Petitioners; and to give Your Petitioners an inexpensive and speedy remedy for recovering the penalty of 40s. created as aforesaid, Your Petitioners most respectfully request that in any amendment to the Copyright Acts now existing, that penalties imposed by the Act 3rd Wm. IV. cap. 15, for infringements of the copyright in respect of which the same is incurred, may be prosecuted for and recovered by the proprietor of such copyright, together with costs of recovering same summarily before any justice of the peace or magistrate for the county or place in which the offence shall have been committed, or in which the offender shall reside; and that if a person so offending shall intend to deny the right of such author to the copyright on which such summons shall issue, that defendant shall give notice in writing to the complainant of any objection on which he means to rely, and that if he assert the complainant is not the author or proprietor of such copyright, the defendant shall specify in such notice the name of such other person as he shall allege to be such author or proprietor, and that in default of so doing he shall be debarred from raising any such defence.

That such penalties shall be recoverable by distress in the usual way.

That Your Petitioners are gentlemen who have devoted nearly the whole of their lives to literary pursuits, and whose sole means of support depends on the protection of their several works from being improperly used; it must therefore be obvious that unless they be enabled so to do, that such means must fail, both in respect of themselves during life, and of their widows and children at their death.

That Your Petitioners have no means of prohibiting the performances of their works by any one who desires to run the risk of the penalties created by the Act aforesaid, except by the costly mode of obtaining an injunction from the High Court of Chancery, and it frequently happens that country managers give for the same evening entertainment the works of two or more of Your Petitioners, which would create the necessity of obtaining two or more injunctions.

That Your Petitioners respectfully ask that some provision may be made in any amendment of the law to protect their rights against the great injustice, and also to deter managers from changing the names of any entertainment of the stage and playing same under a false title.

APPENDIX No. IX.

PAPERS delivered in by R. A. MACFIE, Esq.

A SCHEME for REMUNERATING AUTHORS by ROYALTIES on BOOKS.

A. (See Question 270S.)

1. The period of exclusive privileges to continue as at present, unless any publisher demand that it shall be shortened, which he may do at any time after the end of the first year, or after the first edition is out of print, provided he intimates to the author, or assignee of the author, or their agent, at the Stationers' Hall, or other place duly appointed, that he intends to publish an edition at a lower price within a year, and also lodges there a specimen copy and a statement of the intended price. A publisher who wishes the period of exclusive privilege to last till the first edition is out of print shall lay before an officer to be appointed a statement, in the form of an approximate estimate, of the expense of making it ready for sale (in which statement may be included reasonable sums for authorship and editing, and trade profits), along with an intimation of the intended retail price, and upon the said officer certifying that he is satisfied of the general accuracy of the statement and of the fairness of the price intimated, it shall become unlawful to publish another edition, without consent of the author, until either the first edition is exhausted or else the wholesale price of the copies that remain unsold is paid to the first publisher.

2. On such new edition the intended publisher shall be liable to pay in advance [five] per cent. on the retail price of the book.

3. And there shall be impressed on the first sheet of each copy a distinctive stamp approved by the Stationers' Hall, without which it shall be a penal offence to print or vend any copy. The author may demand that the printer to be employed shall (1) be of unblemished repute for integrity in his dealings; and (2) shall give security for the faithful fulfilment of his obligation to print the stipulated number of copies and no more; and (3) if required shall pay the wage of a competent supervisor of the operation of printing and stamping.

4. Every publisher making such an intimation shall be bound to actually publish, according to his notice, unless the author or his assignee, within six months of his receiving intimation, shall lodge at the Stationers' Hall a bond obliging himself to publish on his own account an edition at least as good in quality, at a price no higher; such bond to bar any action under the provisions of Article 1.

5. No reprint to differ from the original edition, without the author's consent, either in the way of abbreviation, enlargement, or alteration of the text. The republisher must introduce or add any notes the author demands insertion of.

6. If a book is out of print for a whole year, the copyright privilege to lapse.

7. By special arrangements a longer period of exclusive privilege shall be allowed for Encyclopædias, works *de luxe*, &c. [Books of engravings, photographic illustrations, &c., not to be subject to the scheme now proposed in this paper, nor books printed for private circulation only.]

8. Government to endeavour to negotiate international copyright treaties on the principle exhibited in the foregoing, with the United States and other foreign countries, in order to, first, the increase of the area of remuneration to authors; and, second, the removal of all unnecessary obstruction to the exchange of literary productions.

9. On the completion of the above treaty or treaties, all examination and stopping of books by the Custom-house and Post-office to cease.

10. Government to endeavour to persuade foreign Governments to exempt printed matter from duty, or else to charge duty at a moderate rate by weight, and not *ad valorem*.

The British colonies to enter into the Copyright "Verein" which would be so constituted, but without any import or export duty except in so far as proximity to the United States may render modification in Canada desirable.

In the event of such international arrangements being negotiated, the author or assignee of any copyright work to have an agent in the capital of each of the united countries, who shall be empowered to receive and give the notices, intimations, and bonds provided for in Articles 1 and 4.

I am satisfied that the system of royalties could be carried out in practice without difficulty. Each author would have a special stamp—call it, if you will, trade mark—the use of which, required as a condition of circulation, he

would authorise under such superintendence as he may think fit. No copy should be legally saleable without the stamp, just as in France no pamphlet can be sold without the Government stamp.

B. (See Question 2727.)

EXTRACT FROM McCULLOCH'S COMMERCIAL DICTIONARY—ARTICLE "BOOKS." (Edition, 1862.)

"It has, it is true, been alleged that if we had a copyright system in common with America, English and American books might be published at a less price, inasmuch as the extension of the market would secure them a larger sale. But, though this result *might*, we doubt much whether it *would* happen. We apprehend that then, as now, authors and publishers would impose such prices on their works as they supposed would realise the largest amount of profit, and that if they thought a high price more likely to do this than a low one, it would be preferred. * * * But in the vast majority of instances either nothing is set down for copyright, or the sum is too trifling to deserve notice: and in these cases the high price of books originates, as we apprehend, in an erroneous system of publishing, that is, in printing comparatively few copies of a book and burdening them with a comparatively high price. If 500 copies of a book be printed and it cannot be retailed without loss for less than 12s., it might be sold for less than half that price if 1,000 copies were printed."

C. (See Question 2737.)

EXTRACT FROM CHAMBERS'S ENCYCLOPEDIA.

"Under date November 9, 1699, the following occurs in the 'Domestic Annals of Scotland,' by R. Chambers, vol. III. It was customary for the laws of Privy Council to grant exclusive right to print and vend books for certain terms, being all that then existed and equivalent to our modern idea of copyright. Most generally this right was given to booksellers and printers, and bore reference rather to the mercantile venture involved in the expenses of producing the book, than to any idea of a reward for another craft."

D. (See Question 2739.)

EXTRACTS FROM AN ESSAY ON THE ORIGIN AND PROGRESS OF LITERARY PROPERTY, in the second volume of "THE WORKS OF THE LATE JOHN MACLAURIN, Esq., OF DREGHORN, ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE, AND F.R.S. EDINBURGH." EDINBURGH, 1798.

Page 75. Those who are conversant with modern writings must be sensible that, though copy money has multiplied books, yet it has rendered them generally worse; has baited men to prostitute their talents, subjected wit and abilities to drudgery and dependence, and consequently degraded, rather than advanced, the character of author.

But, though there is no doubt that the earliest and best works of antiquity were written and communicated to the world from no respect of gain, yet we may gather from several passages in Latin authors, that sales of literary copies for the purpose of recital or multiplication were not unknown to the Romans; and yet it is certain that their lawyers, accurate and subtle as they were, never entertained an idea that authors after publication could prohibit others from transcribing their compositions—a discovery reserved it seems to illustrate the annals of modern jurisprudence.

Page 78. Hence it is clear that literary property was originally a privilege granted, not to authors to prompt them to write, but to printers to induce them to print editions of works that then lay in manuscript.

Page 80. Upon this footing stood these principles all over Europe, it never having been once thought that they were granted *ex justitia* in virtue of a perfect right. * * * On the contrary, the strict legality of them was called in question, and only supported by argument drawn from public utility; and it was admitted they ought to be recalled whenever productive of any inconvenience, and instances are not wanting of this having been done, as appears from several treatises of that period.

Page 124. But this claim of authors to an exclusive right of property in a book after publication is highly inexpedient, as it both gives a right of suppression and confers a power of extortion. * * * This anomalous right is an encroachment upon the natural liberty of mankind.

Page 127. That the author of a book, or of a machine,

or an art useful in life, has an equitable title to insist that he should have the exclusive right of selling his work for such a length of time as ought to reimburse him of his expense, and recompense him for his trouble, is indisputable, but it by no means follows that this right ought to be enforced by the ordinary Courts of Justice. * * * The proper remedy, therefore, is an application to the

supreme magistrate or legislation of the country for a privilege.

Page 136. That there is as much reason, if not more, for exclaiming against that abuse at present as formerly must be felt by every man who is desirous of having a tolerable library of books, and is not possessed of a most opulent fortune.

APPENDIX No. X.

PAPERS delivered in by P. LE NEVE FOSTER, Esq.

(See Question 2788).

FINE ARTS COPYRIGHT CONSOLIDATION AND AMENDMENT BILL.

ARRANGEMENT OF CLAUSES.

	Section.		Section.
Commencement of Act, and repeal of existing Acts	1	Refusal, &c. to give information where copies obtained to be <i>prima facie</i> evidence of their being unlawful - - - - -	16
Interpretation clause - - - - -	2	How penalties may be summarily recovered before two justices, &c. - - - - -	17
Grant of copyright to authors of new and original works of fine art - - - - -	3	Limitation of time for recovery of penalties - - - - -	18
Author's studies, MS., &c., to extent of 15 <i>l.</i> , not to be liable to seizure or sale during author's life - - - - -	4	Penalties imposed not to prejudice other remedies to which proprietor of copyright entitled - - - - -	19
Illustrations of books to be deemed part thereof - - - - -	5	Defendants in actions for infringement of copyright to deliver notice of objections with their pleas - - - - -	20
When engravings separately published proof to be delivered to the British Museum - - - - -	6	Superior courts, &c. may order inspection and account, &c. - - - - -	21
How copyright may be assigned, &c. - - - - -	7	Plaintiff or Defendant succeeding in action, &c. to have full indemnity for costs, unless otherwise ordered by the court - - - - -	22
No action, &c. maintainable by proprietor of copyright until after registration - - - - -	8	Books to be kept at Stationers' Hall for registration of copyrights under this Act - - - - -	23
Penalties where registered copyright infringed - - - - -	9	Registrar to furnish lists of all entries relating to copyrights registered under this Act - - - - -	24
Various fraudulent acts relating to works of fine art prohibited - - - - -	10	Indexes, &c. to be open for inspection, and fees to be paid to Registrar - - - - -	25
Importation of piratical repetitions, &c. prohibited as to registered copyright works of fine art - - - - -	11	Making false entries in register a misdemeanor - - - - -	26
Commissioners of Customs publicly to expose lists of registered copyright works of fine art - - - - -	12	Power to superior courts, &c. to vary or expunge entries - - - - -	27
Importers, &c. of piratical copies to furnish names, &c. of persons from whom same obtained - - - - -	13	Power to superior courts, &c. to control and enforce performance of Registrar's duties - - - - -	28
Justices of the peace, &c. may grant warrants to search for piratical copies for sale - - - - -	14	Not to repeal the Ornamental Designs Acts - - - - -	29
Piratical copies found in possession of hawkers may be seized - - - - -	15		

A BILL for CONSOLIDATING and AMENDING the LAW of COPYRIGHT in WORKS of FINE ART.

Preamble.

WHEREAS it is expedient that the law relating to copyright in works of fine art should be consolidated and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:—

Commencement of Act.—Acts in First Schedule repealed.

1. This Act may be cited as "The Works of Fine Art Copyright Amendment Act, 18," and it shall commence from and after the 1st day of December, 18. From and after that day the several Acts and parts of Acts set forth in the first schedule to this Act are hereby repealed to the extent by such schedule expressed.

Saving of existing Copyrights; but future Remedies to be under this Act.

Provided always, that every copyright subsisting at the time of the commencement of this Act shall continue in force until the expiration of such copyright, and that nothing in this Act contained shall affect any right or contract in respect of such copyright, except as herein expressly enacted. And with regard to any infringement of any such copyright before the commencement of this Act, every penalty imposed and every remedy given by the said Acts or parts of Acts relating to infringements of copyright shall be applicable as if such Acts or parts of Acts had not been repealed. But with regard to all infringements of any such copyright after the commencement of this Act, every penalty imposed and every remedy given

by this Act relating to the infringement of copyright, shall be applicable as if such copyright had been given by this Act.

Interpretation of Terms.

2. In construing this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings be inconsistent with the context, that is to say:—

Author.—He who has designed or made any new and original work of fine art.

Design.—A new and original composition represented by the author thereof in any work of fine art.

Drawing or Painting.—Every new and original drawing or painting, made in any manner and material, and by any process.

Photograph.—Every new and original photograph, or other similar work, which shall be produced by the action of light, or any chemical process.

Sculpture.—Every new and original work, either in the round, in relief, or intaglio, made in any material, and by any process.

Engraving.—Every new and original work made upon a plate, block, or slab, of any material, by engraving, lithography, or any other process, whereby impressions may be taken from such plate, block, or slab.

Work of Fine Art.—Every drawing, painting, photograph, sculpture, and engraving as herein-before interpreted.

British Dominions.—All parts of the United Kingdom of Great Britain and Ireland, the Channel Islands, the Isle of Man, and all the colonies and possessions of the Crown which now are, or hereafter may be, created or acquired.

Grant of Copyright to Authors of New and Original Works of Fine Art.—Subject to Conditions.

3. The author of every new and original work of fine art, if made or first sold after the commencement of this Act, such author being a British subject, or resident within the British Dominions at the time such work shall be made or first sold, and the assigns of such author, shall have the copyright or sole and exclusive right of copying, reproducing, and multiplying such work, and the design thereof, in the British Dominions by any means, and of any size, for the term of the natural life of such author, and 30 years after his death, but subject to the following conditions and restrictions (that is to say):—

Where Design not composed by Author of a New Work.

(1.) Where the design for any new and original work of fine art shall not have been composed and made by the author of such work (as, for example, in the case of a photograph or an engraving from a picture) his copyright therein shall not extend to and include the right to copy, apply, reproduce, or multiply such design for the production of any other work of fine art, without the written license for that purpose first obtained from the proprietor of the copyright in such design.

Author's Copyright to vest in Purchasers of their Works, unless the Author makes contrary stipulation.

(2.) Where any person, for a valuable consideration, shall cause any new and original work of fine art to be designed or made; or, when any such work shall, for the first time after the passing of this Act, be sold or disposed of, upon payment or satisfaction of the consideration or purchase money, all the copyright of the author in such work shall thereupon vest in and become the property of the person who shall have caused such work to be so designed or made, or who shall have purchased the same as aforesaid, unless the author of such work, at or prior to the time of delivering the same to the person who shall have purchased, or caused the same to be made, shall (by any note or memorandum in writing, to be signed by him, or his agent, for that purpose) have made any contract to the contrary relating to the copyright in such work. And any such contract may be in either of the forms applicable for the purpose as given in Part I. of the second schedule to this Act, or to the like effect: Provided always, that no such contract shall extend to or authorise the author of any work of fine art to make any repetition thereof, unless the same shall have been expressly stipulated for by him in such note or memorandum as aforesaid.

After Registration, Author may sell his Sketches without prejudice to Copyright.

(3.) At any time after the registration of the copyright in any work of fine art the author thereof and his assigns shall be at liberty to sell his *bonâ fide* sketches and studies for such work without prejudice to any copyright which may be subsisting therein at the time of such sale.

Acts which shall not be deemed infringement of Copyright.

Provided always, that nothing in this Act contained shall prejudice the right of any person to copy or imitate any work of fine art in which, or in the design whereof, there shall be no subsisting copyright; or to represent any scene or object, notwithstanding that there may be a subsisting copyright in some previous imitation of such work, or in some previous representation of such scene or object.

*Author's Studies, MS., &c., to value of 15*l.*, not to be liable to Seizure or Sale during Author's Life.*

4. The sketches, studies, unfinished works of fine art, and manuscript notes, being the property of the author thereof, and his professional implements, shall not, during his lifetime, be seized or sold in case of his bankruptcy, nor under any distress for rent, nor under any execution issued against him to be levied upon his goods and chattels; but this enactment shall only extend to and include such and so many of the articles and things aforesaid as shall not in the aggregate exceed the total value of 15*l.*; and no such sale of the sketches, studies, unfinished works of fine art, or manuscript notes as aforesaid, without the consent of the author thereof, shall deprive him of his copyright therein.

Illustrations of Books to be deemed part thereof.

5. Where any prints from new and original photographs, or impressions from new and original engravings,

shall be published with and as illustrations of any book in which there shall be a subsisting copyright, they shall be deemed part of such book, and included in the copyright thereof, although the provisions of this Act may not have been complied with as to any or either of such photographs or engravings.

Where Engravings separately published Proof to be delivered at British Museum.

6. Where impressions from any engraving shall be separately published, an artist's proof or other best impression from every such engraving shall within three calendar months after the day on which any such proof or impression shall be first published, sold, or offered for sale within the United Kingdom, or within twelve calendar months after the same shall be first published, sold, or offered for sale in any other part of the British Dominions, be delivered by or on behalf of the publisher thereof at the British Museum, between the hours of ten in the morning and four in the afternoon, on any day except Sunday, Ash Wednesday, Good Friday, and Christmas Day, to the proper officer for the time being of the Print Room in the Museum, or to some other person for the time being appointed by the Trustees of the Museum to receive the same. And the keeper or other person receiving such proof or impression is hereby required to give the person delivering it a receipt in writing for the same.

Penalty on Publisher neglecting to deliver.

If any publisher shall neglect to make or cause to be made such delivery as aforesaid at the time and in manner hereby directed, he shall forfeit to the said keeper a sum not exceeding five pounds, besides the value of the proof or impression which ought to have been delivered, such value to be estimated at the full price whereat such proof or impression shall have been published.

But delivery of Proof, &c. not to apply to Works as to which International Copyright claimable.

Provided always, that neither the enactments hereinbefore contained respecting the delivery of such proof or impression from any engraving, nor the enactments herein-after contained as to the registration of any such engraving or other work of fine art, shall apply to any case where copyright shall be claimed in any work of fine art first published in any foreign country, and wherein copyright shall be claimed in the British Dominions under any Act to amend the law relating to International copyright, or under any Order in Council founded thereon.

How Copyright may be assigned, &c.

7. Copyright under this Act shall be deemed personal estate, and shall be assignable at law; and every assignment thereof, and every license to use or copy, by any means, the work of fine art which shall be the subject of such copyright, or the design thereof, shall be made by a note or memorandum in writing, to be signed by the proprietor of such copyright, or his agent appointed for that purpose in writing; and every such assignment or license may be in the form applicable for the purpose, as given in Parts II. and III. of the second schedule to this Act, or to the like effect, or by entry in the register to be kept as herein-after provided; and every assignment, license, or other contract or entry mentioned in this and the third section, shall be deemed to include an implied contract between the parties thereto, upon request, to make, do, and execute (at the expense of the party requiring the same) all such acts and deeds as may be deemed requisite for registering the document pursuant to this Act; and every such assignment, license, or other contract or entry shall be subject to a stamp duty of sixpence, which may be denoted either by an impressed stamp upon the document or by an adhesive stamp affixed thereon.

Implied Contract by Author.

Provided always, that in every case where the author of any work of fine art shall have become divested of his copyright therein, or in the design thereof, by virtue of the third section of this Act (2), or where he shall have assigned his said copyright therein, in each of such cases there shall be an implied contract between such author and the person who shall have acquired the copyright and his assigns that such work is new and original, and also, if the same be a drawing, painting, or sculpture, that he is the author of the design thereof, which implied contract shall run with the said copyright; and the registered proprietor thereof for the time being may, in his own name, sue the author and his personal representatives in respect of any breach of such implied contract.