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# B I L L

## To amend the Law relating to Copyright.

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

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**W**H **H**EREBY it is expedient to amend the Law relating to Preamble.  
 Copyright, and to afford greater encouragement to Authors ;  
**W**H **E**nacted, by The **Q**UEEN's most Excellent **M**AJESTY, by  
 and with the Advice and Consent of the Lords Spiritual and Temporal,  
 5 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, **T**HAT from and after the *passing of this Act*, an  
 Act passed in the eighth year of the reign of her Majesty Queen  
**A**NNE, intituled, "An Act for the Encouragement of Learning, by  
 vesting the Copies of Printed Books in the Authors or Purchasers of  
 10 such Copies during the times therein mentioned;" and also an Act  
 passed in the forty-first year of the reign of his Majesty King  
**G**EORGE the Third, intituled, "An Act for the further Encouragement  
 of Learning in the United Kingdom of Great Britain and Ireland, by  
 securing the Copies and Copyright of Printed Books to the Authors  
 15 of such Books, or their Assigns for the time therein mentioned;"  
 and also an Act passed in the fifty-fourth year of the reign of his  
 Majesty King **G**EORGE the Third, intituled, "An Act to amend the  
 several Acts for the Encouragement of Learning, by securing the Copies  
 and Copyright of Printed Books to the Authors of such Books, or  
 20 their Assigns," be and the same are hereby Repealed, except so far as  
 the continuance of them or either of them may be necessary to the  
 conduct of any proceedings at law or in equity which may be pending  
 at the time of *passing this Act*, or to the enforcement of any cause of  
 action or suit which may then have accrued.

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

41 Geo. 3,  
 c. 107.

54 Geo. 3,  
 c. 156 (ex-  
 tending Copy-  
 right in  
 Books).

2.  
Interpretation  
Clause.

And be it Enacted, That in the construction of this Act, the word "Book" shall be construed to mean and include every volume, pamphlet, sheet of letter-press, and sheet of music, map, chart or plan; that the word "Dramatic Piece" shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic or dramatic entertainment; that the word "Copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies within any part of the British Dominions of any subject to which it is herein applied; and that whenever in this Act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and to be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing respectively, unless there shall be something in the subject or context repugnant to such construction.

3.  
Copyright  
in any Book  
hereafter to  
be published  
to endure to  
the Author  
for life, and  
for Sixty  
Years, com-  
mencing at  
his death.

And be it Enacted, That the Copyright in any Book which shall hereafter be published shall be the property of the Author thereof, his executors, administrators and assigns, for the term of the natural life of such Author, and the further term of *Sixty Years*, commencing at the time of his death.

4.  
In cases of  
subsisting  
Copyright  
in the Author,  
the same shall  
continue for  
his life, and  
for Sixty  
Years from  
his death.  
And if the  
Author be  
dead and the  
Copyright in  
his Represent-  
ative, such  
Representa-  
tive shall have  
the same for  
the residue  
of the term  
of Sixty Years  
from the  
Author's  
death.

And be it Enacted, That in all cases in which the Copyright in any Book shall be subsisting at the time of *passing this Act*, and shall belong to the Author thereof, either absolutely or subject to any license or partial assignment, such Copyright shall continue for the term of the natural life of such Author, and the further term of *Sixty Years*, commencing at the death of such Author; and that in all cases in which the Copyright in any Book shall be subsisting, but the Author thereof shall be dead at the time of *passing this Act*, and such Copyright shall, either absolutely or subject to any license or partial assignment thereof, belong to the personal representative, or to the legatee, widow or next of kin of such Author or other person who may have acquired the same in the course of administration of the estate of such Author, such Copyright shall continue for the residue of the term of *Sixty Years*, commencing at the time of the death of such Author.

5.  
In cases of  
subsisting  
Copyright  
which has  
been assigned,  
the Assignee  
shall enjoy it  
for the  
Author's life,  
or for Twenty-  
eight Years,  
and it shall  
afterwards  
revert to the

And be it Enacted, That in all cases in which the Copyright in any Book shall be subsisting at the time of *passing this Act*, but the Author thereof shall before the *passing of this Act* have assigned his whole interest in such Copyright, such Copyright shall continue and belong to such assignee until the expiration of the term of *Twenty-eight Years* from the first publication of such Book; and in case the Author thereof shall then be living, for the residue of the life of such Author; and upon the expiration of the said term of *Twenty-eight Years*, if the

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the Author shall be then dead, or if he shall then be living, such Copyright shall, at the time of his death, continue and revert to the executors or administrators of such Author, and their assigns, for the term of *Sixty Years*, or residue of the term of *Sixty Years* (as the case may be), commencing from the time of his death; and such reversionary interest shall be subject to the like voluntary and legal disposal and distribution as other personal property.

Representative of the Author for the residue of the Sixty Years from his death.

Provided nevertheless, and be it Enacted, That where any Book shall before the *passing of this Act* have been published in parts, or shall after the *passing of this Act* be published in parts, the term of the Copyright therein and in every part thereof, both of the Author and his assigns, shall be deemed to run only from the date of the publication of the last of such parts; and that in case of the assignment of the Copyright in any such Book before the *passing of this Act*, the Copyright therein shall not revert to the representative of the Author thereof until the expiration of the term of *Twenty-eight Years* from the publication of the last of such parts, or the death of such Author.

6. Proviso, that if a Book has been published in parts, the term of the Copyright shall run from the publication of the last part.

Provided also, and be it Enacted, That where the Copyright in any Book shall have been assigned before the *passing of this Act*, nothing herein contained shall prejudice the right of the assignee thereof to sell or dispose, after his interest shall have expired, of any Copies of such Book printed during the continuance of his interest in the same.

7. Proviso or the sale of Copies printed during the interest of the Assignee.

Provided also, and be it Enacted, That when any Book, the Copyright wherein shall have been assigned before the *passing of this Act*, shall have been before then stereotyped, and the types thereof shall belong to the assignee, it shall be lawful for such assignee to continue to print Copies of such Book from such type, and to publish, sell and dispose thereof, although the Copyright shall have reverted to the personal representative of the Author.

8. Proviso for Books stereotyped before the passing of this Act.

And be it Enacted, That whenever a period of *Five Years* shall elapse after the expiration of *Twenty-eight Years* from the first publication of any Book, or after the death of the Author thereof, if he be living at the end of such period, without any new Edition thereof being published, and such Book shall be out of print, it shall be lawful for any person to give notice in writing to the party entitled to the Copyright of such Book, by leaving the same at the last place of publication of such Book, or at the place of abode of such Proprietor, that the same is out of print; and that at the expiration of *One Year* from the giving of such notice, if such Book does not exceed Five hundred Pages, or *Two Years* if it exceeds Five hundred Pages, he will apply to the Lord High Chancellor, Master of the Rolls or Vice-Chancellor, Court of Session

9. Whenever Five Years shall elapse after the expiration of the Twenty-eight Years, or the Author's death, without publication of any Works out of print, any one may petition the Lord Chancellor, &c. for liberty to re-publish the same, and re-publish the same on such permission.

in Scotland or Lord Ordinary, on the bills in vacation, for permission to re-print and re-publish the same; and if at the expiration of such respective period of *One Year* or *Two Years*, such party entitled to the Copyright of such Book shall not re-publish such Book, then it shall be lawful for the Lord High Chancellor, Master of the Rolls or Vice-Chancellor, Court of Session or Lord Ordinary, upon the petition of the party by whom such notice was given, or his executors or administrators, to allow the petitioner to re-print and re-publish such Book for his own benefit, and to have the Copyright thereof for such period not exceeding the duration of the original Copyright therein, as to the said Lord High Chancellor, Master of the Rolls, Vice-Chancellor, Court of Session or Lord Ordinary, shall seem just.

10.  
One Copy of every Book to be delivered at the British Museum.

And be it Enacted, That a printed Copy of the whole of every Book, and of any second or subsequent Edition of every Book containing additions or alterations, which shall be published after the *passing of this Act*, bound, sewed or stitched together, and upon the best paper on which the same shall be printed, together with all Maps, Prints or other Engravings belonging thereto, finished and coloured in the same manner as the best Copies of the same shall be published, shall within *One calendar Month* after the day on which any such Book shall be first sold, published or offered for sale within the Bills of Mortality, or within *Three calendar Months* if the same shall be exclusively sold, published, advertised or offered for sale in any other part of the United Kingdom, be delivered by or on behalf of the Publisher thereof at the British Museum.

11.  
Mode of delivering at the British Museum.

And be it Enacted, That every Copy of any Book, which under the provisions of this Act ought to be delivered as aforesaid, shall be delivered at the British Museum between the hours of *Ten* in the forenoon and *Four* in the afternoon, on any day in the week except Sunday, to the Librarian or one of the Librarians or Officers of the said Museum, or to some person authorized by the Trustees of the said Museum to receive the same, and such Librarian, Officer or other person receiving such Copy is hereby required to give a receipt in writing for the same, and such delivery shall to all intents and purposes be deemed to be good and sufficient delivery under the provisions of this Act.

12.  
Four Copies of every Book to be delivered within a Month after demand for the use of the following Libraries: Bodleian Library, Public

And be it Enacted, That *Four* printed Copies of the whole of every Book, and of any second or subsequent Edition of every Book containing additions and alterations, together with all Maps and Prints belonging thereto, which after the *passing of this Act* shall be published, on demand thereof being made in writing to or left at the place of abode of the Publisher thereof at any time within *Twelve Months* next after the publication thereof, under the hand of the Officer of the Company

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Library at Cambridge, Advocates of Edinburgh, Trinity College, Dublin.

Company of Stationers who shall from time to time be appointed by the said Company for the purposes of this Act, or other person thereto authorized by the Persons or Bodies Politic and Corporate, Proprietors and Managers of the Libraries following, (videlicet) the

5 Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, or so many of such *Four* Copies as shall be respectively demanded on behalf of such Libraries respectively, shall be delivered,

10 in the like condition as to the binding thereof as the Copies prepared for sale by the Publisher thereof respectively, within *One Month* after demand made thereof in writing as aforesaid to the said Officer of the said Company of Stationers for the time being, which Copies the said Officer shall and he is hereby required to receive at the

15 Hall of the said Company for the use of the Library for which such demand shall be made within such *Twelve Months* as aforesaid; and the said Officer is hereby required, within *One Month* after any such Book shall be so delivered to him as aforesaid, to deliver the same for the use of such Library.

20 Provided also, and be it Enacted, That if any Publisher shall be desirous of delivering the Copy of such Book as shall be demanded on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same at such Library to such Librarian or other person authorized to receive the same (who is

25 hereby required to receive and to give a receipt in writing for the same), and such delivery shall to all intents and purposes of this Act be held as equivalent to a delivery to the said Officer of the Stationers' Company.

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

And be it Enacted, That if any Publisher of any Book, or of any

30 second or subsequent Edition of any Book containing additions or alterations, which shall be published after the *passing of this Act*, shall neglect to deliver the same pursuant to this Act, he shall for any such default forfeit, besides the value of such Copy of such Book or Edition which he ought to have delivered, the sum of *Five Pounds*, to be

35 recovered by the Librarian of the Library for the use whereof such Copy should have been delivered in a summary way, on conviction before *Two* Justices of the Peace for the county or place where the Publisher making default shall reside, or by action of debt at the suit of such Librarian in any Court of Record in the United Kingdom, in

40 which action, if the Plaintiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

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

And be it Enacted, That a Book of Registry, wherein may be registered, as hereinafter enacted, the property in the Copyright in Books

164. . . . . and

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

and assignments thereof, shall at all times be kept at the Hall of the Stationers' Company by the Officer appointed by the said Company for the purposes of this Act, and shall at all convenient times be open to the inspection of any person, on payment of *One Shilling* for every entry which shall be searched for or inspected in the said Book; and that such Officer shall, whenever thereunto reasonably required, give a copy of any entry in such Book, certified under his hand, to any person requiring the same, on payment to him of the sum of *Five Shillings*; and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be deemed and taken to be *prima facie* proof of the proprietorship or assignment of Copyright as therein expressed, but subject to be rebutted by other evidence.

16.  
Party making  
or causing to  
be made a  
false Entry  
in the Book  
of Registry to  
be guilty of a  
Misdemeanor.

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

17.  
Entries of  
Copyright  
may be made  
in the Book of  
Registry.

And be it Enacted, That it shall be lawful for the Proprietor of Copyright in any Book heretofore published, or hereafter to be published, to make entry in the Registry Book of the Stationers' Company of the title of such Book, the date of the first publication thereof, the name and place of abode of the Publisher thereof, and the name and place of abode of the Proprietor of the Copyright of the said Book, and of the interest of any person to whom such Proprietor may have contracted or may desire to assign any portion of his right therein, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of *Two Shillings* to the officer of the said Company; and that it shall be lawful for every such registered Proprietor of Copyright to assign such Copyright, or any portion of his interest therein, or to give any license for the publication of any number of Copies of such Book, by making entry in the said Book of Registry of such assignment or license, and of the name and place of abode of the assignee thereof or party so licensed, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment and license so entered shall be good and effectual in law to all intents and purposes whatsoever, without being subject to any Stamp or Duty; Provided always, That no original entry of the proprietorship of the Copyright in or to any Book hereafter to be published shall be made without the concurrence, expressed in writing, of the Publisher by whom such Book shall be published, according to the form in that behalf given in the said Schedule.

And

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And be it Enacted, That if any person shall deem himself aggrieved by any entry made in the Registry Book of the Stationers' Company, it shall be lawful for such person to present a Petition to the Lord High Chancellor, the Master of the Rolls or the Vice-Chancellor, or to apply by motion to the Court of Queen's Bench, Court of Common Pleas or Court of Exchequer, for such order for altering or expunging such entry, as to the said Lord High Chancellor, Master of the Rolls, Vice-Chancellor or Court shall seem just ; and thereupon the Lord High Chancellor, Master of the Rolls, Vice-Chancellor or Court shall make such order, either with or without costs, as to them shall seem just, and the Officer appointed for the purpose of this Act by the Stationers' Company shall expunge, alter or retain any such entry, according to the requisition of such order.

18.  
Any one aggrieved by any Entry in the Registry Book may apply to the Lord Chancellor, Master of the Rolls, Vice-Chancellor, or Court of Common Law, to order it to be altered or expunged.

And be it Enacted, That if any person shall in any part of the British Dominions, after the *passing of this Act*, print or cause to be printed any Book in which there shall be subsisting Copyright, or any Book containing any portion of a Book in which there shall be such Copyright (except as hereafter mentioned), or any abridgment of any such Book, without the consent of the Proprietor of such Copyright, or shall import any such Book so having been unlawfully printed from parts beyond the sea, or knowing such Book to have been so unlawfully printed or imported, shall sell, publish or expose to sale, or cause to be sold, published or exposed to sale, or shall have in his possession for sale any such Book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to a special action on the case at the suit of the Proprietor of such Copyright, to be brought in any Court of Record in that part of the British Dominions in which the offence shall be committed; and every such Proprietor shall in such action recover such damages as the Jury, on the trial of such action, or on the execution of a writ of inquiry thereon, shall give or assess (not being in any case less than *Forty Shillings*), with all costs of suit reasonably incurred, to be taxed as between attorney and client: Provided always, That in Scotland such offender shall be liable to an action in the Court of Session in Scotland, which shall and may be brought and prosecuted in the same manner in which any other action of damages to the like amount may be brought and prosecuted there; and in any such action where damages shall be awarded, all reasonable costs of suit or expenses of process shall be allowed as between attorney and client: Provided always, That nothing herein contained shall be construed to extend to the publication of any extracts fairly and *bonâ fide* made from any Book for the purpose of criticism, observation or argument, or to any translation of any Book into another language; but the Copyright in every translation shall be deemed to be the property of the Translator thereof and his assignees as though it were an original work.

19.  
Remedy for the Piracy of Books or parts of Books by Action on the Case.

Proviso for Scotland.

20.  
 No Person shall import into any part of the United Kingdom for sale any Book first composed, &c. within the United Kingdom and re-printed elsewhere. Penalty on importing, selling or keeping for sale any such Books, forfeiture thereof, and also 10 l. and double the value. Books may be seized by Officers of Customs or Excise, who shall be rewarded.

Not to extend to Books not having been printed in the United Kingdom for Twenty Years.

21.  
 Property in Articles in Periodical Works to be in the Publisher.

But may be in the Editor, or reserved to the Author.

And be it Enacted, That after the *passing of this Act* it shall not be lawful for any person to import into any part of the United Kingdom for sale any printed Book, first composed, written or printed and published in any part of the said United Kingdom, and re-printed in any other country or place whatsoever; and if any person shall import or bring, or cause to be imported or brought for sale any such printed Book into any part of the said United Kingdom contrary to the true intent and meaning of this Act, or shall knowingly sell, publish or expose to sale, or have in his possession for sale any such Book, then every such Book shall be forfeited, and shall and may be seized by any Officer of Customs or Excise, and the same shall be forthwith made waste paper; and every person so offending being duly convicted thereof before *Two* Justices of the Peace for the county or place in which such Book shall be found, shall also for every such offence forfeit the sum of *Ten Pounds*, and *Double* the value of every Copy of such Book which he shall so import or cause to be imported into any part of the said United Kingdom, or shall knowingly sell, publish or expose to sale, or shall cause to be sold, published or exposed to sale, or shall have in his possession for sale contrary to the true intent and meaning of this Act, to the use of the Proprietor of the Copyright in such Book : Provided always, That no person shall be liable to any of the last-mentioned penalties or forfeitures for or by reason or means of the importation of any Book which has not been printed or re-printed in some part of the said United Kingdom within *Twenty Years* next before the same shall be imported, or of any Book re-printed abroad and inserted among other Books or Tracts to be sold therewith in any collection where the greatest part of such collection shall have been composed or written abroad.

And be it Enacted, That the Publisher of any Encyclopædia, Review, Magazine or other Periodical Work, to which various persons shall hereafter contribute articles or essays, shall be deemed to be the Author thereof, and shall have the Copyright therein as though he were himself the sole Author thereof, and shall be entitled to all the benefit of the registry at Stationers' Hall and of this Act, upon once entering in the said Registry Book the title of such Encyclopædia, Review, Magazine or other Periodical Work, the date of the first publication thereof, and the name and place of abode of the Publisher thereof, in manner hereinbefore specified : Provided always, That it shall be lawful for the Editor of such Encyclopædia, Review, Magazine or other Periodical Work, with the consent of the Publisher, expressed in writing, to be registered as the Proprietor of the Copyright thereof instead of such Publisher, and that it shall be lawful for any Author of any article in such Encyclopædia, Review, Magazine or other Periodical Work, with the like consent, to reserve to himself the Copyright in such



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such article, subject to its continued publication as part of such Work, and with such consent to make entry in the said Registry Book thereof, or of any collection of such articles contributed by him, and wherein he has so reserved the Copyright, and to enjoy all the benefits of this Act in respect thereof.

AND whereas an Act was passed in the third year of the reign of his late Majesty, to amend the Laws relating to Dramatic Literary Property, and it is expedient to extend the term of the sole liberty of representing Dramatic Pieces given by that Act to the full term by this Act provided for the continuance of property of Authors in the Copyright of Books; BE it therefore Enacted, That the sole liberty of representing or causing to be represented any Dramatic Piece composed and not published, or which shall hereafter be composed and published at any place of public entertainment in any part of the British Dominions, shall be the property of the Author or Composer thereof, his executors, administrators and assigns, for the term of the natural life of the Author or Composer thereof, and for the further term of *Sixty Years*, commencing at the time of his death.

22. Term of the exclusive right in the representation of Dramatic Works extended to that of Authors.

And be it Enacted, That in all cases in which the sole liberty of representing and causing to be represented any Dramatic Piece shall at the time of *passing this Act* belong to the Author thereof, either absolutely or subject to any license or partial assignment, such sole liberty shall continue for the term of the natural life of such Author, and for the further term of *Sixty Years*, commencing from the death of such Author; and that in all cases in which such sole liberty of representing and causing to be represented any Dramatic Pieces shall be subsisting, but the Author thereof shall be dead at the time of *passing this Act*, such sole liberty of representing and causing to be represented such Dramatic Piece shall either absolutely, or subject to any license or partial assignment thereof, belong to the personal representative, or to the legatee, widow or next of kin of such Author or other person who may have acquired the same in the course of administration of the estate of such Author; and such sole liberty of representing and causing to be represented such Dramatic Piece shall continue for the residue of the term of *Sixty Years*, commencing at the time of the death of such Author.

23. Where the sole liberty of representing a Dramatic Piece now belongs to the Author, it shall endure for his life and for Sixty Years from his death.

And if the Author is dead, his Representatives shall have it for Sixty Years from his death.

And be it Enacted, That in all cases in which the sole liberty of representing and causing to be represented any Dramatic Piece shall be subsisting at the time of *passing this Act*, but the Author thereof shall before the *passing of this Act* have assigned his interest in such sole liberty of representing and causing to be represented such Dramatic Piece,

24. When the right of representing any Dramatic Piece shall have been assigned, the right shall

continue in the Assignee for Twenty-eight Years, or for the life of the Author, and afterwards shall belong to the representative of such Author.

Piece, such right shall continue and belong to such assignee until the expiration of the term of *Twenty-eight Years* from the first representation of such Dramatic Piece; and if the Author thereof shall then be living, for the residue of the life of such Author; and upon the expiration of the said term of *Twenty-eight Years* if the Author shall be then dead, or if he shall then be living, at the time of his death, such sole liberty of representing and causing to be represented such Dramatic Piece shall continue and revert to the executors or administrators of such Author for the term of *Sixty Years*, commencing from the time of his death, and such reversionary interest shall be subject to the like voluntary and legal disposal and distribution as other personal property.

25.  
The Proprietor of the right of Dramatic Representation shall have all the Remedies given by the Act 3 & 4 W. 4.

And be it Enacted, That the party who shall at any time have the sole liberty of representing such Dramatic Piece shall have and enjoy the remedies given and provided in the said Act of the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, passed to amend the Laws relating to Dramatic Literary Property, during the whole of his interest therein, as fully as if the same were re-enacted in this Act.

26.  
No Assignment of Copyright of a Dramatic Piece shall convey the right of Representation unless an Entry to that effect shall be made in the Book of Registry.

And be it Enacted, That no assignment of the Copyright of any Book consisting of or containing a Dramatic Piece shall be holden to convey to the assignee the right or liberty of representing such Dramatic Piece, unless an entry in the said Registry Book shall be made of such assignment, wherein shall be expressed the intention of the parties that such right or liberty should pass by such assignment.

27.  
Act of 5 & 6 W. 4, c. 65, respecting Lectures, extended to Sermons.

AND whereas an Act was passed in the fifth and sixth years of the reign of his late Majesty King WILLIAM the Fourth, for preventing the publication of Lectures without consent, and it is expedient to extend the provisions of the said Act to Sermons; BE it Enacted, That all the enactments, penalties and provisions of the said Act relating to Lectures delivered in public shall be and the same are hereby extended to all Sermons which after the *passing of this Act* shall be delivered in any church, chapel or place of religious worship authorized by law as effectually as if the same were re-enacted in this Act,

28.  
Power to the Lord Chancellor, Vice-Chancellor, Master of the Rolls, and Court of Law to grant Injunction in case of Piracy.

And be it Enacted, That if it shall appear to the Lord High Chancellor, the Master of the Rolls or the Vice-Chancellor, or to the Court of Queen's Bench, Court of Common Pleas or Exchequer, in term time, or to any Judge of either of the said Courts in vacation, that any Book copied in whole or in part from any Book wherein Copyright shall subsist shall be published and exposed to sale, or intended to be published and exposed to sale, without the consent of the registered Proprietor

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Proprietor of such Copyright, it shall be lawful for such Lord High Chancellor, Master of the Rolls, Vice-Chancellor or Judge, to make order of injunction upon the Printer or Publisher, or intended Printer or Publisher, of such pirated Book to restrain the printing, publication and sale thereof, or either of them: Provided always, That such Lord Chancellor, Master of the Rolls, Vice-Chancellor, Court or Judge, shall refuse such order, in the case of any Book which shall be part copied, if it shall appear that such part shall only be copied for the purpose of criticism, argument or observation thereon: Provided always, That nothing herein contained shall be construed to prevent the courts of law in Scotland from granting to the Proprietor of any Copyright under this Act, in the case of any infringement, actual or intended, of such Copyright, such remedy by interdict or otherwise as they have been used to grant before the *passing of this Act.*

Proviso for Scotland.

And be it Enacted, That all Copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book, and which shall have been unlawfully printed or imported without the consent of the registered Proprietor of such Copyright, shall be deemed to be the property of the party registered as the immediate Proprietor of such Copyright, and such registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof, in an action of Detinue from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of Trover; and it shall be lawful for any *Two* Justices of the Peace for the city, county, division or place wherein such Copies of any Book shall be found, upon the information and complaint of such registered Proprietor of the Copyright, to summon before them the party in whose possession such Copies shall be found, and on proof of the entry of such Book in the said Book of Registry and of the printing thereof, without the consent of the registered Proprietor, and of demand in writing made of the party in whose possession such Copies shall be, to issue their warrant for the seizure of such Copies, and for the delivery thereof to such Complainant: Provided always, That such warrant shall not be holden conclusive as against the possessor of such Copies of his right to the same, but that he may question the right to issue such warrant in any action of Trespass to be brought against the party on whose complaint such warrant shall be granted: Provided always, That no action shall be brought against any Justice, Constable or Officer acting *bonâ fide* in the execution of the powers of this Act.

29.  
Books pirated shall become the Property of the Proprietor of the Copyright, and may be recovered by Action, or seized by Warrant of Two Justices.

And be it Enacted, That no Proprietor of Copyright in any Book which shall be first published after the *passing of this Act*, shall maintain

30.  
No Proprietor of Copyright, commencing

after this Act, shall sue or proceed for any Infringement before making entry in the Book of Registry.

Proviso for Dramatic Pieces.

31. Clergymen may lawfully dispose of Copyright or Copies of Books of which they are the Authors.

32. Copyright shall be personalty.

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

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

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

tain any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such Copyright, unless he shall, before commencing such action, suit or proceeding, have caused an entry to be made in the Book of Registry of the Stationers' Company of such Book pursuant to this Act: Provided always, That the omission to make such entry shall not affect the Copyright in any Book, but only the right to sue or proceed in respect of the infringement thereof: Provided also, That nothing herein contained shall prejudice the remedies which the Proprietor of the sole liberty of representing any Dramatic Piece shall have by virtue of the Act of his late Majesty WILLIAM the Fourth, to amend the Laws relating to Dramatic Literary Property, or of this Act, although no entry shall be made in the Book of Registry aforesaid. 5 10

AND whereas a doubt has arisen whether a Spiritual Person, having or holding any dignity, prebend, canonry, benefice, stipendiary, curacy or 15 ictureship, and being the Author of any Book, may lawfully sell and dispose of the Copyright thereof, or any Copies thereof, and it is expedient to remove such doubt; BE it therefore Enacted, That every Spiritual Person, being the Author of any Book, may lawfully sell and 20 dispose of the Copyright of the same, or of any Copies thereof, for his own profit, any law or usage to the contrary notwithstanding.

And be it Enacted, That all Copyright shall be deemed personal property, and shall be transmissible by bequest, or, in case of intestacy, shall be subject to the same law of distribution as other personal 25 property, and in Scotland shall be deemed to be personal and movable estate.

Provided always, and be it Enacted, That nothing in this Act contained shall extend or be construed to extend to affect or alter the rights of the two Universities of Oxford and Cambridge, the Colleges or Houses of Learning within the same; the four Universities in 30 Scotland; the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, and the several Colleges of Eton, Westminster and Winchester, in any Copyrights heretofore and now vested or hereafter to be vested in such Universities and Colleges respectively, any thing to the contrary herein contained notwithstanding. 35

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

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

SCHEDULE TO WHICH THE PRECEDING ACT REFERS.

—No. 1.—

ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT of a BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.	Statement of any partial Interest to which the right of the Proprietor is subject, or License by him granted.
1st Sept. 1837.	-- [ <i>Here set out the title of the Book.</i> ]	-- William Smith, of Piccadilly, London.	-- Henry Williams, of Edinburgh, Esquire.	1st September 1837.	-- Henry Williams, the Proprietor of the Copyright, has assigned the same to William Smith, of Piccadilly, London, Bookseller and Publisher, for the term of Seven Years—[ <i>or, if a License be granted only for an Edition</i> —Henry Williams, the Proprietor of the Copyright, has granted to William Smith, of Piccadilly, London, Publisher, his License to publish an Edition of 2,000 Copies of the said Book.

—No. 2.—

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

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

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

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

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.	Extent of Assignment.
1st Sept. 1837 -	-- [ <i>Set out the title of the Book, and refer to the page of the Registry Book in which the original entry of the Copyright thereof is made</i> ].	-- Henry Williams, of Edinburgh, Esquire.	-- George Jones, of Cheap-side, London, Bookseller and Publisher.	-- Henry Williams, the registered Proprietor of the Copyright in [ <i>setting out the title of the Book</i> ] hath assigned all his Copyright and interest [ <i>or, in case of a partial assignment, the sole right of printing and publishing the same for Seven Years</i> ] in [ <i>setting out the title of the Book</i> ] to George Jones [ <i>or, in case of license to publish an Edition, Henry Williams licensed George Jones, of Cheap-side, London, Bookseller and Publisher, to print, publish and sell an edition of 2,000 copies of the said Book</i> ].



*Copyright.*

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**B I L L**

To amend the Law relating to Copyright.

*(Prepared and brought in by  
Mr. Serjeant Talfourd, Lord Viscount Mahon,  
Sir Robert Inglis, and Mr. Chancellor of  
the Exchequer.)*

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*Ordered, by The House of Commons, to be Printed,  
27 February 1838.*

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