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B I L L

To amend the Law of Copyright.

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

WHEREAS it is expedient to amend the Law relating to Copyright, and to afford greater encouragement to the production of Literary Works of lasting benefit to the world; **B**E it Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from the *passing of this Act*, an Act passed in the eighth year of the reign of her Majesty Queen ANNE, intituled, "An Act for the Encouragement of Learning, by vesting the Copies of Printed Books in the Authors or Purchasers of such Copies during the times therein mentioned;" and also an Act passed in the forty-first year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of Printed Books to the Authors of such Books, or their Assigns for the time therein mentioned;" and also an Act passed in the fifty-fourth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of Printed Books to the Authors of such Books, or their Assigns," be and the same are hereby Repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceedings at law or in equity pending at the time of passing this Act, or for enforcing any cause of action or suit, or any right or contract then subsisting.

Preamble.

1.
Repeal of
former Acts.
8 Anne, c. 1941 Geo 3,
c. 107.54 Geo. 3,
c. 156 (ex-
tending Copy-
right in
Books).

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And

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, part of any work separately published, 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, 5
play, opera, oratorio, farce, or other scenic musical or dramatic entertainment; that the word "Copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied; that the words "British Dominions" shall be construed to mean and include 10
all parts of the United Kingdom of Great Britain and Ireland, the Islands of Jersey and Guernsey, all parts of the East and West Indies, and all the colonies, settlements and possessions of the Crown, which now are or hereafter may be acquired; and that whenever in this Act, in describing any person, matter or thing, the word importing 15
the singular number or the masculine gender only is used, the same shall be understood to include and to be applied to several persons as well as one person, and females as well as males, and several matters or things as well as one matter or thing respectively, unless there shall be something in the subject or context repugnant to such 20
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, and his assigns, for the term of the natural life of such Author, and the further term of *Sixty* Years, commencing at the time of his 25
death.

4.
In case of
subsisting
Copyright
in the Author
or his Repre-
sentative or
Assignee in
consideration
of natural
love and affec-
tion, such
Copyright
shall continue
for 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 be the property of the Author thereof, or of the personal representative, legatee, widow or next of kin of such Author or other person who may 30
have acquired the same in the course of the administration of the estate of such Author, or of any person to whom such Author shall have assigned the same in consideration of natural love and affection; such Copyright shall continue and belong to the party so entitled to the same and his assigns until the expiration of *Sixty* Years; commencing 35
at the death of such Author, subject nevertheless to any charge subsisting upon the same, and to any license or contract granted or made relating thereto, which shall remain in force according to the true intent thereof.

5.
In case of
subsisting
Copyright
when an
Author has
assigned a
Moiety or

And be it Enacted, That in all cases in which the Copyright in any 40
Book shall be subsisting at the time of passing this Act, and a moiety, or other portion of the Author's entire term and interest therein shall have been assigned, and the residue of such interest, either absolutely
or

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or subject to any charge or encumbrance, shall remain in such Author, or his personal representative, legatee, widow, next of kin, or other person claiming in the course of the administration of the estate of such Author, such Copyright shall continue until the expiration of *Sixty* 5 *Years* from the death of such Author, and shall belong to such Author, or his personal representative, legatee, widow or next of kin, or other person claiming in the course of the administration of the estate of such Author and to such assignee in the same proportions as the Copyright in such Book shall at the time of the passing this Act belong to such 10 Proprietors thereof respectively, subject to the subsisting terms of such assignment, or of any contract subsisting between such Proprietors, and also subject to any subsisting charge on the whole or any portion of the interest of either of such Proprietors, or any license or contract granted or entered into by them, or any or either of them, relating 15 thereto, which shall remain in force according to the true intent thereof.

other portion of his entire term, such Copyright shall continue for Sixty Years from the Author's death, and belong to the Author and the Assignee in the same proportions as the subsisting Copyright.

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 the Author thereof shall before the passing of this Act have assigned or agreed to 20 assign his whole interest in such Copyright for other consideration than natural love and affection, such Copyright shall continue and belong to the assignee thereof and his assigns until the expiration of the term of *Twenty-eight* Years from the first publication of such Book, and in case the Author shall then be living, for the residue of the life of such 25 Author; and upon the expiration of the said term of *Twenty-eight* Years, if the Author shall then be dead, or otherwise at the death of such Author, the Copyright in such Book shall cease.

6. In cases of subsisting Copyright which has been absolutely assigned by the Author, the Assignee shall enjoy the same for the term of *Twenty-eight* Years, and of the Author's life, if he survive *Twenty-eight* Years, and no longer.

And be it Enacted, That in case at any time after the expiration of such term of Copyright in any work as by law defined before and at 30 the passing of this Act, and during the subsistence of the term of Copyright under this Act in any Book, such Book shall be out of print, and a period of *Five* Years shall have elapsed without the publication of an edition of such Book, it shall be lawful for any person desirous of republishing the same, to give notice by advertisement 35 inserted in the London Gazette once in each week for *Three* successive weeks, and in cases where an entry of or relating to the Copyright of such Book shall have been made in the Registry hereinafter mentioned, by writing under his hand, addressed to every party who shall appear by such entry to be a proprietor of the Copyright of such Book, or to have 40 any subsisting interest in such Copyright, and left at the last place of publication of such Book, and at the last known place of abode of every such proprietor and party interested as aforesaid, that the said

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

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Book

Book is out of print, and that it is the intention of such person to republish the same; and it shall be lawful for such person, after the insertion of such advertisements, and the giving of such notice, where such notice shall be required, if no new edition of such Book shall in the meantime be published, at the expiration of *Twelve calendar Months*, to be computed from the time of the insertion of the last of such advertisements, or the giving such notice, to republish such Book; and upon such republication the Copyright of such Book shall belong to the person who shall have inserted such advertisements or given such notice for the residue of the term of Copyright then subsisting by virtue of this Act, and subject to the provisions of this Act.

8.
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 on behalf of the Publisher thereof at the British Museum.

9.
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.

10.
A Copy of every Book to be delivered within a Month after demand for the use of the following Libraries: Bodleian Library, Public Library at Cambridge, Advocates of

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

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Edinburgh,
Trinity Col-
lege, Dublin.

the said Company for the purposes of this Act, or under the hand of any other person thereto authorized by the Persons or Bodies Politic and Corporate, Proprietors and Managers of the Libraries following, (videlicet) the Bodleian Library at Oxford, the Public Library at
5 Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, be delivered, in the like condition as the Copies prepared for sale by the Publisher thereof respectively, within *One Month* after demand made thereof in writing as afore-
10 said to the said Officer of the said Company of Stationers for the time being, which Copies the said Officer shall and he is hereby required to receive at the Hall of the said Company for the use of the Library for which such demand shall be made within such *Twelve Months* as aforesaid; and the said Officer is hereby required to give
15 a receipt in writing for the same, and within *One Month* after any such Book shall be so delivered to him as aforesaid, to deliver the same for the use of such Library.

Provided also, and be it Enacted, That if any Publisher shall be desirous of delivering the Copy of such Book as shall be demanded
20 on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same at such Library free of expense to such Librarian or other person authorized to receive the same (who is hereby required in such case to receive and to give a receipt in writing for the same), and such delivery shall to all intents and pur-
25 poses of this Act be held as equivalent to a delivery to the said Officer of the Stationers' Company.

11.
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 second or subsequent Edition of any Book containing additions or alterations, which shall be published after the passing of this Act, shall,
30 having been thereunto lawfully required, neglect to deliver the same pursuant to this Act, he shall for any such default forfeit, besides the value of such Copy of such Book or Edition which he ought to have delivered, the sum of *Five Pounds*, to be recovered by the Librarian of the Library for the use whereof such Copy should have been
35 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 which action, if the Plain-
40 tiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

12.
Penalty for default in delivering Copies for the use of the Libraries.

And be it Enacted, That a Book of Registry, wherein may be regis-
tered, as hereinafter enacted, the proprietorship in the Copyright in Books and assignments thereof, and licenses of and affecting such

13.
Book of Registry to be kept at Stationers' Hall.

Copyright, 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, and impressed with the seal or stamp of the said Company, to any person requiring the same, on payment to him of the sum of *Five Shillings*; and such copies so certified and impressed shall be received in evidence in all Courts and in all summary proceedings, and shall be deemed and taken to be *prima facie* proof of the proprietorship or assignment of Copyright or license as therein expressed, but subject to be rebutted by other evidence.

14.
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.

15.
Entries of
Copyright
may be made
in the Book of
Registry.

And be it Enacted, That after the passing of this Act it shall be lawful for the Proprietor of Copyright in any Book heretofore published, or in any Book hereafter to be published, to make entry in the Registry Book of the Stationers' Company of the title of such Book, the time of the first publication thereof, the name and place of abode of the Publisher thereof, and the name and place of abode of the Proprietor of the Copyright of the said Book, and of the interest of any person who may have been entitled to or interested in such Copyright, by virtue of any assignment, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of *Five Shillings* to the officer of the said Company; and that it shall be lawful for every such registered Proprietor of Copyright, and every person whose assignment or license shall appear in the said Registry, to assign his interest therein, or any portion thereof, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any Stamp or Duty, and shall be of the same force and effect as if such assignment had been made by deed: Provided always, That no original entry of the proprietorship of the Copyright in or to any Book hereafter to be published shall be made without the

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 be it Enacted, That if any person shall deem himself ag-
5 grievied by any entry made under colour of this Act in the said Book
of Registry, it shall be lawful for such person to apply by Petition,
supported by Affidavit, to the Lord High Chancellor, Master of the
Rolls or Vice Chancellor, or to apply by motion to the Court of
Queen's Bench, Court of Common Pleas or Court of Exchequer, in
10 Term time, or to apply by Summons to any Judge of either of such
Courts in Vacation, for an order that such entry may be expunged or
varied; and that upon any such Petition it shall be lawful for the
Lord High Chancellor, Master of the Rolls or Vice Chancellor, upon
hearing the matter of such Petition, if the parties petitioned against
15 appear, or on due proof of the service of such Petition on all such
parties as he shall think necessary, in case such parties do not appear,
or upon being satisfied that reasonable ground exists for such parties
not having been served with such Petition, to make such order for
expunging, varying or confirming such entry, and as to the costs of
20 such application, as to him shall seem just; and upon any such appli-
cation by Motion or Summons to either of the said Courts, or to a
Judge as aforesaid, such Court or Judge shall make such order for
expunging, varying or confirming such entry, either with or without
costs, as to such Court or Judge shall seem just; and the officer
25 appointed by the Stationers' Company for the purposes of this Act
shall, on the production to him of any such order for expunging or
varying any such entry, expunge or vary the same according to the
requisitions of such order.

16.
If any person
be aggrieved
by any entry
in the Boo
of Registry,
he may apply
to the Lord
Chancellor,
Master of the
Rolls, Vice
Chancellor,
Court of Law
in Term, or
Judge in
Vacation,
who may
order such
entry to be
varied or
expunged.

And be it Enacted, That if any person shall in any part of the British
30 Dominions, after the passing of this Act, print or cause to be printed
either for sale or exportation any Book in which there shall be subsist-
ing Copyright, or any Book containing any portion of a Book in which
there shall be such Copyright, to such extent as shall be injurious to the
property therein, without the consent in writing of the Proprietor thereof,
35 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
40 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

17.
Remedy for
the Piracy of
Books or parts
of Books by
Action on the
Case.

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shall

Proviso for
Scotland.

shall in such action recover such damages as the Jury, on the trial of such action, or on the execution of a writ of inquiry thereon, where the trial shall be by Jury, or the Court in which such trial shall be had, where there shall be no Jury, shall give or assess (not being in any case less than *Forty Shillings*), with all costs of suit reasonably incurred, 5
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 10
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, 15
or to any Abridgment of a Book fairly and bonâ fide made, or to any translation of any Book into another language; but the Copyright in every translation shall be deemed to be the property of the Translator thereof and his assigns as though it were an original work.

18.
In Actions for
Piracy, the
Defendant to
give notice in
writing of the
objections to
the Plaintiff's
title on which
he means to
rely.

And be 'it Enacted, That after the *passing of this Act*, in any 20
Action brought within the British dominions against any person for printing any such Book or portion of a Book as aforesaid, or for importing, selling, publishing or exposing to sale, or causing to be imported, sold, published or exposed to sale, any such Book or portion as aforesaid, the Defenc'ant on pleading thereto shall give to the Plaintiff 25
a notice in writing of any objections on which he means to rely on the trial of such action; and if the nature of his defence be, that the Plaintiff in such action was not the Author or first Publisher of the Book in which he shall by such action claim Copyright, or is not the proprietor of the Copyright therein, or that some other person than the 30
Plaintiff was the Author or first Publisher of such Book, then the Defendant shall specify in such notice the name of the person who he alleges to have been the Author or first Publisher of such Book, or the proprietor of the Copyright therein, together with the title of such Book, and the time when and the place where such Book was first published, 35
otherwise the Defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the Plaintiff in such action was not the Author or first Publisher of the Book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein; and at such trial or hearing no other 40
objection shall be allowed to be made on behalf of such Defendant than the objections stated in such Notice, or that any other person was the Author or first Publisher of such Book or the proprietor of the Copyright therein than the person specified in such Notice, or
give

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give in evidence in support of his defence any other Book than one substantially corresponding in title, time and place of publication, with the title, time and place specified in such Notice.

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

19.
Mode of proving the Publication and Identity of Books in Proceedings for Piracy.

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 King-
 dom, or into any other part of the British Dominions, for sale, any
 printed Book, first composed, or written or printed and published in
 any

20.
No Person shall import into any part of the British Dominions for sale any Book first composed.

19.

B

any

&c. within the British Dominions and re-printed elsewhere. Penalty on importing, selling or keeping for sale any such Books, forfeiture thereof, and also 10 l. and double the value. Books may be seized by Officers of Customs or Excise, who shall be rewarded.

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

21.

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

any part of the said United Kingdom, and re-printed in any country or place whatsoever out of the British Dominions; and if any person shall import or bring, or cause to be imported or brought for sale any such printed Book into any part of the British Dominions contrary to the true intent and meaning of this Act, or shall knowingly sell, publish or expose to sale, or have in his possession for sale any such Book, then every such Book shall be forfeited, and shall be seized by any Officer of Customs or Excise, and the same shall be destroyed by such Officer; and every person so offending being duly convicted thereof before *Two* Justices of the Peace for the county or place in which such Book shall be found, shall also for every such offence forfeit the sum of *Ten Pounds*, and Double the value of every Copy of such Book which he shall so import or cause to be imported into any part of the British Dominions, or shall knowingly sell, publish or expose to sale, or shall cause to be sold, published or exposed to sale, or shall have in his possession for sale contrary to the true intent and meaning of this Act, to the use of the Proprietor of the Copyright in such Book: Provided always, That no person shall be liable to any of the last-mentioned penalties or forfeitures by reason of the importation of any Book which has not been printed or re-printed in some part of the British Dominions 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 when any Publisher or other person shall, before or at the time of the passing of this Act, have projected, conducted, and carried on, or shall hereafter project, conduct and carry on, any Encyclopædia, Review, Magazine, Periodical Work, or Work published in a series of Books or Parts, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles, or portions thereof, for publication in or as part of the same; and such Work, Volumes, Parts, Essays, Articles, or portions, shall have been or shall hereafter be composed under such employment, and paid for by such Projector, Publisher or Conductor, the Copyright in every such Encyclopædia, Review, Magazine, Periodical Work, and Work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and portion so composed and paid for, shall be the property of such Projector, Publisher or other Conductor, who shall enjoy the same rights as if he were the actual Author thereof, and shall have such term of Copyright therein as is given to the Authors of Books by this Act; and the receipt for or other proof of the payment of the price agreed for and given by such Projector, Publisher or other Conductor as aforesaid, to every person so employed by him in respect of the composition

position forming such Work, Volume, Part, Essay, Article or Portion, shall be prima facie evidence of such employment, and of the Copyright in the composition so supplied under such employment, being vested in such Projector, Publisher or Conductor as aforesaid, without any formal
 5 or other assignment of property therein: Provided always, That nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid, to publish any such his composition in a separate form, who, by any contract, express or implied, may have reserved or may hereafter reserve to himself
 10 such right; but every Author reserving, retaining or having such right, shall be entitled to the Copyright in such composition when published in a separate form, according to this Act, without prejudice to the right of such Projector, Publisher or Conductor as aforesaid.

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

And be it Enacted, That the Proprietor of the Copyright in any
 15 Encyclopædia, Review, Magazine, Periodical Work, or other Work published in a series of Books or Parts, shall be entitled to all the benefits of the registration at Stationers' Hall under this Act, on entering in the said Book of Registry the title of such Encyclopædia,
 20 Review, Periodical Work, or other Work published in a series of Books or Parts, the time of the first publication of the first Volume, Number or Part thereof, and the name and place of abode of the Proprietor thereof, and of the Publisher thereof, when such Publisher shall not also be the Proprietor thereof.

22. Proprietors of Encyclopædias, Periodical Works, and Works published in Series to be at liberty to enter at once at Stationer's Hall, and thereon to have the benefit of the Registration of the whole Work.

AND whereas an Act was passed in the third year of the reign of
 25 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
 30 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
 35 the Author or Composer thereof, and for the further term of Sixty Years, commencing at the time of his death.

23. 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
 40 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

24. 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

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.

25. 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 no longer.

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, and 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, 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 wholly determine and cease.

26. 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.

27. 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 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 should pass by such assignment.

28. 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

25/14

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.

AND for the more speedy and effectual prevention of piracy of Copyright, BE it Enacted, That after the passing of this Act it shall be lawful to and for the Lord Chancellor or Master of the Rolls for the time being in England and Ireland, and for the Vice-Chancellor in England for the time being, at any time, upon application by petition, in a summary way, and for the Court of Queen's Bench, or Court of Common Pleas, or Court of Exchequer in England and Ireland respectively, in Term time, and for any Judge of the said last-mentioned Courts, or any or either of them, in vacation, and for the Supreme Courts of Judicature at Fort William, in Bengal, Madras or Bombay, and to and for any of the Supreme or Upper Courts of Judicature in any part of Her Majesty's British Dominions not hereinbefore particularly mentioned, upon application by motion, in a summary way, supported by affidavit, or such other evidence as shall be produced in support of the same, after hearing, or on due proof of service of such petition, or of notice of such motion upon all such parties as he or they shall think necessary, or in case any such party or parties shall not have been served with such petition or with notice of such motion, upon being satisfied, by affidavit, that reasonable ground exists for such party or parties not having been so served, or if he or they shall think fit, without hearing any party, to make such orders for the issuing of an Injunction to restrain the printing, publishing, selling, disposing of and exposing to sale of any Book which, without the consent in writing first had and obtained of every person who shall appear by such registry as aforesaid to be interested in the Copyright of any Book wherein copyright shall subsist, shall have been copied from such Book, or any part thereof, and for the issuing of an Injunction to restrain the sale of any Book so unlawfully imported as aforesaid, or for the issuing of an Injunction for any of such purposes, and for the continuing and enforcing or dissolving any such Injunction, as according to the course and practice of each of such Courts respectively can or may now be made in a suit regularly instituted; and also in any case where any such Injunction as aforesaid shall have been issued upon the like application as aforesaid, supported as aforesaid, to make such order for or on account of the profits of or arising from the sale of any Book which, without such consent as aforesaid, shall have been copied in the whole or in part, or which shall have been so unlawfully pirated imported as aforesaid, wherein Copyright shall subsist, as according to the course and practice of such Courts respectively can or may now be made upon the hearing of a suit regularly instituted; and also upon the

29.
Power to grant Injunctions in case of Piracy.

making of any such application as aforesaid, or at any time afterwards upon the like application as aforesaid, supported as aforesaid, to make such order as to the costs of such applications as aforesaid, or any of them, as to them or him shall seem meet; and that every order so made as aforesaid shall be of the same force and effect, and shall be carried on and prosecuted and enforced in the like manner and to the like processes as the same or the like orders made in any suit regularly instituted can and may according to the course and practice of such Courts respectively now be carried on, prosecuted and enforced, and that every such order shall be final and conclusive to all intents and purposes: 10
 Provided always, That upon any such application as aforesaid for the issuing, continuing or dissolving any such Injunction as aforesaid being made to any such Court or Judge as aforesaid, it shall be in the discretion of the said Court or Judge to direct a Bill to be filed, or an action to be brought, or an issue to be tried for establishing the right of the party applying or who shall have applied for such Injunction, and in the meantime either to grant, or continue or dissolve, or refuse to grant, continue or dissolve such Injunction, or to impose such terms upon the party by or against whom the same shall be or shall have been applied for as to the said Court or Judge shall seem meet: Provided always, That 20
 nothing herein contained shall prevent the Courts of Law in Scotland from granting to the Proprietor of any Copyright under this Act, in case of any infringement, actual or intended, of such Copyright, such remedy, by interdict or otherwise, as they have been used to grant before the passing of this Act. 25

Proviso for
Scotland.

30.
Mode of
proving
Copyright,
&c., in Colo-
nial Courts.

And be it Enacted, That in all cases in which application shall, under the provisions of this Act be made to the Supreme Courts of Judicature at Fort William, in Bengal, Madras or Bombay, or to any of the Supreme or Upper Courts of Judicature in Her Majesty's other British Dominions not hereinbefore particularly mentioned, for the issuing, continuing, enforcing or dissolving any such Injunction as aforesaid, a Copy of the Book to which such application shall relate, having therein such certificate of publication and identity as aforesaid, shall, unless rebutted by other evidence, be and be deemed sufficient evidence of such publication and identity, and a copy of any entry contained in the said registry in relation to such Book, bearing date at any time within *Twelve* calendar Months next before the hearing of such application, and so certified, and purporting to be signed and bearing such seal or stamp as aforesaid, shall, unless rebutted by other evidence, be and be deemed sufficient evidence of the Copyright in such Book being vested in and belonging to the person to whom the same shall by the said copy of the said entry appear to belong. 40

And

31.
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 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
5 Copyright, in writing under his hand first obtained, 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
10 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 county, city, division, place, settlement, or colony, wherein such Copies of any Book shall be found, upon the information and complaint of such registered
15 Proprietor of the Copyright or his Attorney, 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 such consent of the registered Proprietor, and of demand in writing made of the party in whose possession such
20 Copies shall be, to issue their warrant for the seizure of such Copies, and for the delivery thereof to such Complainant or his Attorney: Provided always, That such warrant shall not be holden conclusive as against the possessor of such Copies of his right to the same, but that he may question the right to issue such warrant in any action
25 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.

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

32.
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.

33.
Clergymen
may lawfully
dispose of
Copyright or
Copies of
Books of
which they
are the
Authors.

AND whereas a doubt has arisen whether a Spiritual Person, having or holding any dignity, prebend, canonry, benefice, stipendiary, curacy or lectureship, and being the Author of any Book, may lawfully 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 dispose of the Copyright of the same, or of any Copies thereof, for his own profit, any law or usage to the contrary notwithstanding. 5

34.
Copyright
shall be per-
sonalty.

. And be it Enacted, That all Copyright shall be deemed personal property, and shall be transmissible by bequest, or, in case of intestacy, shall be subject to the same law of distribution as other personal property, and in Scotland shall be deemed to be personal and movable estate. 10

35.
Saving the
Rights of the
Universities
and the Col-
leges of Eton,
Westminster
and Win-
chester.

Provided always, and be it Enacted, That nothing in this Act contained shall affect or alter the rights of the two Universities of Oxford and Cambridge, the Colleges or Houses of Learning within the same; the four Universities in Scotland; the 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. 15 20

36.
Proviso for
saving all
Rights and
all Contracts
and Engage-
ments subsist-
ing at the time
of passing this
Act.

Provided also, and be it Enacted, That nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing of this Act, except as herein expressly enacted, and all contracts, agreements and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, anything herein contained to the contrary notwithstanding. 25

37.
Act to extend
to all parts of
the British
Dominions.

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. 30

38.
Act may be
amended or
repealed
during the
present
Session.

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

SCHEDULE

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.
1st Sept. 1839.	-- [<i>Here set out the title of the Book.</i>]	-- William Smith, of Piccadilly, London.	-- Henry Williams, of Edinburgh, Esquire.	1st September 1839.

— 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 18 day of

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

A. B.

— No. 3. —

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

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
1st Sept. 1839.	-- [<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 Cheapside, London, Bookseller and Publisher

Copyright.

A

B I L L

To amend the Law of Copyright.

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

Ordered, by The House of Commons, to be Printed,
12 February 1839.
