

Copyright (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
 2. Extent of Act.
 3. Commencement of Act.
 4. Application of Act.
-

PART I.

BOOKS.

Conditions of Copyright in Books.

5. Copyright in book first published in British dominions.
6. Copyright in book first published out of British dominions.
7. Term of copyright in books.
8. Infringement of copyright in books.
9. Licence by Privy Council for republication of books to prevent suppression.

Registration.

10. Registration of copyright.
11. Stationers' Company to keep register of copyrights.
12. Mode of registration.
13. Register to be evidence: inspection.
14. Rectification of register.
15. Assignments, transmission, and trusts.
16. Power to make general rules as to registration.
17. False entry in register.

[Bill 265.]

a

Delivery to British Museum and other Libraries.

Clause.

18. Delivery of copies to British Museum and other libraries.

Special Provisions as to particular Descriptions of Books.

19. Encyclopædias, periodicals, and serial works.
 20. Newspapers.
 21. Lectures.
 22. Dramatic pieces and musical compositions.
 23. Translations.
 24. New editions.

 PART II.

FINE ARTS.

Paintings.

25. Copyright in paintings.
 26. Term of copyright in painting.
 27. Infringement of copyright in painting.
 28. Copyright on sale of painting.
 29. Effect of reservation of copyright of painting on sale.
 30. Saving as to representation of same subject.
 31. Saving for use of sketches on sale of painting.

Sculptures.

32. Application of Act to sculptures.

Engravings and Photographs.

33. Application of Act to engravings.
 34. Application of Act to photographs.
 35. Registration of engravings and photographs.

General Provisions as to Works of Art.

36. Penalty on fraudulent production and sale of works of art.
 37. Provision as to engravings, &c. forming part of book.
-

PART III.

COLONIAL COPYRIGHT.

Provisions as to Colonies.

Clause.

- 38. Registration of book published in British possession.
- 39. Licence for publication in United Kingdom of books first published in a British possession.
- 40. Publication in a British possession of books first published out of that possession.
- 41. Importation of foreign reprints into certain British possessions.
- 42. Registration before commencing action, &c. in British possession.
- 43. Licences for republication of books to prevent suppression.
- 44. Reservation of colonial Act for Her Majesty's pleasure.
- 45. Application to books in which copyright is acquired by re-publication.

Protection and Remuneration of Proprietors of Copyright.

- 46. Publication under licence to be of last edition only.
- 47. Notice of licence.
- 48. Per-centage on licensed reprints.
- 49. Per-centage on foreign reprints.
- 50. Prohibition on importation of reprints under licence.
- 51. Evidence of colonial copyright.

PART IV.

FOREIGN COPYRIGHT.

- 52. Application of this part of Act.
- 53. Copyright in foreign books and works of art.
- 54. Translations of foreign books.
- 55. Evidence of foreign register.
- 56. Acquisition of British copyright by alien.

PART V.

GENERAL.

Property in and Term of Copyright.

- 57. Nature of property in copyright.
- 58. Power of Her Majesty to alter term of copyright under international agreement.

[265.]

Clause.

59. Saving for right to prevent publication.

60. No copyright where publication illegal.

Orders in Council.

61. Making and publication of Orders in Council.

Applications to Crown.

62. Provision as to applications to Her Majesty in Council.

Licences.

63. Registration and rights of licensee under Act.

Unlawful Copies.

64. Forfeiture of and provisions as to unlawful copies.

Legal Proceedings.

65. Recovery of fines.

66. Summary proceedings in England.

67. Summary proceedings in Ireland.

68. Summary proceedings in Scotland.

69. Summary proceedings in Isle of Man, Channel Islands, India, and the colonies.

Compensation.

70. Continuance of compensation to certain libraries.

Definitions.

71. Definitions.

Temporary Provisions and Repeal of Acts.

72. Application of Act to books, &c. published before Act.

73. Application of Act to books published before Colonial Order in Council.

74. Proviso as to foreign reprints imported before Act.

75. Limitation of right of action as to past proceedings.

76. Repeal of Acts.

FIRST SCHEDULE. FORMS.

SECOND SCHEDULE. ACTS REPEALED.

A
B I L L

TO

Consolidate and amend the Law relating to Copyright.

A.D. 1879.

WHEREAS the Commissioners appointed by Her Majesty to inquire with regard to the laws and regulations relating to home, colonial, and international copyright, have, by their report to Her Majesty, made various recommendations respecting copyright, and those recommendations cannot be carried into effect without the authority of Parliament, and it is expedient to make provision respecting them :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Copyright Act, 1879. Short title.
2. This Act shall extend to the whole of Her Majesty's dominions. Extent of Act.
3. This Act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in every part of Her Majesty's dominions on the first day of January one thousand eight hundred and eighty, which day is in this Act referred to as the commencement of this Act: Provided that any Act in a British possession may be passed, and any Order in Council or rule may be made, and anything necessary or proper may be done, under or for the purposes of this Act, at any time after the passing of this Act, but if passed, made, or done before, shall not come into operation or take effect until, the commencement of this Act. Commencement of Act.
4. This Act shall apply to copyright under this Act, and not to any copyright to which a person may be entitled under any law of a British possession; and all expressions in this Act referring to copyright shall, unless the context otherwise requires, be construed as referring to copyright under this Act, and not to copyright under Application of Act.

[Bill 265.]

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A.D. 1879. the law of any British possession; and all rights and remedies to which a person may be entitled under this Act shall be in addition to, and not in derogation of, any rights or remedies to which he may be entitled in any British possession under the law of that possession.

PART I.

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BOOKS.

Conditions of Copyright in Books.

Copyright in book first published in British dominions. [Rep., par. 58].

5. The author of a book first published in Her Majesty's dominions after the commencement of this Act, shall, whether he is or is not a British subject or domiciled or resident in Her Majesty's dominions, be entitled to copyright in the book throughout Her Majesty's dominions. 10

Copyright in book first published out of British dominions. [Rep., pars. 61, 62.]

6. (1.) The author of a book first published out of Her Majesty's dominions after the commencement of this Act, if at the time of that publication he is a British subject or is an alien domiciled in Her Majesty's dominions, may acquire copyright in the book by republishing it in Her Majesty's dominions within three years from the date of its first publication. 15

(2.) In this case the copyright shall date from the republication as if it were the first publication, and shall not entitle the proprietor of the copyright to take any proceedings in respect of any copy printed or thing done before that republication, and the date of the republication shall, for the purposes of this Act, be deemed the date of the first publication. 20

(3.) Nothing in this section shall prejudice any copyright acquired by an alien under Part IV. of this Act. 25

Term of copyright in books. [Rep., pars. 32, 41. See 5 & 6 Vict. c. 45. s. 3.]

7. Copyright in a book first published after the commencement of this Act shall endure for the following terms,—

(a.) If the book is published in the lifetime and in the true name of the author, for the life of the author and thirty years after his death: 30

(b.) If the book is published after the death and in the true name of the author, for thirty years from the date of the first publication of the book:

(c.) If the book is not published in the true name of the author, for thirty years from the date of the first publication of the book. 35

Infringement of copyright in books.

8. Every person shall be deemed to infringe the copyright in a book, who, during the term of copyright, and without either the written consent of the proprietor of the copyright, or the authority 40

of a licence granted under this Act, does any of the following things; namely,

A.D. 1879.

- (a.) Prints or causes to be printed any copy of the book; or
 (b.) Prints or causes to be printed any abridgment of the book; or
 5 (c.) Prints or causes to be printed any translation of the book; or
 (d.) Dramatizes the book by preparing or adapting it for representation on the stage as a dramatic piece; or
 (e.) Prints or causes to be printed, or to be publicly performed, any dramatized version of the book; or
 10 (f.) Imports or causes to be imported for sale or hire any copy of the book which is unlawfully printed or is a foreign reprint as defined by this Act, or any copy of any abridgment, translation, or dramatized version of the book; or
 (g.) Sells, publishes, lets on hire, exposes for sale or hire, or
 15 causes to be sold, published, let on hire, or exposed for sale or hire, or has in his possession for sale or hire, any copy, abridgment, translation, or dramatized version of the book, by the making or importation of which the copyright in the book is infringed.

[5 & 6 Vict. c. 45. ss. 15, 17.]

[Rep., par. 69.]

[Rep., par. 80.]

- 20 **9.** In order to provide against the suppression of books of importance to the public, it shall be lawful for the Queen in Council, on complaint that the proprietor of the copyright in any book has after the death of the author thereof refused to republish or allow the republication of the book, and that by reason of this refusal
 25 the book is withheld from the public, to license the complainant to publish the book in such manner and subject to such conditions as Her Majesty in Council may think fit.

Licence by Privy Council for republication of books to prevent suppression.

[5 & 6 Vict. c. 45. s. 5.]

Registration.

- 30 **10.** (1.) The copyright in every book shall be registered under this Act, and no legal proceedings shall be taken or forfeiture incurred in respect of any infringement of copyright in the book until the copyright is so registered.

Registration of Copyright.

[Rep., par. 138, 5 & 6

Vict. c. 45.

s. 24. Rep., par. 152.]

- 35 (2.) If any such copyright is not registered under this Act within one month after the date of the first publication of the book, no legal proceedings shall be taken or forfeiture incurred in respect of any copy printed or imported before the date of registration, whether the copy is published, sold, or otherwise dealt with before or after that date, or in respect of any public performance or series of public performances begun before that date.

[Rep., par. 154.]

- 40 (3.) The registration under this Act of a book shall, until the contrary is proved, be evidence that the book was published at the

[Rep., par. 146.]

A.D. 1879. — date of the registration ; but if it is proved that a book was published more than one month before the registration under this Act of the copyright therein it shall lie with the person claiming to be the proprietor of the copyright to show the date of the first publication of the book.

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Stationers' Company to keep register of copy-rights. [1842, s. 11.]

11. (1.) The Stationers' Company shall keep at their hall a register of the copyrights in books which are first published in the United Kingdom, or in which copyright is acquired by republication in the United Kingdom, and of the proprietors of those copy-rights.

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(2.) The register so kept shall be the register under this Act.

(3.) The Stationers' Company may from time to time appoint and remove a registrar, and such number of officers and servants as the Stationers' Company, with the approval of the Treasury, think necessary for the execution of this Act.

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(4.) *There shall be paid, out of money provided by Parliament, such expenses of the execution of this Act, and such remuneration to the registrar, officers, and servants appointed under this section, as the Treasury direct.*

(5.) All fees received by the Stationers' Company in pursuance of this Act shall be paid into the Exchequer.

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Mode of registration. [Rep., par. 146.]

12. (1.) The proprietor of the copyright in a book shall register the copyright under this Act by delivering to the registrar a copy of the book, accompanied by a statement, verified in the prescribed manner, and showing the name, address, and calling of the publisher of the book, and of the proprietor of the copyright in the book, and the place and date of the first publication of the book.

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(2.) If the book is at the time of registration published in the true name of the author, the statement shall also show the true name, address, and calling of the author.

30

(3.) If the book is not at the time of registration published in the true name of the author, the proprietor of the copyright may at any time during the author's life and with his consent, deliver to the registrar a statement showing the author's true name, address, and calling, and thereupon the copyright in the book shall endure for the same term as if the book had been published in the author's true name.

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(4.) The statement to be made on registration may be in or to the effect of the form contained in the First Schedule to this Act, or

in or to the effect of such other form as may for the time being be prescribed. A.D. 1879.

(5.) The registrar shall send the copy so delivered to the trustees of the British Museum.

5 **13.** (1.) The register under this Act shall be deemed to be of such a public nature as to be admissible on its mere production from the custody of the registrar as evidence of the matters entered therein in pursuance of this Act. Register to be evidence : inspection. [5 & 6 Vict. c. 45. s. 11.]

10 (2.) The register under this Act shall be open to the inspection of any person on payment of the prescribed fee at such reasonable times as may be prescribed.

14. (1.) In any of the following cases :—

15 (a.) if the name of any person who is not for the time being entitled to the copyright in a book is entered on the register under this Act as proprietor of the copyright in such book ; or Rectification of register. [Sec 5 & 6 Vict. c. 45. s. 14.]

(b.) if the registrar refuses to register as proprietor of the copyright in a book the name of any person who is for the time being entitled to that copyright ; or

20 (c.) if any book is entered as the subject of copyright in which there is no copyright ;

any person aggrieved may apply in such manner as may be directed by rules of court for an order of the High Court that the register may be rectified, and the court may either refuse the application, 25 or, if satisfied of the justice of the case, make an order for the rectification of the register, and may award damages to the person aggrieved.

(2.) The court may in any proceeding under this section decide any question whether there is or is not copyright in a book ; 30 any question relating to the right of any person who is a party to the proceeding to have his name entered on the register, or to have the name of any other person removed from the register ; and any other question that it may be necessary or expedient to decide for the rectification of the register.

35 (3.) The court may, if it thinks fit, direct an issue to be tried for the decision of any question of fact which it may be requisite to decide for the purposes of this section.

(4.) Where an order is made rectifying the register, the court shall, by its order, direct that due notice of the rectification be 40 given to the registrar.

(5.) In Scotland, any application under this section may be made to the Court of Session in such manner as may be directed by acts of sederunt.

A.D. 1879.

Assign-
ments, trans-
mission, and
trusts.

15. (1.) Where the copyright in a book is required to be registered under this Act, an assignment of the copyright, or a transmission thereof by operation of law, shall not be valid unless it is registered under this Act in the prescribed manner; except that the executors and administrators of a deceased proprietor of copy- 5 right may dispose of the copyright without being themselves registered.

(2.) No notice of any trust, expressed, implied, or constructive, shall be entered in the register or be receivable by the registrar, and the registered proprietor of a copyright shall have power 10 absolutely to dispose thereof; except that caveats against such disposition may, if it is so prescribed, be received and entered in the prescribed manner.

Power to
make gene-
ral rules as to
registration.

16. (1.) The Board of Trade may from time to time, with the approval of the Treasury as to fees, make, alter, and annul such 15 general rules as to the registry of copyrights and of first and subsequent proprietors of copyrights, as to the fees to be charged for registration or inspection of the register, or for copies or extracts therefrom, as to notices, as to the inspection of the register, and as to any matter authorized by this Act to be prescribed, and 20 generally for carrying into effect this Act, as the Board think expedient.

(2.) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, as soon as may be, if Parliament is then sitting, and if not, within one month after the then next 25 meeting of Parliament.

False entry
in register.
[1842,
s. 12.]

17. If any person wilfully makes or causes to be made any false entry in the register under this Act, or wilfully utters or makes use of any document falsely purporting to be a copy of an entry in the register under this Act, or of an entry in any register 30 of copyrights in a British possession or foreign state, he shall be liable to imprisonment, with or without hard labour, for a period not exceeding *two years*.

Delivery to British Museum and other Libraries.

Delivery of
copies to
British
Museum
and other
libraries.
[5 & 6 Vict.
c. 45. ss. 6-
10.]

18. (1.) The publisher of every book first published in the 35 United Kingdom shall, as soon as may be after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum.

(2.) He shall also, within one month after request, deliver, at his own expense, a copy of the book to, or in accordance with the 40 directions of, the authority having the control of each of the following libraries, namely, the Bodleian Library at Oxford, the Public Library

at Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin; or, at the option of the publisher, to the registrar under this Act, to be by him so delivered.

A.D. 1879.

5 (3.) The copy delivered to the trustees of the British Museum shall be a copy of the whole book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is
10 printed.

(4.) The copy delivered to the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

15 (5.) Delivery of a copy to the registrar on registration under this Act shall for the purposes of this section be deemed delivery to the trustees of the British Museum.

(6.) If a publisher fails to comply with this section he shall incur a fine not exceeding *five pounds* and the value of the book,
20 and this fine shall be paid to the trustees or authority to whom the book ought to be delivered.

Special Provisions as to particular Descriptions of Books.

19. In the case of any book (whether encyclopædia, review, magazine, periodical work, or work published in series or parts)
25 where an author has composed the book or any part thereof on the terms that the copyright in the composition shall belong to the proprietor of the book, and be paid for by him, the copyright in the book and in every part thereof shall belong to that proprietor as if he were the author of the whole book, subject to the following
30 qualifications:

Encyclo-
pædias,
periodicals,
and serial
works.
[5 & 6 Vict.
c. 45. s. 18.]

(a.) In the case of any book except an encyclopædia, the proprietor of the copyright shall not publish the composition
of any person separately from the rest of the book without
the consent of that person, or his executors, administra-
35 tors, or assigns; and after the term of three years from the first publication of the book the right of publishing the composition separately shall vest exclusively in the person who composed it, or his executors, administrators, or assigns:

[Rep., par.
43.]

40 (b.) During this term of three years the person who composed any part of the book may, if he thinks fit, register the

[Rep., par.
44.]

A.D. 1879.

composition as a separate book in the register under this Act, and thereon shall be entitled, subject to the rights of the proprietor of the copyright in the book, to prevent the publication of or other infringement of the copyright in the composition as if it were a separate book: 5

[5 & 6 Vict.
c. 45. s. 18.]

(c.) Where the person who composed any part of the book has reserved to himself by any contract, express or implied, the right to publish his composition as a separate book, within the said three years or otherwise, he shall be entitled to register the composition in the register under this Act, and thereon shall be entitled, without prejudice to the right of the proprietor of the copyright in the book, to the copyright in the composition as if it were a separate book: 10

[5 & 6 Vict.
c. 45. s. 19.]

(d.) The proprietor of any such book as is in this section mentioned may register the copyright therein in the prescribed manner, so, however, that it shall not be necessary to register separately every number of the book: 15

[Rep., par.
41.]

(e.) The copyright in an encyclopædia shall endure for a term of thirty years from the date of the first publication of the book, or, if the volumes are published at different times, of the first volume thereof. 20

Newspapers.
[Rep., par.
88.]

20. (1.) The provisions of this Act with respect to books published in series shall apply to a newspaper, so far as the newspaper contains original compositions of a literary character, but shall not apply to such portion of a newspaper as contains news. 25

[Rep., par.
166.]

(2.) The publisher of a newspaper shall, within one week after the publication of every number thereof, deliver a copy of that number to the trustees of the British Museum, and in default shall be liable to the same fine to which the publisher of a book is liable on failing to deliver a copy thereof to those trustees. 30

Lectures.
[See 5 & 6
Will. 4.
c. 65. Rep.,
pars. 84, 87.]

21. The author of a lecture, other than a lecture delivered in a university, public school, college, or public foundation, or by any person in virtue of or according to any charity, shall be entitled to copyright in the lecture, and this Act shall apply as if the lecture were a book, with the following modifications and additions: 35

(a.) The first delivery of the lecture shall be deemed to be the first publication thereof:

[Rep., par.
84.]

(b.) While the lecture has not been printed and published by the author, if any person, during the term of copyright, and without the written consent of the proprietor of the copy- 40

right, delivers the lecture, he shall be deemed to infringe the copyright therein : A.D. 1879.

- (c.) It shall not be requisite to register under this Act the copyright in a lecture which is not printed and published by the author. [Rep., par. 85.]

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But nothing in this section shall prevent the proprietor of a newspaper from publishing a report of the lecture in the ordinary current edition of the newspaper, unless the author, before or at the time of the delivery of the lecture, gives notice that he prohibits such report.

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22. The author of a dramatic piece or musical composition which is either printed and published or publicly performed, shall be entitled to copyright therein, and this Act shall apply as if the dramatic piece or musical composition were a book, with the following modifications and additions : Dramatic pieces and musical compositions. [3 Will. 4. c. 15. 5 & 6 Vict. c. 45. ss. 20-24., 15 & 16 Vict. c. 12. Rep., pars. 61, 74, 75, 171.]

15

- (a.) If any person, during the term of copyright, and without the written consent of the proprietor of the copyright, publicly performs the piece or composition, or any part thereof, or any abridgment or adaptation thereof, he shall be deemed to infringe the copyright :

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- (b.) A dramatic piece or musical composition which is publicly performed, but is not printed and published as a book, may be registered under this Act without the delivery of a copy thereof, and without a statement of the name of the publisher :

25

- (c.) For the purposes of this Act the first public performance of a dramatic piece or musical composition, or the first publication thereof by printing and publishing as a book, whichever is earliest, shall be deemed the first publication of the piece or composition : [Rep., par. 74.]

30

- (d.) Where the first public performance takes place out of Her Majesty's dominions, copyright in the piece or composition may be acquired either by its public performance, or by its publication or republication as a book, within the three years next ensuing, in Her Majesty's dominions, under the same circumstances and with the same consequences under and with which copyright in a book may be obtained by republication in Her Majesty's dominions : [Rep., par. 61.]

35

- (e.) The purchaser of a printed copy of a musical composition shall have the right of publicly performing it unless the copy contains on the title page thereof, or in some other conspicuous position thereon, a statement that the purchaser [Rep., par. 171.]

40

[265.]

B

A.D. 1879.

will not have the right without consent, and specifies the name and address of some person authorized and able to give the consent; and the purchaser, on obtaining the consent of the person so specified, or, if he cannot with reasonable diligence find that person, without his consent, shall be exempt from any liability under this Act in respect of the performance: 5

[Rep., par. 75.]

(f.) Where a musical composition is published with the words, the proprietor of the copyright in those words shall not be authorized to prevent a person entitled to publicly perform the musical portion of the composition from using those words with the music at any such public performance. 10

Translations.

[Rep., par. 291.]

23. (1.) Subject to the provisions of this Act with respect to the translation of books in which copyright exists, a translation of a book shall be deemed to be a new book, without prejudice nevertheless to the making of any other translation of the original book. 15

(2.) This section shall apply to a dramatic piece, and to the words of a musical composition, in like manner as to a book.

New editions.

24. For the purposes of this Act, any second or subsequent edition of a book which is published with any additions or alterations, whether in the letter-press or in the maps or illustrations belonging thereto, shall be deemed to be a new book. 20

PART II.

FINE ARTS.

Paintings.

25

Copyright in paintings.

25 & 26 Vict. c. 68. s. 1.

[Rep., par. 96.]

25. (1.) The author of an original painting shall be entitled to copyright therein throughout Her Majesty's dominions, whether the painting is first published in or out of Her Majesty's dominions, and whether the author is or is not a British subject, or domiciled or resident in Her Majesty's dominions, unless the painting is first published out of Her Majesty's dominions and the author thereof is not a British subject and not domiciled in Her Majesty's dominions at the time of the first publication. 30

(2.) Provided that there shall be no copyright in a painting unless the painting, and every copy thereof made with the author's consent before the painting is published, bears the author's name and the date of the execution of the painting. 35

Term of copyright in painting.

26. Copyright in a painting published after the commencement of this Act shall endure for the following terms,

(a.) If the painting is published in the lifetime of the author, for the life of the author and thirty years after his death: A.D. 1871.

(b.) If the painting is published after the death of the author, for thirty years from the date of publication. [Rep., par. 95.]

5 **27.** Every person shall be deemed to infringe the copyright in a painting who, during the term of copyright, does, without the written consent of the proprietor of the copyright, any of the following things; namely, Infringement of copyright in painting.

(a.) Makes or causes to be made any copy of the painting; or

10 (b.) Imports or causes to be imported for sale or exhibition any copy of the painting made in any foreign country or made in infringement of copyright; or

15 (c.) Sells, publishes, exposes for sale, or exhibits, or causes to be sold, published, exposed for sale, or exhibited, or has in his possession for sale or exhibition, any copy of the painting made or imported in infringement of copyright.

20 **28.** Where a painting is sold or is executed on the order of any person for valuable consideration, the copyright therein shall vest in the purchaser or person on whose order it is executed, unless the author reserves it by written agreement. Copyright on sale of painting. [See 25 & 26 Vict. c. 68. ss. 1, 11.

29. Where the copyright in a painting is reserved by agreement—

25 (1.) The author shall not, without the consent of the owner for the time being of the painting, execute or authorize any person to execute any copy thereof; and the owner shall have the same right of preventing the execution of any such copy as if he were the proprietor of the copyright. Effect of reservation of copyright of painting on sale. [Rep., pars. 115.]

(2.) If the copyright is infringed the owner of the painting shall be entitled to take the same proceedings in respect of the infringement as if he were the proprietor the copyright.

30 (3.) Provided that if the infringement is by any person other than the author, the owner, before he takes any legal proceedings in respect thereof, shall give to the proprietor of the copyright notice of the infringement, and of his intention to take proceedings in case the proprietor fails to do so, and shall give the proprietor an opportunity of taking proceedings to prevent the infringement. 35

(4.) The proprietor of the copyright shall, or if he fails after notice from the owner of the painting, then that owner may, register the copyright in the painting by delivering to the registrar a statement, verified in the prescribed manner, showing the nature and subject of the painting, the name, address, and calling of the author, of the proprietor of the copyright, and of the owner of the painting, and the date of and parties to the agreement. [Rep., par 158.] 40

A.D. 1879.

(5.) The statement may be in or to the effect of the form contained in the First Schedule to this Act, or in or to the effect of such other form as may for the time being be prescribed.

(6.) Until the copyright is registered no legal proceedings shall be taken or forfeiture incurred in respect of any infringement of 5
copyright in the painting.

(7.) Unless the copyright is registered within one month after the date of the agreement, no legal proceedings shall be taken or forfeiture incurred in respect of any copy made or imported before the date of registration, whether any such copy is sold or exhibited 10
before or after that date.

Saving as to representation of same subject.

[See 25 & 26 Vict. c. 68. s. 2.]

Saving for use of sketches on sale of painting.

[Rep., par. 124.]

30. Nothing in this Act shall prejudice the right of a person to copy or use any painting in which there is no copyright, or to represent any scene or object notwithstanding that there may be copyright in some representation of that scene or object. 15

31. Nothing in this Act shall prevent a person who has sold a painting from selling or using any models, casts, sketches, or studies made by him for the purpose of making the painting, so that he do not repeat or colourably imitate the design of the painting.

Sculptures.

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Application of Act to sculptures.

[See 54 Geo. 3. c. 56.

Rep., pars. 94, 95, 96, 99, 100.]

[Rep., par. 100.]

32. (1.) The provisions of this Act with respect to paintings shall apply to sculptures as if they were herein re-enacted with the substitution of "sculpture" for "painting."

(2.) The author of a copy of a sculpture in which there is no copyright, or which was copied with the consent in writing of the proprietor of the copyright, shall be entitled to the same copyright 25
as if his copy were an original sculpture.

Engravings and Photographs.

Application of Act to engravings.

[See 8 Geo. 2. c. 12.

17 G. 3. c. 38.

17 G. 3. c. 57.

6 & 7 W. 4. c. 59. 15 Vict. c. 12. s. 14.

Rep. pars. 95, 122.]

33. (1.) The provisions of this Act with respect to paintings shall apply to engravings as if they were herein re-enacted with 30
the substitution of "engraving" for "painting," subject as follows :

(a.) The provisions of this Act as to the name of the author and date of execution shall not apply, but there shall be no copyright in an engraving unless the name of the author is printed thereon : 35

(b.) The copyright in an engraving shall belong to the proprietor of the plate, stone, or other instrument by means of which copies of the engraving are produced :

- (c.) Where the engraving is made on the order of any person for a valuable consideration, the proprietor of the copyright shall not be entitled to sell, expose for sale, or exhibit, any copy of the engraving without the consent of that person, and that person shall have the same right of preventing the selling, exposing for sale, or exhibition of any copy of the engraving, and, if the copyright is infringed, of taking proceedings in respect of the infringement, as if he were the proprietor of the copyright.
- 34.** The provisions of this Act with respect to paintings shall apply to photographs as if they were herein re-enacted with the substitution of "photograph" for "painting," subject as follows :
- (a.) The provisions of this Act as to the name of the author and date of execution shall not apply :
- (b.) The copyright in a photograph shall endure for thirty years from the date of the publication of the photograph, and no longer :
- (c.) The copyright in a photograph shall belong to the proprietor of the negative from which the photograph is printed :
- (d.) Where the photograph has been made on the order of any person for a valuable consideration, the proprietor of the copyright shall not be entitled to sell, expose for sale, or exhibit any copy of the photograph without the consent of that person, and that person shall have the same right of preventing the selling, exposing for sale, or exhibition of any copy of the photograph, and, if the copyright is infringed, of taking proceedings in respect of the infringement, as if he were the proprietor of the copyright.
- 35.** The provisions of this Act with respect to the registration of the copyright in books shall apply to the copyright in engravings and photographs as if they were herein re-enacted with the substitution of "engraving" or "photograph," as the case requires, for "book;" except that where an engraving or photograph has not a distinctive title there shall be substituted for the title in the statement required on registration a short description of the nature and subject of the work.

A.D. 1879.

Application
of Act to
photographs.
[25 & 26
Vict. c. 68.
s. 1. Rep.,
pars. 119,
121.]

Registration
of engrav-
ings and
photographs.
[Rep., par.
159.]

Penalty on
fraudulent
production
and sale of
works of
art.

General Provisions as to Works of Art.

36. Every person who commits any of the following offences ; that is to say,

- (a.) Fraudulently signs or otherwise affixes, or causes to be signed or affixed, on or to any painting, sculpture, en-

[265.]

B 3

A.D. 1879.

[25 & 26
Vict. c. 68,
s. 7.]

graving, photograph, or negative of a photograph, any name, initials, or monogram; or

- (b.) Fraudulently sells, publishes, exhibits, offers for sale, or exposes for sale or exhibition, any painting, sculpture, engraving, photograph, or negative of a photograph, 5 having thereon the name, initials, or monogram of a person who did not make the painting, sculpture, engraving, photograph, or negative; or
- (c.) Fraudulently sells, publishes, exhibits, offers for sale, or exposes for sale or exhibition, any painting, sculpture, en- 10 graving, photograph, or negative of a photograph, as having been made by the author of the original work of which it is a copy or imitation; or
- (d.) Where a painting, sculpture, engraving, photograph, or negative of a photograph has been sold, and subsequently 15 altered during the life of the author and without his consent, knowingly sells, publishes, or offers for sale, the work so altered, or any copy thereof, as, or as a copy of, the unaltered work of the author,

shall be liable to a fine not exceeding *ten pounds* and double the 20 full price, if any, at which any such paintings, sculptures, engravings, photographs, or negatives have been sold or offered for sale, and this fine shall be paid to the person aggrieved.

(2.) Every work which has the name, initials, or monogram of any person so fraudulently signed thereon or affixed thereto, or 25 which, being spurious or altered, is so fraudulently or falsely ascribed to any person, shall be forfeited to that person, or his assigns, or legal personal representatives:

(3.) Provided that no penalty shall be incurred under this section unless the person whose name, initials, or monogram is or 30 are used, or to whom a spurious or altered work is ascribed, is alive at the time when the offence was committed, or was alive within twenty years before that time.

37. Where an engraving or photograph is published as part of a book containing letterpress, it shall, for the purposes of this Act, 35 be deemed part of the book, and not an engraving or photograph; and the copyright in the engraving or photograph shall belong to the proprietor of the copyright in the book.

Provision as
to engrav-
ings, &c.
forming part
of book.

[Rep., par.
119.]

PART III.

COLONIAL COPYRIGHT.

Provisions as to Colonies.

5 **38.** (1.) Where a book is first published in a British possession, and there is a law in that possession providing for the registration of copyright in books, and the book is registered in accordance with that law, such registration shall have effect as if the book were registered under this Act.

Registration
of book pub-
lished in
British
possession.

10 (2.) Where a book is first published in a British possession, and there is no law in that possession providing for the registration of copyright in books, the copyright in the book shall be registered under this Act in the United Kingdom.

15 (3.) The government of each British possession shall cause such returns of copyrights registered in the possession to be made from time to time to the registrar under this Act as Her Majesty in Council from time to time directs.

(4.) These returns shall, for the purpose of the provisions of this Act with respect to evidence and inspection, be deemed to be part of the register under this Act.

20 (5.) The registrar under this Act shall in the prescribed manner send to the registrars of copyrights in British possessions returns of copyrights registered in the United Kingdom, and copies of the returns received by him of copyrights registered in other British possessions.

25 **39.** Where a book is first published in a British possession, and the book is not published in the United Kingdom in such number and manner as are suitable for general circulation therein, then—

Licence for
publication
in United
Kingdom of
books first
published in
a British
possession.

30 (1.) After the expiration of one month after the first publication of the book, any person may apply to Her Majesty in Council for a licence to publish the book, and Her Majesty in Council, if satisfied that a reasonable time has elapsed for such publication as aforesaid and that the book has not been so published, may, if it seems just, grant the licence, in this Act referred to as a judicial licence, on such terms and subject to such conditions as, subject to the provisions of this Act, to Her Majesty in Council may seem just; and

[Rep., par.
207.]

35 (2.) If the book is not so published as aforesaid within six months after its first publication, any person may apply to Her Majesty in Council for a licence to import into the United Kingdom foreign reprints of the book.

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[265.]

B 4

A.D. 1879
 ———
 Publication
 in a British
 possession of
 books first
 published
 out of that
 possession.

40. Where it appears to Her Majesty in Council that in any British possession effectual and reasonable provision has been made by a law of that possession for all the following objects; namely,
- (a.) In the case of persons entitled under the law of that possession to copyright in books in that possession, for making the term of that copyright the same as the term of copyright fixed under this Act; 5
 - (b.) For the registration and protection in that possession of books first published out of that possession, and entitled to copyright therein, and of licences under this Act for the publication of books; 10
 - (c.) For collecting and remitting the per-centage payable under this Act on reprints of such books sold in pursuance of a licence under this Act in that possession;
 - (d.) For making to one of Her Majesty's Principal Secretaries of State to be laid before Parliament returns of the numbers and prices of reprints of such books sold in that possession, and such other particulars with respect to those reprints as the Secretary of State may require; 15
 - (e.) For preventing the importation into that possession of foreign reprints except according to this Act; 20
 - (f.) For imposing, collecting, and remitting a reasonable per-centage on all foreign reprints imported into that possession according to this Act;
 - (g.) For limiting the periods directed by this section to be limited by a law of the British possession, and otherwise carrying into effect this section; and 25
 - (h.) For any other objects for which, in the opinion of Her Majesty in Council, provision ought for the purposes of this Act to be made; 30

Her Majesty may by Order in Council direct that from and after the day of the date of the Order, or such later day as may be specified in the Order (which day is in this Act referred to as the commencement of the Order), this section shall apply to that possession, and thereupon, as long as the Order remains in force, the following provisions of this section shall apply in that possession to every book first published out of that possession after the commencement of the Order and entitled to copyright therein; (that is to say,) 35

[Rep., par.
206.]

- (1.) If within such reasonable period after the first publication of the book as may be limited by the said law of the British possession the book is not published in that possession in such number and manner as are suitable for general cir- 40

- 5 culation therein, any person may apply to such court in the British possession as may be fixed by the law for a licence (in this Act included in the expression judicial licence) to publish the book, and the court may, if it seems just, grant the licence, subject to the provisions of this Act, upon such terms and subject to such conditions as the court thinks just :
- 10 (2.) The application shall be made and the proceedings on the application shall be conducted in such manner as may be from time to time directed by the law of the possession, or, if there is no such law, as the court by general orders or rules from time to time directs :
- 15 (3.) An appeal to Her Majesty in Council shall lie from any order made by the court in pursuance of this section :
- (4.) Every such appeal shall be referred to the Judicial Committee of the Privy Council, and shall be dealt with by them as other appeals from courts in that British possession :
- 20 (5.) An order granting a licence shall not be suspended by the appeal, but the person in whose favour the order is made shall be liable to account for profits or to pay damages as may be directed by Her Majesty in Council when the appeal is decided :
- 25 (6.) After the expiration of some reasonable period, not being less than six months from the first publication of the book, to be limited by the said law of the British possession, if the book is not then published in that possession in such number and manner as are suitable for general circulation therein, any person may, notwithstanding anything in any Act or law, apply to the said court for a licence to import into that possession foreign reprints of the book, subject to the provisions of this Act and of the said law of the British possession.
- 30

35 Where the said law is altered by any subsequent law of the said British possession, the Order in Council shall not be affected by the alteration, unless it seems fit to Her Majesty in Council to revoke or alter the Order.

40 **41.** Where it appears to Her Majesty in Council that, having regard to the position, size, or other circumstances of any British possession, foreign reprints of books first published out of that possession ought immediately after such first publication to be permitted to be imported into that possession, and that, effectual

Importation of foreign reprints into certain British possessions.

A.D. 1879. and reasonable provision has been made by a law of that possession
for all the following objects; namely,

[Rep., par.
226.]

- (a.) For preventing the importation into that possession of foreign reprints, except according to this Act; and
- (b.) For imposing, collecting, and remitting a reasonable per- 5 centage on all foreign reprints imported into that possession according to this Act; and
- (c.) For any other objects for which, in the opinion of Her Majesty in Council, provision ought for the purposes of this Act to be made; 10

Her Majesty may by Order in Council direct that from and after the day of the date of the Order, or such later day as may be specified in the Order (which day is in this Act referred to as the commencement of the Order,) this section shall apply to that British possession, and thereupon, so long as the Order remains 15 in force, any person may, notwithstanding anything in any Act or law, import into that possession foreign reprints of any book, whether that book was published before or after the passing of this Act, subject nevertheless to the provisions of this Act, and of the said law of the British possession. 20

Where the said law is altered by any subsequent law of the said British possession, the Order in Council shall not be affected by such alteration unless it seems fit to Her Majesty in Council to revoke or alter the Order.

Registration before commencing action, &c. in British possession.

42. Where by any law of any British possession, in con- 25 sequence of which an Order in Council under this Act has been made, provision is made for the registration of books first published out of that British possession and entitled to copyright therein, a proprietor of copyright in any book first published after the commencement of the Order shall not commence in that 30 British possession any action, suit, or other proceeding on the ground of any infringement of the copyright, unless in respect of the registration of the book he has complied with the conditions with which he is required by the said law of the British possession to comply before commencing the action, suit, or pro- 35 ceeding.

Licences for republication of books to prevent suppression.

43. The power vested by this Act in Her Majesty in Council to licence the publication of a book which is withheld from the public by reason of the proprietor of the copyright refusing to allow its republication may, in the case of a book first published in a British 40 possession, be exercised also by the Governor in Council of that possession.

44. Every Bill passed by the legislature of any British possession for any of the objects mentioned in this Act, or for altering any law of that legislature in consequence of which an Order in Council under this Act has been made, shall either be reserved for
5 the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that it shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

A.D. 1879.

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Reservation of colonial Act for Her Majesty's pleasure.

45. This part of this Act shall apply to books in which copy-
10 right is acquired by republication in Her Majesty's dominions as if the republication were the first publication.

Application to books in which copyright is acquired by republication.

Protection and Remuneration of Proprietors of Copyright.

46. (1.) Where a second or subsequent edition of any book has been published, a judicial licence in pursuance of this Act shall
15 not be granted for and shall not authorize the reprint of any edition of the book except the last edition published at the time of the grant of the licence, save so far as the proprietor of the copyright assents to the publication of any other edition.

Publication under licence to be of last edition only.

(2.) There shall be printed on the title page of every book pub-
20 lished under the authority of a judicial licence granted in pursuance of this Act, if the licence was granted in the United Kingdom, the words "British edition," and if the licence was granted in a British possession, words signifying that the edition is an edition of that possession.

25 (3.) Any reprint of a book which does not conform with the provisions of this section shall be deemed not to be a reprint published under the authority of a judicial licence.

47. (1.) Where a judicial licence under this Act to publish any book has been granted, and there appear on the title page of the
30 book the name and address of any person purporting to be the publisher thereof, the licensee shall forthwith give notice of the licence to that person, or if more than one person is so named, to one of those persons.

Notice of licence.

(2.) Notice may be given by posting a registered letter contain-
35 ing a copy of the licence, addressed to the person at the address mentioned on the title page of the book, and shall be deemed to have been given at the time when the letter would be delivered in the ordinary course of post.

(3.) In proving the giving of the notice, it shall be sufficient to
40 prove that the letter was prepaid, properly addressed as aforesaid, and put into the post.

A.D. 1879.

Per-centage
on licensed
reprints.

48. (1.) Where any person publishes a book by virtue of a judicial licence granted in pursuance of this Act, he shall, in respect of each copy of the book sold by him, account for and pay to or for the benefit of the proprietor of copyright in the book, the per-centage specified in the licence, not being less than the per- 5 centage payable (as herein-after mentioned) in respect of foreign reprints of the book imported into that part of Her Majesty's dominions in which the licence is in force.

(2.) If the licence was granted in a British possession the per-centage shall be paid in such manner as the law making provision 10 in that possession for its collection from time to time directs.

(3.) A licensee shall, on the grant of the licence, give security to the satisfaction of the authority granting the licence for the payment of this per-centage.

Per-centage
on foreign
reprints.

49. (1.) Where foreign reprints of a book are imported under 15 this Act, there shall be paid for the benefit of the proprietor of copyright in the book a per-centage on the value of each foreign reprint imported of such amount and collected and accounted for in such manner as may from time to time be determined,—

(a.) If the reprint is imported into the United Kingdom, by 20 Order in Council; and

(b.) If the reprint is imported into a British possession, by the law making provision in that possession for this object.

(2.) Any such Order in Council or law may either constitute 25 different classes of books and impose on the foreign reprints per-centages varying according to the classes, or impose a uniform per-centage on all the foreign reprints.

Prohibition
on importa-
tion of
reprints
under
licence.

50. The provisions of this Act relating to the importation, sale, exposing for sale or hire, or possession of foreign reprints of any book, shall extend to the importation into and sale, exposing for 30 sale or hire, and possession in one part of Her Majesty's dominions of any reprints of a book made in pursuance of a judicial licence granted under this Act in another part in like manner as if they were included in the expression "foreign reprints."

Evidence of
colonial
copyright.
[Rep., par.
230.]

51. (1.) Where a register of copyrights in books is kept under 35 the authority of the government of a British possession, an extract from that register purporting to be certified as a true copy of a portion of that register by the officer keeping it and to be authenticated by the public seal of a British possession or by the official seal of the governor of a British possession, or of the colonial secretary 40 or of some secretary or minister administering a department of the

government of a British possession, shall be admissible in evidence of the contents of that register.

A.D. 1879.

(2.) All courts shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence, without
5 further proof, the documents authenticated by it.

PART IV.

FOREIGN COPYRIGHT.

52. (1.) Where Her Majesty has entered into any treaty, convention, or agreement with any foreign state in relation to copy-
10 right, it shall be lawful for Her Majesty by Order in Council to declare that this part of this Act shall, subject to any exceptions and limitations specified in the Order, apply to that state, and thereupon this part of this Act shall so apply accordingly.

Application of this part of Act.

53. (1.) Where the author of any book, dramatic piece, musical
15 composition, painting, sculpture, engraving, or photograph first published in a foreign state to which this part of this Act applies is an alien being a subject or citizen of that state, he shall on complying with those regulations of the law of that state which entitle him to copyright in the work in that state, be entitled to copyright
20 in the work in Her Majesty's dominions as if he were a British subject and had complied with the provisions of this Act as to registration or otherwise entitling him to copyright in the work.

Copyright in foreign books and works of art.

(2.) The registration of any such work under this Act, and the
25 delivery of a copy thereof to the trustees of the British Museum, shall not be required.

54. (1.) Where a book is first published in a foreign state to
30 which this part of this Act applies, it shall be an infringement of the copyright in the book if any person, without the written consent of the proprietor of the copyright, publishes in Her Majesty's dominions a translation of the book before the expiration of three years after the first publication of the book in the foreign state.

Translations of foreign books. [Rep., pars. 290, 293.]

(2.) If a translation of the book into any language is published
35 within those three years, by or under the authority of the proprietor of the copyright in the book, it shall be an infringement of the copyright in the book if any person, without the written consent of that proprietor, publishes in Her Majesty's dominions another translation of the book into the same language before the expiration of

A.D. 1879. — ten years from the date of the first publication of the authorized translation.

Evidence of foreign register.

55. (1.) Where a register of copyrights is kept under the authority of the government of a foreign state to which this part of this Act applies, an extract from that register purporting to be certified as a true copy of the portion of the register by the officer keeping it, and to be authenticated by the official seal of a minister of state of that country, or by the official seal or signature of a British diplomatic or consular officer acting in the state, shall be admissible [as evidence of the register and of the facts therein stated with respect to the existence of copyright and the property therein. 5 10

(2.) All courts shall take judicial notice of every such official seal and signature as in this section mentioned, and shall admit in evidence, without further proof, the documents authenticated by it. 15

Acquisition of British copyright by alien.

56. Where the author of a book (including a dramatic piece or musical composition), first published out of Her Majesty's dominions is an alien domiciled in a foreign state to which this part of this Act applies, he may acquire copyright by republication in accordance with Part I. of this Act as if he were a British subject. 20

PART V.

GENERAL.

Property in and Term of Copyright.

Nature of property in copyright.

57. (1.) Copyright shall be property of the kind known in England as personal property, and in Scotland as moveable estate, and shall be capable of assignment and of transmission by operation of law. 25

(2.) The assignment of a copyright shall not be valid unless it is in writing, or, where the copyright is required to be registered under this Act, is authenticated by a proper entry in the register of copyrights. 30

Power of Her Majesty to alter term of copyright under international agreement.

58. If Her Majesty thinks fit to agree with any foreign states for a uniform international term of copyright in books, paintings, sculpture, engravings, and photographs, or in any of them, it shall be lawful for Her Majesty by Order in Council to direct that the copyright specified in the Order shall, and the same shall accordingly, endure, without prejudice to any copyright previously acquired, for the term so agreed on and specified in the Order instead of for the term mentioned in this Act. 35

59. Nothing in this Act shall affect the right of any person to prevent the publication of unpublished matter.

Saving for right to prevent publication. [See Rep., par. 15.]

60. Nothing in this Act shall confer copyright in anything the publication of which is illegal.

No copyright where publication illegal. [See Rep., pars. 65, 66.]

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Orders in Council.

61. (1.) Her Majesty may from time to time make, revoke, and alter Orders in Council for the purposes in this Act mentioned; but no such alteration or revocation shall affect any right, interest, or remedy acquired before the time when the alteration or revocation takes effect.

Making and publication of Orders in Council.

(2.) Every such Order in Council shall be forthwith published in the London Gazette, and shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament is not then sitting, within six weeks after the commencement of the then next session of Parliament.

(3.) After the publication in the London Gazette, the Order shall be deemed to have been duly made.

Applications to Crown.

62. An application to Her Majesty under this Act shall be referred to the Judicial Committee of the Privy Council, and shall be dealt with by them as other proceedings before that Committee.

Provision as to applications to Her Majesty in Council.

Licences.

63. (1.) A licence granted by the Judicial Committee for the publication of a book shall authorize the licensee to publish the book in accordance with the terms of the licence notwithstanding anything in this Act.

Registration and rights of licensee under Act.

(2.) Every person who is licensed by a judicial licence or otherwise in pursuance of this Act to publish a book shall register the licence, if in force in the United Kingdom, in the register under this Act, and if in force in a British possession, in such manner (if any) as is provided by a law of that British possession.

(3.) On such registration, or, in a British possession where there is no such law, without such registration, the licensee shall have in the United Kingdom or the British possession the same rights as the proprietor of the copyright in the book, as against all persons including that proprietor, with this qualification, that the licence or the registration thereof shall not prevent the issue of the like licence to the proprietor or another person, and shall not entitle the licensee to any per-centage under this Act.

[265.]

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A.D. 1879.

Unlawful Copies.

Forfeiture of
and provi-
sions as to
unlawful
copies.

[See 5 & 6
Vict. c. .
ss. 17, 23 ;
25 & 26 Vict.
c. 68. s. 6. ;
Rep., pars.
160, 175,
178, 180.]

64. (1.) Every copy of a book, painting, sculpture, engraving, or photograph imported for sale or hire in infringement of copyright shall be forfeited to the Crown, and may be seized and destroyed by any officer of customs or excise. 5

(2.) Every copy of a book, painting, sculpture, engraving, or photograph made in infringement of copyright shall be forfeited to the proprietor of the copyright.

(3.) Where any copy of a subject of copyright is under this Act forfeited to the proprietor of the copyright, then, without prejudice 10
to any other remedy,---

(a.) A court of summary jurisdiction may order any such copy to be delivered to the proprietor of the copyright :

(b.) If any person in any street or highway, or elsewhere than at his own house, shop, or place of business, hawks or 15
offers, or keeps for sale, hire, or distribution, any such copy, it may be seized by any constable under the orders of the proprietor of the copyright or of any person authorized by him, and forthwith taken before a court of summary jurisdiction, with a view of obtaining an order for its de- 20
livery to the proprietor of the copyright :

(c.) The exportation of any such copy is hereby prohibited, and this prohibition shall be enforced in the same manner as any like prohibition is enforced under the laws relating to the customs. 25

Legal Proceedings.

Recovery of
fines.

65. Any fine under this Act may be recovered either on summary conviction in manner provided by the Summary Jurisdiction Acts or by action : Provided that a court of summary jurisdiction shall not impose under this Act any fine exceeding *fifty pounds*. 30

Summary
proceedings
in England.

66. In England, the court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be a petty sessional court.

Summary
proceedings
in Ireland.

67. In Ireland, the court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted 35
either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and 40

for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace. A.D. 1879.

68. In Scotland—

(1.) Any fine which under this Act is recoverable on summary conviction, and any proceeding which under this Act may be taken before a court of summary jurisdiction, may be recovered and taken at the instance of the procurator fiscal of the court, or of any person authorized by this Act to complain. Summary proceedings in Scotland.

(2.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding *three months*, and the conviction and warrant may be in the form number three of Schedule K. to the Summary Procedure Act, 1864. 27 & 28 Vict. c. 43.

(3.) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act, that the prosecution is brought at the instance of that person.

(4.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of the conviction.

(5.) All jurisdictions, powers, and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace.

(6.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by the procurator fiscal of the court, or such person as aforesaid, presented in common form.

69. In the Isle of Man, the Channel Islands, and any British possession, any fine which under this Act is recoverable on summary conviction, and any proceeding which under this Act may be taken before a court of summary jurisdiction, may be recovered and taken in such courts and in such manner as may be from time to time provided in those places respectively by law, or if no express provision is made, then in and before the courts and in the manner in which the like fines and proceedings may be recovered and taken by law, or as near thereto as circumstances admit. Summary proceedings in Isle of Man, Channel Islands, India, and the colonies.

Compensation.

70. (1.) There shall continue to be charged on and paid out of the Consolidated Fund of the United Kingdom such annual compensation as is at the passing of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books. Continuance of compensation to certain libraries. [6 & 7 Will. 4. c. 110. s. 3.]

[265.]

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A.D. 1879.

(2.) This compensation shall be applied by the proprietors of the library in the purchase of books for the use of and to be preserved in the library.

(3.) The Treasury shall not issue the compensation in any year to the proprietors of a library until they are satisfied of the due application in accordance with this section of the compensation issued to those proprietors in the previous year. 5

Definitions.

Definitions.
[5 & 6 Vict.
c. 45. s. 2.]

71. In this Act the following expressions shall, unless the context otherwise requires, have the following meanings : 10

“Book” shall include every volume, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, chart, or plan, separately published.

“Dramatic piece” shall mean a tragedy, comedy, play, opera, farce, or other scenic, musical or dramatic entertainment, whether printed or not as a book. 15

“Painting” shall include a drawing, but shall not include an engraving or a photograph.

“Sculpture” shall mean any original sculpture, model, cast, or alto or basso relievo representing— 20

(a.) The human figure or any bust or part of the human figure, whether clothed with drapery or otherwise ; or

(b.) Any animal or part of an animal combined with the human figure or otherwise ; or

(c.) Any subject, being matter of invention in sculpture ; 25

“Engraving” shall mean any such print, whether an historical print, or a print of any portrait, conversation, landscape, or architecture, or any other print, as a person has either—

(a.) Himself invented, designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro ; or 30

(b.) Caused to be engraved, etched, or worked in mezzotinto or chiaro-oscuro from his own design ; or

(c.) Engraved, etched, or worked, or caused to be engraved, etched, or worked, in mezzotinto or chiaro-oscuro from any painting or sculpture within the meaning of this Act, either ancient or modern ; 35

and shall also include any print, whether coloured or otherwise, taken by lithography or other mechanical process.

“Copy,” in the case of a painting, shall include any repetition, colourable imitation, or other multiplication of the painting or of the design thereof or of any material part thereof, whether by painting, drawing, photography, or otherwise. 40

“Copy,” in the case of a sculpture, shall mean any model, copy, or cast, and include any copy made by painting, drawing, engraving, photography, or otherwise, subject to this qualification, that any painting, drawing, engraving, or photograph of a scene in which the sculpture forms an incident only shall not be deemed to be a copy of the sculpture within the meaning of this section.

A.D. 1879.
[Rep., par.
99.]

“Foreign reprint,” as regards a book or an engraving, and “foreign copy” as regards a sculpture, painting, engraving, or photograph in which there is for the time being a subsisting copyright in any part of Her Majesty’s dominions, shall mean a copy thereof made as follows:—

- (1.) In the case of a book, painting, sculpture, engraving, or photograph first published in Her Majesty’s dominions, made in the dominions of any foreign state;
- (2.) In the case of a book, painting, sculpture, engraving, or photograph first published in the dominions of any foreign state, made in the dominions of some other foreign state.

“Print,” and other expressions relative thereto, when used in respect of a book, shall include any production or multiplication of copies of a book, whether by the process of ordinary printing or by any other process.

“Translation” shall mean the translation of a book into a different language from that in which it was first published, and include an abridgment or adaptation of a book in a language different from that in which it was first published.

“Author” shall include any person deriving title through the author.

“Registrar” shall mean the officer appointed to keep the register under this Act.

“Person” shall include a body of persons corporate or unincorporate.

“Treasury” shall mean the Commissioners of Her Majesty’s Treasury.

“High Court” shall mean Her Majesty’s High Court of Justice in England or Ireland, as the case requires.

“Summary Jurisdiction Acts” shall mean—

- (a.) As regards Scotland, the Summary Procedure Act, 1864, and any Acts amending it; and
- (b.) As regards Ireland; within the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices of the peace for that district, or of the police of that district; and elsewhere, the Petty Sessions (Ireland) Act, 1851, and any Act amending it:

27 & 28 Vict.
c. 43.

14 & 15 Vict.
c. 93.