

A.D. 1879

“Court of summary jurisdiction” shall mean—

- (a.) As regards Scotland, the sheriff or sheriff substitute, or any two justices of the peace sitting in open court; and
- (b.) As regards Ireland, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other 5
magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and
- (c.) As regards the Channel Islands, the Isle of Man, and any British possession, the court, justices, or magistrates 10
who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable.

“Prescribed” shall mean prescribed by rules made in pursuance of this Act, and for the time being in force.

“British possession” shall mean any part of Her Majesty’s 15
dominions exclusive of the United Kingdom, the Channel Islands, and the Isle of Man, and all places which are under one legislature shall be deemed for the purposes of this Act to constitute one British possession, and, for the purposes of this definition, where there are local legislatures as well as a 20
central legislature, the expression “legislature” shall mean the central legislature only.

“Foreign country” shall mean any place which is not situate in Her Majesty’s dominions.

“Governor” shall mean the person for the time being adminis- 25
tering the government of a British possession.

For the purposes of this Act the Channel Islands and the Isle of Man shall be considered as forming part of the United Kingdom.

Temporary Provisions and Repeal of Acts.

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

72. The provisions of this Act with respect to books, dramatic 30
pieces, musical compositions, paintings, sculpture, engravings, and photographs first published or publicly performed after the commencement of this Act shall extend to those first published or publicly performed before the commencement of this Act, as follows:

- (a.) The copyright shall endure for the term limited by the 35
existing enactments, or for the term fixed by this Act, whichever is longest:
- (b.) The proprietor of the copyright shall be entitled to the same rights and remedies as a proprietor of copyright under this Act, except as regards any copies printed or any perform- 40
ance or series of performances commenced or acts done before the passing of this Act.

Provided that—

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(1.) Nothing in this Act shall deprive a person of a right to which he is entitled at the passing of this Act, or of any remedy in respect of any such right :

5 (2.) A person who, under the foregoing provisions of this section, becomes entitled to any copyright to which he was not before entitled, shall register that copyright under this Act within six months after the commencement of this Act ; but nothing in this section shall require any person to
10 register any copyright to which he is entitled at the commencement of this Act :

(3.) Where any copyright has been acquired from the author for some consideration other than that of natural love and affection, the term of that copyright shall not be extended by virtue of this section, but shall endure for the term subsisting therein at the passing of this Act and no longer, unless the author, if he is living, or his personal representatives, if he is dead, agree with the proprietor of the copyright before the expiration of the last-mentioned term to accept the provisions of this Act with respect to the book, and register the consent in the prescribed manner, and in such case the property in the copyright during the extended term shall belong to the persons named in the agreement.

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[5 & 6 Vict.
c. 45. s. 4.
Rep., par.
42.]

25 This section shall apply to aliens entitled to copyright under any treaty in like manner as it applies to any British subject.

73. The provisions of this Act with respect to books first published after the commencement of an Order in Council under this Act applicable to any British possession shall extend to books first
30 published before the commencement of that Order in Council, subject, in each case, to the provisions of this Act and the following modification ; (that is to say,)

Application
of Act to
books pub-
lished before
Colonial
Order in
Council.

For the terms of copyright defined by this Act and computed from first publication, there shall be substituted equal terms com-
35 puted,—

(a.) In the case of enactments which come into operation on the commencement of this Act, from the expiration of a period of six months immediately after that commencement :

(b.) In the case of enactments which come into operation in any
40 British possession on the commencement of an Order in Council, from the expiration of a period of six months immediately after that commencement.

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Proviso as
to foreign
reprints im-
ported
before Act.

74. Her Majesty in Council before issuing an Order under this Act applicable to any British possession shall be satisfied either—

- (1.) That reasonable and effectual provision is made by law in that British possession for causing to be distinctively marked all foreign reprints of any book lawfully imported before the commencement of the Order, as long as the further importation of such reprints is unlawful; or
- (2.) That such provision has ceased to be necessary.

Limitation
of right of
action as to
past pro-
ceedings.

75. Save as is otherwise provided by this Act, or may be otherwise provided by any Act of a British possession, no action, suit, seizure, or other proceeding which could not have been instituted, effected, or taken if this Act had not passed, shall, by virtue of this Act, be competent in respect of anything done or in respect of any copies of books printed in or imported into any part of Her Majesty's dominions before the commencement of this Act.

Repeal of
Acts.

76. The Acts specified in the Second Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned: Provided that,—

- (1.) The repeal of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-five, intituled "An Act to amend the law relating to the protection in the colonies of works entitled to copyright in the United Kingdom," shall, in the case of each British possession, take effect only on the commencement of an Order in Council under this Act applicable to that possession, or on the first day of January one thousand eight hundred and eighty-one if there is no such order commencing before that day:
- (2.) The repeal effected by this Act shall not affect the right of any university or college to hold in perpetuity any copyright in any book of which the university or college are the proprietors at the passing of this Act, and every such university and college shall have the same rights and remedies in respect of the copyright so held as are enjoyed by the proprietor of any other copyright:
- (3.) The repeal effected by this Act shall not affect the rights of any person existing at the commencement of this Act, whether as a British subject, or under any treaty or otherwise; and their rights may be enforced in like manner as any copyright under this Act, and the enactments repealed by this Act shall, as far as is necessary for giving effect

[Rep., par.
48.]

to those rights, continue in force as if they had not been repealed : A.D. 1879.

- 5 (3.) All books, paintings, sculptures, engravings, and photographs registered in pursuance of any Act hereby repealed shall be deemed to be registered under this Act, and the register kept in pursuance of any Act hereby repealed shall be deemed to be a register under this Act :
- 10 (4.) Any enactments or documents referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act :
- (5.) The repeal effected by this Act shall not affect—
- 15 (a.) Anything done or suffered under any enactment hereby repealed ; nor
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; nor
- 20 (c.) Any forfeiture or penalty in respect of any contravention of any enactment hereby repealed ; nor
- (d.) The institution or continuance of any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.

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SCHEDULES.

FIRST SCHEDULE.

FORMS.

A.

Form of Statement for Registration.

5

I, A.B., of _____ request the registration of the following book :—

Title of Book.	Name, Address, and Calling of Author.	Name, Address, and Calling of Publisher.	Name, Address, and Calling of Proprietor of Copyright.	Place and Date of First Publication.

10

I hereby declare that I am the proprietor of the copyright in the above book, and that the above particulars are true.

(Signed) A.B.

Dated _____ day of _____ 18 .

Note.—Where the thing registered is a dramatic piece or musical composition which has not been published as a book, the third column need not be filled up, but the place and date of first public representation must be inserted in the last column, and the words “public representation” substituted for “publication” in the heading of that column.

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Where the thing registered has not a distinctive title, a short description of its nature and subject must be entered in the first column, and the heading of that column altered accordingly.

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B.

Form of Statement for Registration of Copyright in Painting when reserved on sale.

30

I, A.B., of _____ request registration of the copyright in the following painting :—

Short Description of Nature and Subject of Work.	Name, Address, and Calling of Author.	Name, Address, and Calling of Proprietor of Copyright.	Name, Address, and Calling of Owner of Painting.	Date of and Parties to Agreement reserving the Copyright to the Author.

35

I hereby declare that I am the proprietor of the copyright in the above painting, and that the above particulars are true. A.D. 1873.

(Signed) A.B.

Dated day of 18 .

5 *Note.*—If the applicant for registration so desires, a sketch, outline, or photograph of the work may be registered.

The agreement must be produced to the registrar, and, if so prescribed, delivered to the registrar and filed by him.

SECOND SCHEDULE.

10 ACTS REPEALED.

Session and Chapter.	Title of Act.
15 8 Geo. 2. c. 13. -	An Act for the encouragement of the arts of designing, engraving, and etching historical and other prints by vesting the properties thereof in the inventors and engravers during the time therein mentioned.
20 7 Geo. 3. c. 38. -	An Act to amend and render more effectual an Act made in the eighth year of the reign of King George the Second, for the encouragement of the arts of designing, engraving, and etching historical and other prints, and for vesting in and securing to Jane Hogarth, widow, the property in certain prints.
25 15 Geo. 3. c. 53.	An Act for enabling the two universities in England, the four universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books given or bequeathed to the said universities and colleges for the advancement of useful learning and other purposes of education, and for amending so much of an Act of the eighth year of the reign of Queen Anne as relates to the delivery of books to the warehouse keeper of the Stationers' Company for the use of the several libraries therein mentioned.
30 17 Geo. 3. c. 57.	An Act for more effectually securing the property of prints to inventors and engravers, by enabling them to sue for and recover penalties in certain cases.
35 54 Geo. 3. c. 56.	An Act to amend and render more effectual an Act of His present Majesty, for encouraging the art of making new models and casts of busts, and other things therein mentioned, and for giving further encouragement to such arts.
3 Will. 4. c. 15. -	An Act to amend the laws relating to dramatic literary property.
5 & 6 Will. 4. c. 65.	An Act for preventing the publication of lectures without consent.
40 6 & 7 Will. 4. c. 59.	An Act to extend the protection of copyright in prints and engravings to Ireland.

[265.]

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Session and Chapter.	Title of Act.	
6 & 7 Will. 4. c. 110.	An Act to repeal so much of an Act of the fifty-fourth year of King George the Third respecting copyrights as requires the delivery of a copy of every published book to the libraries of Lion College, the four universities of Scotland, and of the King's Inns in Dublin.	5
5 & 6 Vict. c. 45.	An Act to amend the law of copyright.	
7 Vict. c. 12. -	An Act to amend the law relating to international copyright.	
10 & 11 Vict. c. 95.	An Act to amend the law relating to the protection in the colonies of works entitled to copyright in the United Kingdom.	10
15 Vict. c. 12. -	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright engravings.	
25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	15

Copyright (No. 2).

A

B I L L

To consolidate and amend the Law
relating to Copyright.

*(Prepared and brought in by
Lord John Manners, Viscount Sandon, and
Mr. Attorney General.)*

*Ordered, by The House of Commons, to be Printed,
29th July 1879.*

[Bill 265.]

Under 5 oz.