

ORDER IN COUNCIL EXTENDING THE ORDER IN COUNCIL OF JUNE 24, 1912, REGULATING COPYRIGHT RELATIONS WITH THE FOREIGN COUNTRIES OF THE BERNE COPYRIGHT UNION TO THE NETHERLANDS (*k*).

At the Court at Buckingham Palace, the 17th day of March, 1913.

PRESENT,

The King's Most Excellent Majesty

Lord President

Lord Stamfordham

Viscount Knollys

Mr. Herbert Samuel.

Whereas His Majesty, by virtue of the authority conferred on Him by the Copyright Act, 1911, and having regard to the provisions of the Berlin Copyright Convention, was pleased to make an Order in Council, dated the 24th day of June, 1912 (hereinafter called the Principal Order), extending the protection of the said Act to certain classes of works to which protection is guaranteed by the said Convention.

And whereas the Kingdom of the Netherlands has acceded to the said Convention subject to the reservations mentioned in the Schedule to this Order:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows:—

The Principal Order shall extend to the Netherlands as if that country were amongst the foreign countries of the Copyright Union therein named, subject to the following modifications:—

- (a) The provisions of Article (2), proviso (iii) (b), and of Article (2), proviso (iii) (c) of the Principal Order shall apply as if the Netherlands were included amongst the foreign countries named in those provisions.
- (b) In the application to works of which the country of origin is the Netherlands of Sections 1 (2) (d) and 19 of the Copyright Act, 1911, the date of this Order shall be substituted for the commencement of the Act in Sections 19 (7) and 19 (8) wherever that expression occurs, and the 1st November, 1912, for the passing of the Act.
- (c) In the application to such works of the provisions of Section 24 of the Copyright Act, 1911, the date of this Order shall be substituted for the commencement of the Act wherever that expression occurs in sub-section (1) (a), and for the 26th July, 1910, in sub-section (1) (b).

(*k*) Statutory Rules and Orders, 1913, No. 331.

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(d) In the application to such works of the provisions of Article (3) of the Principal Order the date of this Order shall be substituted for the commencement of the Principal Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

Almeric FitzRoy.

SCHEDULE.

RESERVATIONS MADE TO THE BERLIN CONVENTION.

Country.	Subject.	Substituted Provisions of Berne Convention and Additional Act of Paris.
Netherlands	Translating right	Article 5 of the Berne Convention as amended by the Additional Act.
	Newspaper and magazine articles.	Article 7 of the Berne Convention as amended by the Additional Act.
	Performing right as regards translations.	Article 9, paragraph (2) of the Berne Convention.

ORDER IN COUNCIL AMENDING THE ORDER IN COUNCIL OF JUNE 24, 1912, REGULATING COPYRIGHT RELATIONS WITH THE FOREIGN COUNTRIES OF THE BERNE COPYRIGHT UNION AS REGARDS ITALY (1).

At the Court at Buckingham Palace, the 9th day of February, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas His Majesty, by virtue of the authority conferred on Him by the Copyright Act, 1911, and having regard to the provisions of the Berlin Copyright Convention, was pleased to make an Order in Council, dated the 24th day of June, 1912 (hereinafter called the Principal Order), extending the protection of the said Act to certain classes of works to which protection is guaranteed by the said Convention:

And whereas it is provided in Article (2), proviso (i), of the Principal Order that Sections 1 (2) (d) and 19 of the Copyright Act, 1911, and such other part or parts thereof as confer upon the owner

(1) Statutory Rules and Orders, 1914, No. 223.

of the copyright in a literary, dramatic or musical work the exclusive right of making any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed and such other part or parts thereof as confer copyright in any record or perforated roll shall not apply in the case of any work of which the country of origin is Italy:

And whereas His Majesty has received an assurance from the Italian Government to the effect that the widest protection is granted in Italy to works of British origin, to the authors of which is reserved the exclusive right of every form of reproduction, execution, or representation by any means whatever (including the cinematograph as well as mechanical musical instruments):

And whereas in view of this assurance it is expedient to revoke the provision above referred to in Article (2), proviso (i), of the Principal Order:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows:—

- (1) The provisions of Article (2), proviso (i), of the Principal Order are hereby revoked so far as they relate to works of which the country of origin is Italy.
- (2) In the application of the provisions of Article (3) of the Principal Order to works of which the country of origin is Italy, the commencement of this Order shall be substituted for the commencement of the Act and for the commencement of the Principal Order.
- (3) In the application to works of which the country of origin is Italy of Sections 1 (2) (d) and 19 of the Copyright Act, 1911, the commencement of this Order shall be substituted for the commencement of the Act, and for the passing of the Act, in Sections 19 (7) and 19 (8), wherever those expressions occur, and the 1st day of July, 1914, for the 1st day of July, 1913.
- (4) Where any person has, before the date of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any rights or interest arising from, or in connection with, such action which are subsisting or valuable at the said date unless the person who, by virtue of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agree-

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ment, may be determined in accordance with the provisions of the Copyright Act, 1911.

- (5) This Order shall come into operation on the First day of April, 1914, which date is in this Order referred to as the commencement of the Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

Almeric FitzRoy.

ORDER IN COUNCIL VARYING ORDER IN COUNCIL OF FEBRUARY 9, 1914,
REGULATING COPYRIGHT RELATIONS AS REGARDS ITALY (*m*).

At the Court at Buckingham Palace, the 30th day of March, 1914.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas His Majesty, by virtue of the authority conferred upon Him by the Copyright Act, 1911, was pleased to make an Order in Council, dated the 9th day of February, 1914, revoking, so far as they relate to works of which the country of origin is Italy, the provisions of Article (2), proviso (i), of the Order in Council therein referred to as the Principal Order:

And whereas it is expedient that Article (3) of the said first-mentioned Order should be varied:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows:—

1. Article (3) of the said Order shall be varied by omitting therefrom the words "and the first day of July, 1914, for the first day of July, 1913," and the Article shall take effect as if those words had not been inserted therein.

2. This Order shall come into operation on the 1st day of April, 1914.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

Almeric FitzRoy.

(*m*) Statutory Rules and Orders, 1914, No. 521.

ORDER IN COUNCIL UNDER THE COPYRIGHT ACT, 1911, REGULATING
COPYRIGHT RELATIONS WITH AUSTRIA-HUNGARY (*n*).

At the Court at Buckingham Palace, the 24th day of June, 1912.

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas on the 24th day of April, 1893, a Convention, set out in the First Schedule to this Order, with respect to the protection to be given by way of copyright to the authors of literary and artistic works was concluded between Her late Majesty Queen Victoria and His Majesty the Emperor of Austria, King of Bohemia and Apostolic King of Hungary, and the ratifications of the said Convention were exchanged on the 14th day of April, 1894, between Her late Majesty Queen Victoria and His Majesty the Emperor:

And whereas by the Orders in Council mentioned in the Second Schedule to this Order and made under the authority of the International Copyright Acts, 1844 to 1886, effect was given to the said Convention throughout His Majesty's dominions except in the Dominion of Canada, the Cape, New South Wales and Tasmania:

And whereas by the Copyright Act, 1911, the said International Copyright Acts, 1844 to 1886, are repealed, as from the date of the commencement of the said Copyright Act, 1911, in the parts of His Majesty's dominions to which the said Act extends:

And whereas by the said Copyright Act, 1911, authority is conferred upon His Majesty to extend by Order in Council the protection of the said Act to certain classes of foreign works within any part of His Majesty's dominions, other than self-governing dominions, to which the said Act extends:

And whereas it is expedient to continue the protection granted by the Orders in Council mentioned in the Second Schedule to this Order:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows:—

(1) The Copyright Act, 1911, including the provisions as to existing works, shall subject to the provisions of the said Act and of this Order apply—

(a) To works first published in the Austro-Hungarian Monarchy in like manner as if they had been first published within the parts of His Majesty's dominions to which the said Act extends;

(*n*) Statutory Rules and Orders, 1912, No. 914.

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- (b) To literary, dramatic, musical and artistic works, the authors whereof were at the time of the making of the work subjects of the Austro-Hungarian Monarchy in like manner as if the authors had been British subjects;
- (c) In respect of residence in the Austro-Hungarian Monarchy in like manner as if such residence had been residence in the parts of His Majesty's dominions to which the said Act extends.

Provided that—

- (i) The term of copyright within the parts of His Majesty's dominions to which this Order applies shall not exceed that conferred by the law of the Austro-Hungarian Monarchy;
- (ii) The enjoyment of the rights conferred by the Copyright Act, 1911, shall be subject to the accomplishment of the following conditions and formalities, that is to say:—
- (a) In the case of any literary or dramatic work the right after the expiration of 10 years from the end of the year in which the work or in the case of a book published in numbers each number of the work was first published to prevent the production reproduction performance in public or publication of any English translation of the work shall be conditional upon the publication before the expiration of the above-mentioned period of an authorised English translation of the work or of each number of the work;
- (b) In the case of any work first published in the Austro-Hungarian Monarchy the entire rights conferred by the Copyright Act, 1911, shall be conditional upon the accomplishment of the conditions and formalities prescribed by law in that part of the Monarchy in which the work was first published.

(2) In the case of any musical work to which this Order applies and which has been published before the commencement of the Copyright Act, 1911, copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls, and other contrivances by means of which the work may be mechanically performed.

(3) This Order shall apply to all His Majesty's dominions, colonies, and possessions, excepting to those hereinafter mentioned; that is to say, except to:—

The Dominion of Canada,
 The Commonwealth of Australia,
 The Dominion of New Zealand,
 The Union of South Africa,
 Newfoundland.

(4) The Orders mentioned in the Second Schedule to this Order are hereby revoked as from the date of the commencement of the Copyright Act, 1911, so far as regards the parts of His Majesty's dominions to which this Order applies.

Provided that neither such revocation nor anything else in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of any Order hereby revoked, and any person entitled to such right shall continue entitled thereto, and to the remedies for the same, in like manner as if this Order had not been made.

(5) This Order shall be construed as if it formed part of the Copyright Act, 1911.

(6) This Order shall come into operation in the United Kingdom on the first day of July, 1912, and in any other part of His Majesty's dominions to which this Order applies, on the day on which the Copyright Act, 1911, comes into operation in such part; which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly (o).

Almeric Fitzroy.

ORDER IN COUNCIL EXTENDING THE COPYRIGHT ACT, 1911, TO CERTAIN
BRITISH PROTECTORATES (p).

At the Court at Buckingham Palace, the 24th day of June, 1912.

PRESENT,

The King's Most Excellent Majesty

Lord President	Sir Henry W. Primrose
Earl Beauchamp	Mr. C. F. G. Masterman
Lord Richard Cavendish	Sir David Brynmor Jones
Viscount Allendale	Sir James Henry Dalziel
Lord Chamberlain	Sir Albert Spicer, Bart.

Whereas it is, among other things, provided by the Copyright Act, 1911, that His Majesty may, by Order in Council, extend the said Act to any territories under His protection and to Cyprus, and that on the making of any such Order the said Act shall, subject to the provisions of the Order, have effect as if the territories to

(o) The text of the Treaty with Austria-Hungary (*ante*, p. 622) then follows as a Schedule.

(p) Statutory Rules and Orders, 1912, No. 912.

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Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The Copyright Act, 1911, shall apply to Cyprus and to the following territories under His Majesty's protection, namely, the Bechuanaland Protectorate, East Africa Protectorate, Gambia Protectorate, Gilbert and Ellice Islands Protectorate, Northern Nigeria Protectorate, Northern Territories of the Gold Coast, Nyasaland Protectorate, Northern Rhodesia, Southern Rhodesia, Sierra Leone Protectorate, Somaliland Protectorate, Southern Nigeria Protectorate, Solomon Islands Protectorate, Swaziland, Uganda Protectorate, and Weihaiwei.

2. In Article 12 of "The Somaliland Order in Council, 1899," the word "Copyright" is hereby revoked and shall be deleted.

Almeric Fitzroy.

APPENDIX D.

COLONIAL AND FOREIGN STATUTES, ORDERS AND REGULATIONS.

COMMONWEALTH OF AUSTRALIA.

COPYRIGHT ACT, 1912.

No. 20 OF 1912.

An Act relating to Copyright.

[20th November, 1912.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

- | | |
|---|----------------------------------|
| 1. This Act may be cited as the Copyright Act, 1912. | Short title. |
| 2. This Act is divided into Parts as follows:—
<div style="margin-left: 2em;">Part I.—Preliminary.</div> <div style="margin-left: 2em;">Part II.—Copyright.</div> <div style="margin-left: 2em;">Part III.—Summary Remedies.</div> <div style="margin-left: 2em;">Part IV.—The Copyright Office.</div> <div style="margin-left: 2em;">Part V.—Miscellaneous.</div> | Parts. |
| 3. In this Act, unless the context otherwise requires—
<div style="margin-left: 2em;">(a) "the British Copyright Act" means the Copyright Act, 1911, of the United Kingdom (1 & 2 Geo. 5, c. 46);</div> <div style="margin-left: 2em;">(b) words and expressions defined in the British Copyright Act have the same meanings as in that Act;</div> <div style="margin-left: 2em;">(c) "Territory" means a Territory of the Commonwealth which is part thereof.</div> | Definitions. |
| 4. The Copyright Act, 1905, is repealed. | Repeal. |
| 5. The Copyright Office established under the Copyright Act, 1905, and any officers appointed under that Act, shall continue as if established or appointed under this Act. | Continuance of Copyright Office. |

- APPENDIX D. 6. Where, in pursuance of any proclamation (a) issued under the
 AUSTRALIA. Copyright Act, 1905, the administration of any State Copyright Act
 Continuan- has become transferred to the Commonwealth, such administration
 of adminis- shall continue to be so transferred to the same extent and subject
 tration of to the same terms and conditions as if the Copyright Act, 1905, still
 State Copy- remained in force.
 right Acts.
 Continuan- 7. All Registers of Copyrights established under the Copyright
 of registers of Act, 1905, shall continue as if established under this Act.
 copyrights.

PART II.—COPYRIGHT.

Adoption of 8. The British Copyright Act, a copy of which is set out in the
 British Copy- Schedule to this Act, shall, subject to any modifications provided
 right Act. by this Act, be in force in the Commonwealth, and shall be deemed
 to have been in force therein as from the first day of July, One
 thousand nine hundred and twelve.

Modifications 9. In the application of the British Copyright Act to the Common-
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 British Copy-
 right Act to
 the Common-
 wealth.

- (a) any powers of the Board of Trade under section three may be exercised by the Governor-General;
- (b) the reference in sub-section (4.) of section nineteen to arbitration shall be read as a reference to arbitration under the law of the State or Territory in which the dispute occurs, and the reference in sub-section (6.) of that section to the Board of Trade shall be read as a reference to the Governor-General;
- (c) the reference in section twenty-two to the Patents and Designs Act, 1907, shall be read as a reference to the Designs Act, 1906, and the reference in that section to section eighty-six of the Patents and Designs Act, 1907, shall be read as a reference to section forty-one of the Designs Act, 1906; and
- (d) the reference in section twenty-four to the *London Gazette* and two London newspapers shall be read as a reference to the *Commonwealth Gazette* and one newspaper published in each of the capital cities of the Australian States.

Importation 10.—(1.) Copies made out of the Commonwealth of any work in
 of copies. which copyright subsists which if made in the Commonwealth would
 1 & 2 Geo. 5, infringe copyright, and as to which the owner of the copyright gives
 c. 46, s. 14. notice in writing by himself or his agent to the Comptroller-General
 of Customs, that he is desirous that such copies should not be im-
 ported into the Commonwealth, shall not be so imported and shall,
 subject to the provisions of this section, be deemed to be prohibited
 imports within the meaning of the Customs Acts, 1901-1910.

(a) See proclamation in Gazette of 26th January, 1907, p. 435.

(2.) Before detaining any such copies, or taking any further proceedings with a view to the forfeiture thereof, the Comptroller-General of Customs or the Collector of Customs for the State may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3.) The Governor-General may make regulations, either general or special, respecting the detention and forfeiture of copies, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4.) The regulations may apply to copies of all works, the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5.) The regulations may provide for the informant reimbursing the Comptroller-General of Customs or the Collector of Customs for the State all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under the Copyright Act, 1905, being treated as notices given under this section, and also that notices given to the Commissioners of Customs and Excise of the United Kingdom and communicated by them to the Comptroller-General of Customs shall be deemed to have been given by the owner to the Comptroller-General.

(6.) This section shall have effect as the necessary modification of section fourteen of the British Copyright Act.

11.—(1.) Subject to this section, the Governor-General in Council may, by Order, direct that the British Copyright Act and this Act shall extend to literary, musical, dramatic, and artistic works first produced or published in any part of the King's dominions to which the British Copyright Act does not extend, in like manner as if the works had been first published or produced in the Commonwealth.

Provision for reciprocal protection of copyright.

(2.) Any Order made in pursuance of this section may provide—

(a) that the term of copyright shall not exceed that conferred by the law of the part of the King's dominions to which the Order relates;

(b) that the enjoyment of the rights conferred by virtue of the Order shall extend to the Commonwealth only, and shall be subject to the accomplishment of such conditions and formalities as are prescribed by the Order;

(c) for the modification of any provision of the British Copyright Act or this Act as to ownership of copyright or

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otherwise, having regard to the law of the part of the King's dominions to which the Order relates; and

- (d) that the British Copyright Act and this Act may extend to existing works in which copyright subsists in the part of the King's dominions to which the Order relates, but subject to such modifications restrictions and provisions as are set out in the Order.

(3.) An Order in pursuance of this section shall only be made in case the Governor-General in Council is satisfied that the part of the King's dominions in relation to which the Order is proposed to be made has made, or has undertaken to make, such provisions, if any, as he thinks sufficient for the protection of works first produced or published in the Commonwealth and entitled to copyright therein.

Provisions as
to Order in
Council.

Cf. 1 & 2
Geo. 5, c. 46,
s. 32.

12.—(1.) The Governor-General in Council may make Orders for altering, revoking, or varying any Order in Council made by him in pursuance of any power conferred upon him by the British Copyright Act or this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

(2.) Every Order in Council made by the Governor-General in pursuance of any power conferred upon him by the British Copyright Act or this Act shall be published in the *Gazette*, and shall be laid before both Houses of the Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

Saving of
copyrights in
certain works
made out of
the Common-
wealth.

13.—(1.) Where copyright subsisted in the United Kingdom in respect of any musical, dramatic, or artistic work at or after the commencement of the Copyright Act, 1905, and before the first day of July, One thousand nine hundred and twelve, the copyright shall, subject to this section, be deemed to have subsisted in the Commonwealth as from the commencement of the Copyright Act, 1905, or from the date of the commencement of the copyright in the work, as the case requires, to the same extent as if copyright therein had subsisted in the Commonwealth under the law of the United Kingdom.

(2.) Where a person has before the commencement of this Act taken any action whereby he has incurred any expenditure or liability in connection with the reproduction of any musical, dramatic, or artistic work in a manner which at the time was lawful, or for the purpose of or with a view to the production of any such work at a time when such reproduction would, but for this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which were subsisting and valuable at the first day of July, One thousand nine hundred and twelve, unless the person who, by virtue of this

section, becomes entitled to restrain such reproduction, agrees to pay such compensation as, failing agreement, may be determined by arbitration.

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PART III.—SUMMARY REMEDIES.

14.—(1.) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire or by way of trade exposes or offers for sale or hire, any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the Commonwealth any infringing copy of any such work,

Summary offences.
1 & 2 Geo. 5,
c. 46, s. 11.

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2.) If any person knowingly makes or has in his possession any plate for the purposes of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3.) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in possession of the alleged offender which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the Court may think fit.

15. Any person who, for his private profit, permits any theatre or other place of entertainment to be used for the performance in public of any musical or dramatic work, without the consent of the registered owner of the sole right to perform or authorise the performance of the work in the State or part of the Commonwealth where the theatre or place is situated, shall be guilty of an offence, unless he was not aware, and had no reasonable ground for sus-

Penalty for permitting unauthorised performance in theatres, &c.

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Penalty: Ten pounds.

Search
warrant and
seizure of
pirated
copies.

16.—(1.) A justice of the peace may, upon the application of the registered owner of the copyright in any literary, dramatic, musical, or artistic work or of the agent of such owner appointed in writing—

(a) if satisfied by evidence that there is reasonable ground for believing that infringing copies of the work are being sold, or offered for sale—issue a warrant, in accordance with the form prescribed, authorising any constable to seize the infringing copies and to bring them before a Court of summary jurisdiction;

(b) if satisfied by evidence that there is reasonable ground for believing that infringing copies of the work are to be found in any house, shop, or other place—issue a warrant, in accordance with the form prescribed, authorising any constable to search, between sunrise and sunset, the place where the infringing copies are supposed to be, and to seize and bring them or any copies reasonably suspected to be infringing copies of the work before a Court of summary jurisdiction.

(2.) A Court of summary jurisdiction may, on proof that any copies brought before it in pursuance of this section are infringing copies of the work, order them to be destroyed or to be delivered up, subject to such conditions, if any, as the Court thinks fit, to the owner of the copyright in the work.

Power of
owner of
performing
right to
forbid per-
formance in
infringement
of his right.

17.—(1.) The registered owner of the sole right to perform, or authorise the performance, of a musical or dramatic work in the Commonwealth or any part thereof, or the agent of such owner appointed in writing, may, by notice in writing in accordance with the prescribed form, forbid the performance in public of the work in infringement of his right, and require any person to refrain from performing or taking part in the performance in public of the work, in infringement of his right, and every person to whom a notice has been given in accordance with this section shall refrain from performing or taking part in the performance in public of the work in infringement of the right of such owner.

Penalty: Ten pounds.

(2.) A person shall not give any notice in pursuance of this section without just cause.

Penalty: Twenty pounds.

(3.) In any prosecution under sub-section (2.) of this section, the defendant shall be deemed to have given the notice without just cause unless he proves to the satisfaction of the Court that, at the time of giving the notice, he was the registered owner of the sole

right to perform, or authorise the performance, of the work in the Commonwealth or any part thereof, or the agent of such owner appointed in writing, and had reasonable ground for believing that the person to whom the notice was given was about to perform or take part in the performance of the work in infringement of the right of such owner.

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18. Where proceedings are instituted in any Court of summary jurisdiction, by or on behalf of the owner of the copyright in any work or the owner of the sole right to perform, or authorise the performance, of any work, in respect of any offence in infringement of his right, any penalty imposed shall be paid to him by way of compensation for the injury sustained by him, but in any other case any penalty imposed in respect of any offence against this Act shall be paid to the Commonwealth.

Application of penalties.

19. No proceedings shall be instituted in a Court of summary jurisdiction in respect of any offence against this Act after the expiration of six months from the date of the offence.

Limitation of summary proceedings.

20. An appeal shall lie from any conviction or order (including any dismissal of any information, complaint, or application) of a Court of summary jurisdiction in respect of any offence or matter under this Act, and such appeal shall be to the Court, and shall be made within the time and in the manner, provided by the law of the State or Territory in which the conviction or order was made in case of appeals from Courts of summary jurisdiction in that State or Territory.

Appeals.

21. This Part of this Act shall not apply to any case to which section nine of the British Copyright Act, relating to infringement of copyright in the case of a work of architecture, applies.

Part not to apply to works of architecture.
Cf. 1 & 2
Geo. 5, s. 9(2).

PART IV.—THE COPYRIGHT OFFICE.

Division 1.—General.

22. There shall be, for the purposes of this Act, an office called the Copyright Office.

Copyright office.

23. The Copyright Office shall be in charge of an officer called the Registrar of Copyrights.

Registrar of Copyrights.

24. The Registrar of Copyrights shall have such powers and functions as are conferred upon him by this Act and the regulations.

Powers and functions of registrar.

25.—(1.) There shall be a seal of the Copyright Office, and impressions thereof shall be judicially noticed.

Seal.

(2.) The seal of the Copyright Office in use at the commencement of this Act shall, until altered, be the seal of the Copyright Office.

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Division 2.—Registration.

Registration optional.

26.—Registration of copyright shall be optional, but the special remedies provided for by sections fifteen, sixteen, and seventeen of this Act can only be taken advantage of by registered owners.

Copyright registers.

27. The following Registers of Copyrights shall be kept by the Registrar at the Copyright Office:—

The Register of Literary (including Dramatic and Musical) Copyrights.

The Register of Fine Arts Copyrights.

The Register of International and State Copyrights.

Method of registration.

28. The owner of any copyright under this Act, or of the sole right to perform, or authorise the performance, of any musical or dramatic work in the Commonwealth or any part thereof, may obtain registration of his right in the manner prescribed.

Registration of assignments and transmissions.

29. When any person becomes entitled to any registered copyright or other right under this Act by virtue of any assignment or transmission, or to any interest therein by licence, he may obtain registration of the assignment, transmission, or licence in the manner prescribed.

How registration effected.

30. The registration of any copyright or other right under this Act, or of any assignment or transmission thereof or of any interest therein by licence, shall be effected by entering in the proper register the prescribed particulars relating to the right, assignment, transmission, or licence.

Registration of works published in a series.

31. In the case of an encyclopædia, newspaper, review, magazine, or other periodical work, or a work published in a series of books or parts, a single registration for the whole work may be made.

Trusts not registered.

32.—(1.) No notice of any trust expressed, implied, or constructive shall be entered in any Register of Copyrights under this Act or be receivable by the Registrar.

(2.) Subject to this section, equities in respect of any copyright under this Act may be enforced in the same manner as equities in respect of other personal property.

Register to be evidence.

33. Every Register of Copyrights under this Act shall be *prima facie* evidence of the particulars entered therein, and documents purporting to be copies of any entry therein or extracts therefrom certified by the Registrar and sealed with the seal of the Copyright Office, shall be admissible in evidence in all Federal or State Courts, or the Courts of any Territory, without further proof or production of the originals.

Certified copies.

34. Certified copies of entries in any register under this Act or of extracts therefrom shall on payment of the prescribed fee be given to any person applying for them.

APPENDIX D.
AUSTRALIA.

35. Each register under this Act shall be open to public inspection at all convenient times on payment of the prescribed fee.

Inspection
of register.
Correction
of register.

36. The Registrar may, in prescribed cases and subject to the prescribed conditions, amend or alter any register under this Act by—

- (a) correcting any error in any name, address, or particular; and
- (b) entering any prescribed memorandum or particular relating to copyright or other right under this Act.

37.—(1.) Subject to this Act the Supreme Court of any State or a judge thereof may, on the application of the Registrar or of any person aggrieved, order the rectification of any register under this Act by—

Rectification
of register by
the Court.

- (a) the making of any entry wrongly omitted to be made in the register; or
- (b) the expunging of any entry wrongly made in or remaining on the register; or
- (c) the correction of any error or defect in the register.

(2.) An appeal shall lie to the High Court from any order for the rectification of any register made by a Supreme Court or a judge under this section.

38.—(1.) Every person who makes application for the registration of the copyright in a book shall deliver to the Registrar one 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 bound, sewed, or stitched together and on the best paper on which the book is printed.

Delivery of
copies to
registrar.

(2.) Every person who makes application for the registration of the copyright in a work of art shall deliver to the Registrar one copy of the work of art or a representation of it.

(3.) The Registrar shall refuse to register the copyright in any book until sub-section (1.) of this section has been complied with, or the copyright in a work of art until sub-section (2.) of this section has been complied with.

(4.) Each copy or representation delivered to the Registrar in pursuance of this section shall be retained at the Copyright Office.

39. A person who wilfully makes any false statement or representation to deceive the Registrar or any officer in the execution of this Part of this Act, or to procure or influence the doing or omission of any thing in relation to this Part of this Act or any matter thereunder shall be guilty of an indictable offence.

False repre-
sentation to
registrar.

Penalty: Imprisonment for three years.

APPENDIX D.

PART V.—MISCELLANEOUS.

AUSTRALIA.

Delivery of
books to the
librarian
of the
Parliament.
Cf. 1 & 2
Geo. 5, c. 46,
s. 15.

40.—(1.) The publisher of every book which is first published in the Commonwealth after the commencement of this section, and in which copyright subsists under this Act, shall within one month after the publication deliver, at his own expense, a copy of the book to the Librarian of the Parliament, who shall give a written receipt for it.

(2.) The copy delivered to the Librarian of the Parliament 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 bound, sewed, or stitched together, and on the best paper on which the book is printed.

(3.) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book.

(4.) For the purposes of this section the expression "book" includes every part or division of a book, pamphlet, sheet of letterpress, map, plan, chart, or table, but shall not include any second or subsequent edition of a book unless that edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto or any book published by any State or any authority of a State.

Preservation
of rights
of State
libraries.

41. Nothing in this Act shall be deemed to affect the existing provisions of any Act of the Parliament of a State which require or relate to the delivery to any specified Public or other Library of the State of copies of books published in the State or to affect the power of the Parliament of a State to make laws requiring or relating to such delivery.

Regulations.

42. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act or for the conduct of any business relating to the Copyright Office.

[SCHEDULE (b).]

(b) The Schedule contains a reprint of the Imperial Copyright Act, 1911.

NEW ZEALAND.

1913, No. 4.

An Act relating to Copyright. [22nd November, 1913..

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Copyright Act, 1913, and shall commence on the first day of April, nineteen hundred and fourteen. Short title and commencement.

2.—(1.) In this Act, unless the context otherwise requires,— Interpretation.

“Literary work” includes maps, charts, plans, tables, and compilations:

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting-form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting-form or the combination of incidents represented gives the work an original character:

“Artistic work” includes works of painting, drawing, sculpture, and artistic craftsmanship, and architectural works of art, and engravings, and photographs:

“Work of sculpture” includes casts and models:

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure; provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction:

“Engravings” include etchings, lithographs, woodcuts, prints, and other similar works not being photographs:

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography:

“Cinematograph” includes any work produced by any process analogous to cinematography:

“Collective work” means—

(a) An encyclopædia, dictionary, year-book, or similar work;

(b) A newspaper, review, magazine, or similar periodical; and

(c) Any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated:

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“Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made or imported in contravention of the provisions of this Act:

“Performance” means any acoustic representation of a work, and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument:

“Delivery,” in relation to a lecture, includes delivery by means of any mechanical instrument:

“Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls, or other contrivances for the acoustic representation of the work are or are intended to be made:

“Lecture” includes address, speech, and sermon:

“Court of summary jurisdiction” means a magistrate or two or more justices exercising jurisdiction under the Justices of the Peace Act, 1908.

(2.) Except for the purposes of infringement of copyright, a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public without the consent or acquiescence of the author, his executors, administrators, or assigns.

(3.) For the purposes of this Act a work shall be deemed to be first published in New Zealand notwithstanding that it has been published simultaneously in some other place, unless the publication in New Zealand is colourable only and is not intended to satisfy the reasonable requirements of the public; and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may for the time being be fixed by the Governor in Council.

(4.) Where, in the case of an unpublished work, the making of a work has extended over a considerable period the conditions of this Act conferring copyright shall be deemed to have been complied with if the author was during any substantial part of that period a British subject or resident in New Zealand.

(5.) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in New Zealand if he is domiciled therein.

PART I.—COPYRIGHT.

APPENDIX D.

NEW
ZEALAND.*Rights.*

3.—(1.) Subject to the provisions of this Act, copyright shall subsist in New Zealand for the term hereinafter mentioned in every original literary, dramatic, musical, and artistic work if—

(a) In the case of a published work, the work was first published in New Zealand; and

(b) In the case of an unpublished work, the author was at the date of the making of the work a British subject or resident in New Zealand;

but in no other works, except so far as the protection conferred by this Act is extended by the Governor in Council pursuant to this Act.

(2.) For the purposes of this Act “copyright” means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever; to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; and if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right—

(a) To produce, reproduce, perform, or publish any translation of the work;

(b) In the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(c) In the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work by way of performance in public or otherwise;

(d) In the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorise any such acts as aforesaid.

(3.) For the purposes of this Act “publication” in relation to any work means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but for the purposes of this provision the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

4. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act or of any other statutory enactment for the time being in force; but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

No copyright
except as
provided by
this Act.

APPENDIX D.
NEW
ZEALAND.
Infringement
of copyright.

5.—(1.) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright:

Provided that the following acts shall not constitute an infringement of copyright:—

- (a) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary:
- (b) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work:
- (c) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art:
- (d) The publication in a collection, mainly composed of non-copyright matter, *bonâ fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists:

Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:

- (e) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (a) as to newspaper summaries:
- (f) The reading or recitation in public by one person of any reasonable extract from any published work.

(2.) Copyright in a work shall also be deemed to be infringed by any person who—

- (a) Sells or lets for hire, or by way of trade exposes or offers for sale or hire; or

(b) Distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(c) By way of trade exhibits in public; or

(d) Imports for sale or hire into New Zealand, any work which to his knowledge infringes copyright or would infringe copyright if it had been made in New Zealand.

(3.) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

6. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death:

Term of
copyright.

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the commencement of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner, to or for the benefit of the owner of the copyright, royalties in respect of all copies of the work sold by him, calculated at the rate of ten per centum on the price at which he publishes the work; and for the purposes of this proviso the Governor may, by Order in Council gazetted, make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if he thinks fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

7. If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work, or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the said Court may think fit.

Compulsory
licenses.

8.—(1.) Subject to the provisions of this Act the author of a work shall be the first owner of the copyright therein:

Ownership of
copyright, &c.

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Provided that—

- (a) Where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person, and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and
- (b) Where the author was in the employment of some other person under a contract of service or apprenticeship, and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright; but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2.) The owner of the copyright in any work may assign the right, either wholly or partially, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license; but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that where the author of a work is the first owner of the copyright therein no assignment of the copyright, and no grant of any interest therein made by him (otherwise than by will) after the commencement of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void; but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work, or a license to publish a work or part of a work as part of a collective work.

(3.) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies.

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Civil remedies
for infringe-
ment of
copyright.

9.—(1.) Where copyright in any work has been infringed the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2.) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3.) In any action for infringement of copyright in any work the work shall be presumed to be a work in which copyright subsists, and the plaintiff shall be presumed to be the owner of the copyright unless the defendant puts in issue the existence of the copyright or, as the case may be, the title of the plaintiff; and where any such question is in issue, then—

(a) If a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work:

(b) If no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

10. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Rights of
owner against
persons
possessing or
dealing with
infringing
copies, &c.

11. Where proceedings are taken in respect of the infringement of the copyright in any work, and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

Exemption of
innocent
infringer
from liability
to pay
damages, &c.

12.—(1.) Where the construction of a building or other structure which infringes, or which if completed would infringe, the copyright

Restriction on
remedies in
the case of
architecture.

APPENDIX D. in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

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(2.) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

Limitation
of actions.

13. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Summary Remedies.

Summary
offences.

14.—(1.) Every person who knowingly—

- (a) Makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) Sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work; or
- (c) Distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) By way of trade exhibits in public any infringing copy of any such work; or
- (e) Imports for sale or hire into New Zealand any infringing copy of any such work,

is liable on summary conviction to a fine not exceeding two pounds for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction, or, in the case of a second or subsequent offence, either to such fine or to two months' imprisonment.

(2.) Every person who knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or who knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, is liable on summary conviction to a fine of fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to two months' imprisonment.

(3.) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work, or all plates in possession of the alleged offender which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed, or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit.

Permitting
unauthorised
performances.

15. Every person who for his private profit permits any theatre or other place of entertainment to be used for the performance in public of any musical or dramatic work without the consent of the registered owner of the sole right to perform or authorise the per-

formance of the work in New Zealand, or any part of New Zealand where the theatre or place is situated, is liable on summary conviction to a fine of ten pounds, unless he was not aware and had no reasonable ground for suspecting that the performance would be an infringement of the right to perform or authorise the performance of the work.

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ZEELAND.

16.—(1.) Any justice may, on the application of the registered owner of the copyright in any literary, dramatic, musical, or artistic work, or of the agent of such owner appointed in writing,—

Search
warrant.

(a) If satisfied by evidence that there is reasonable ground for believing that infringing copies of the work are being sold or offered for sale, issue a warrant in accordance with the form prescribed authorising any constable to seize the infringing copies and to bring them before a Court of summary jurisdiction:

(b) If satisfied by evidence that there is reasonable ground for believing that infringing copies of the work are to be found in any house, shop, or other place, issue a warrant in accordance with the form prescribed authorising any constable to search, between sunrise and sunset, the place where the infringing copies are supposed to be, and to seize and bring them or any copies reasonably suspected to be infringing copies of the work before a Court of summary jurisdiction.

(2.) A Court of summary jurisdiction may, on proof that any copies brought before it in pursuance of this section are infringing copies of the work, order them to be destroyed, or to be delivered up, subject to such conditions, if any, as the Court thinks fit, to the owner of the copyright in the work.

17.—(1.) The registered owner of the sole right to perform or authorise the performance of a musical or dramatic work in New Zealand or any part thereof, or the agent of such owner appointed in writing, may, by notice in writing in the prescribed form, forbid the performance in public of the work in infringement of his right, and require any person to refrain from performing or taking part in the performance in public of the work in infringement of his right; and every person to whom a notice has been given in accordance with this section who performs or takes part in the performance in public of the work in infringement of the right of such owner is liable on summary conviction to a fine not exceeding ten pounds.

Owner of
performing
right may
forbid per-
formance in
infringement
of right.

(2.) Every person who gives notice in pursuance of this section without just cause is liable on summary conviction to a fine of twenty pounds.

(3.) In any prosecution under the last preceding sub-section the defendant shall be deemed to have given the notice without just cause unless he proves to the satisfaction of the Court that at the

APPENDIX D. time of giving the notice he was the registered owner of the sole
 NEW right to perform or authorise the performance of the work in New
 ZEALAND. Zealand or any part thereof, or the agent of such owner appointed
 in writing, and had reasonable ground for believing that the person
 to whom the notice was given was about to perform or take part in
 the performance of the work in infringement of the right of such
 owner.

Application
 of fines.

18. Where proceedings are instituted in any Court of summary jurisdiction, by or on behalf of the owner of the copyright in any work or the owner of the sole right to perform or authorise the performance of any work, in respect of any offence in infringement of his right, any fine imposed shall be paid to him by way of compensation for the injury sustained by him, but in any other case any fine imposed in respect of any offence against this Act shall be paid into the Consolidated Fund.

Limitation of
 summary
 proceedings.

19.—(1.) No proceedings shall be instituted in a Court of summary jurisdiction in respect of any offence against this Act after the expiration of six months from the date of the offence.

(2.) An appeal to the Supreme Court shall lie from any conviction or order (including any dismissal of any information, complaint, or application) of a Court of summary jurisdiction in respect of any offence or matter under this Act, and such appeal shall be made within the time and in the manner provided by regulations.

Certain pro-
 visions not to
 apply to
 works of
 architecture.

20. Sections fourteen to eighteen hereof shall not apply to any case to which section twelve hereof, relating to infringement of copyright in the case of a work of architecture, applies.

Importation of Copies.

Importation
 of infringing
 copies.

21.—(1.) Copies made out of New Zealand of any work in which copyright subsists which if made in New Zealand would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Minister of Customs that he is desirous that such copies should not be imported into New Zealand, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be prohibited imports within the meaning of the Customs Law Act, 1908. For the purposes of this section notices given to the Commissioners of Customs and Excise of the United Kingdom, and communicated by them to the Minister of Customs, shall be deemed to have been given by the owner to the Minister of Customs.

(2.) Before detaining any such copies, or taking any further proceedings with a view to the forfeiture thereof, the Minister of Customs may regulate the proceedings by regulations under this section, whether as to information, or other matters, to be complied with, and

may satisfy himself in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3.) There shall be publicly exposed in the office of the Collector of Customs at every port in New Zealand lists of all works in which copyright subsists and as to which the owner of the copyright, by himself or his agent, has duly given a notice to the Minister of Customs pursuant to sub-section one hereof.

(4.) The Governor may, by Order in Council gazetted, make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section; and may by such regulations determine the information, notices, and security to be given, and the evidence requisite, for any of the purposes of this section, and the mode of verification of such evidence.

(5.) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(6.) The regulations may provide for the informant reimbursing the Minister of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(7.) Section ninety-two of the Customs Law Act, 1903, and the first paragraph of the Third Schedule to the said Act (relating to the importation of prohibited books) are hereby repealed.

Special Provisions as to certain Works.

22.—(1.) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer; and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter; and in the provisions of this Act with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2.) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

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Repeal.

Works of
joint authors.

APPENDIX D. Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

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(3.) For the purposes of this Act "a work of joint authorship" means a work produced by the collaboration of two or more authors, in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4.) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

Posthumous
works.

23.—(1.) In the case of a literary, dramatic, or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter; and the proviso to section six hereof shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2.) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author, and the manuscript is of a work which has not been published, nor performed in public, nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

Provisions as
to Govern-
ment publi-
cations.

24. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government Department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

Provisions
as to
mechanical
instruments.

25.—(1.) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works; but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside in New Zealand if it has established a place of business in New Zealand.

(2.) It shall not be deemed to be an infringement of copyright in any musical work for any person to make in New Zealand records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

(a) That such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and

(b) That he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned:

Provided that—

(1.) Nothing herein shall authorise any alterations in or omissions from the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and

(ii.) For the purposes of this provision a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3.) The rate at which such royalties as aforesaid are to be calculated shall—

(a) In the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per centum; and

(b) In the case of contrivances sold as aforesaid after the expiration of that period, five per centum,

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so, however, that the royalty payable in respect of a contrivance shall in no case be less than a halfpenny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing:

Provided that, if at any time after the expiration of seven years from the commencement of this Act it appears to the Governor in Council that such rate as aforesaid is no longer equitable, he may, after such public inquiry as he may direct, make an Order either decreasing or increasing that rate to such extent as under the circumstances may seem just; but any Order so made shall be

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provisional only, and shall not have any effect unless and until confirmed by Parliament; but, where an Order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4.) If any such contrivance is made reproducing two or more different works in which copyright subsists, and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5.) When any such contrivances by means of which a musical work may be mechanically performed have been made, then for the purposes of this section the owners of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6.) For the purposes of this section the Governor in Council may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties; and any such regulations may include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7.) In the case of musical works published before the commencement of this Act the foregoing provisions shall have effect, subject to the following modifications and additions:—

- (a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply.
- (b) The rate of two and one-half per centum shall be substituted for the rate of five per centum as the rate at which royalties are to be calculated; but no royalties shall be payable in respect of contrivances sold before the first day of April, nineteen hundred and fifteen, if contrivances reproducing the same work had been lawfully made or placed on sale in New Zealand before the commencement of this Act.
- (c) Notwithstanding any assignment made before the commencement of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives, and not to the assignee, and the royalties aforesaid shall be payable to and for the benefit of the author of the work or his legal personal representatives.

(d) The saving contained in this Act of the rights and interests arising from or in connection with action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the commencement of this Act, except on the terms and subject to the conditions laid down in this section.

(e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8.) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

(a) The person who at the commencement of this Act is the owner of such original plate shall be the first owner of such copyright; and

(b) Nothing herein shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance if this provision had been in force at the time of the making of the first-mentioned contrivance.

26. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Provision as to political speeches.

27. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived; and the person who was the owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside in New Zealand if it has established a place of business in New Zealand.

Provisions as to photographs.

28.—(1.) The Governor may by Order in Council direct that this Act shall extend—

Reciprocal protection of copyright.

(a) To works first published in any part of the British dominions

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to which the Order relates in like manner as if such works were first published in New Zealand; and

- (b) In respect of residence in any part of the British dominions to which the Order relates, in like manner as if such residence were residence in New Zealand;

and thereupon, subject to the provisions of this section and of the Order, this Act shall apply accordingly.

- (2.) Any Order made in pursuance of this section may provide—

(a) That the term of copyright shall not exceed that conferred by the law of the part of the British dominions to which the Order relates;

(b) That the enjoyment of the rights conferred by virtue of the Order shall extend to New Zealand only, and shall be subject to the accomplishment of such conditions and formalities as are prescribed by the Order;

(c) For the modification of any provision of this Act as to ownership of copyright or otherwise, having regard to the law of the part of the British dominions to which the Order relates; and

(d) That this Act may extend to existing works in which copyright subsists in the part of the British dominions to which the Order relates, but subject to such modifications, restrictions, and provisions as are set out in the Order.

(3.) An Order in pursuance of this section shall be made only if the Governor in Council is satisfied that the part of the British dominions in relation to which the Order is proposed to be made has made, or has undertaken to make, such provisions, if any, as he thinks sufficient for the protection of works first produced or published in New Zealand, and entitled to copyright therein.

Provisions as
 to Orders in
 Council.

29.—(1.) The Governor may by Order in Council alter, revoke, or vary any Order in Council made by him in pursuance of any power conferred upon him by this Act; but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

(2.) Every Order in Council made by the Governor in Council in pursuance of any power conferred upon him by this Act shall be published in the *Gazette*, and shall be laid before Parliament as soon as may be after it is made.

Provisions as
 to designs
 registrable
 under the
 Patents,
 Designs, and
 Trade Marks
 Act.

30.—(1.) This Act shall not apply to designs capable of being registered under the Patents, Designs, and Trade Marks Act, 1911, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2.) Regulations may be made under section one hundred and twenty-three of the Patents, Designs, and Trade Marks Act, 1911,

for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

31. If it appears to the Governor in Council that a foreign country does not give or has not undertaken to give adequate protection to the works of New Zealand authors, he may by Order in Council direct that such of the provisions of this Act as confer copyright on works first published in New Zealand shall not apply to works published after the date specified in the Order the authors whereof are subjects or citizens of such foreign country and are not resident in New Zealand, and thereupon those provisions shall not apply to such works.

32.—(1.) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall as from that date be entitled to the substituted right set forth in the second column of that Schedule, or to the same interest in such a substituted right, and to no other right or interest; and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder:

Provided that—

(a) If the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has before that date assigned the right, or granted any interest therein for the whole term of the right, then at the date when but for the passing of this Act the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled, at his option, either—

(i) On giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or

(ii) Without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore, subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to

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Works of
foreign
authors first
published in
New Zealand.

Existing
works.

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the author as, failing agreement, may be determined by arbitration; or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, must be advertised in the *Gazette* and in the *Patent Office Journal*, and in one newspaper published in each of the Cities of Wellington, Auckland, Christchurch, and Dunedin.

- (b) Where any person has, before the first day of July, nineteen hundred and thirteen, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would but for the passing of this Act have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2.) For the purposes of this section the expression "author" includes the legal personal representatives of a deceased author.

(3.) Subject to the provisions of sub-sections seven and eight of section twenty-five hereof, copyright shall not subsist in any work made before the commencement of this Act otherwise than under and in accordance with the provisions of this section.

PART II.—INTERNATIONAL COPYRIGHT.

33.—(1.) The Governor may by Order in Council direct that this Act (except such of the provisions thereof, if any, as may be specified in the Order) shall extend—

- (a) To works first published in a foreign country to which the Order relates, in like manner as if they were first published in New Zealand;
- (b) To literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the Order relates, in like manner as if the authors were British subjects;

Power to
extend Act
to foreign
works.

- (c) In respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in New Zealand;

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and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that—

- (a) Before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), the Governor shall be satisfied that that foreign country has made or has undertaken to make such provisions, if any, as it appears to the Governor expedient to require for the protection of works entitled to copyright under the provisions of Part I. of this Act:
- (b) The Order in Council may provide that the term of copyright in New Zealand shall not exceed that conferred by the law of the country to which the Order relates:
- (c) The provisions of section fifty hereof (relating to the delivery of copies of books to the Registrar) shall not apply to works first published in such country, except so far as is provided by the Order:
- (d) The Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the Order:
- (e) In applying the provisions of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country:
- (f) In applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased.

(2.) An Order in Council under this section may extend to all the several countries named or described therein.

PART III.—COPYRIGHT OFFICE.

34.—(1.) The Governor may from time to time appoint such person as he thinks fit to be Registrar of Copyright, and in like manner may appoint a place to be the Copyright Office.

Registrar of
Copyright.

(2.) The person who at the commencement of this Act holds the office of Registrar under the Copyright Act, 1908, shall be and act as Registrar under this Act.

APPENDIX D: (3.) The place at the commencement of this Act used as the
 NEW Copyright Office shall be deemed to have been appointed under this
 ZEALAND. Act.

Copyright
 office.

Deputy
 registrar.

35.—(1.) The Governor may at any time appoint a fit and proper person to be Deputy Registrar to act in the case of the illness, incapacity, or absence of the Registrar, or in the case of any vacancy in the office of Registrar; and while so acting such Deputy shall have all the powers and privileges, and shall perform all the duties, and be subject to the responsibilities, of the Registrar.

(2.) The fact of the Deputy Registrar acting as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him so to act.

Seal.

36. There shall be a seal of the Copyright Office, and impressions thereof shall be judicially noticed and admitted in evidence.

Fees.

37. There shall be paid in respect of application for the registration of copyrights and in respect of other matters with relation to copyrights such fees as may from time to time be prescribed by the Governor in Council, and those fees shall be paid into the Public Account and form part of the Consolidated Fund.

Registration
 optional.

38. Registration of copyright shall be optional, but the special remedies provided for by sections fifteen, sixteen, and seventeen of this Act may be taken advantage of only by registered owners.

Copyright
 registers.

39. The following Registers of Copyright shall be kept by the Registrar at the Copyright Office:—

- (a) The Register of Literary (including Dramatic and Musical) Copyright.
- (b) The Register of Fine Arts Copyrights.

Mode of
 registration.

40. The owner of any copyright under this Act, or of the sole right to perform or authorise the performance of any musical or dramatic work in New Zealand or any part thereof, may obtain registration of his right in the manner prescribed.

Registration
 of assign-
 ments, &c.

41. When any person becomes entitled to any registered copyright or any other right under this Act by virtue of any assignment or transmission, or to any interest therein by license, he may obtain registration of the assignment, transmission, or license in the manner prescribed.

How regis-
 tration is to
 be effected.

42. The registration of any copyright or other right under this Act, or of any assignment or transmission thereof, or of any interest therein by license, shall be effected by entering in the proper register the prescribed particulars relating to the right, assignment, transmission, or license.

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Registration of work published in a series.
Trusts not registered.

Register to be evidence.

Certified copies.

Public inspection of registers.

Correction of register.

Rectification of register by the Court.

Copies to be delivered on registration.

43. In the case of an encyclopædia, newspaper, review, magazine, or other periodical work, or a work published in a series of books or parts, a single registration for the whole work may be made.

44.—(1.) No notice of any trust (expressed, implied, or constructive) shall be entered in any Register of Copyrights under this Act or be receivable by the Registrar.

(2.) Subject to this section, equities in respect of any copyright under this Act may be enforced in the same manner as equities in respect of other personal property.

45. Every Register of Copyrights under this Act shall be *prima facie* evidence of the particulars entered therein; and documents purporting to be copies of any entry therein or extracts therefrom certified by the Registrar and sealed with the seal of the Copyright Office shall be judicially noticed and admitted in evidence without further proof or production of the originals.

46. Certified copies of entries in any register under this Act or of extracts therefrom shall, on payment of the prescribed fee, be given to any person applying for them.

47. Each register under this Act shall be open to public inspection at all convenient times on payment of the prescribed fee.

48. The Registrar may, in prescribed cases and subject to the prescribed conditions, amend or alter any register under this Act by—

- (a) Correcting any error in any name, address, or particular; and
- (b) Entering any prescribed memorandum or particular relating to copyright or other right under this Act.

49.—(1.) Subject to this Act the Supreme Court may, on the application of the Registrar or of any person aggrieved, order the rectification of any register under this Act by—

- (a) The making of any entry wrongly omitted to be made in the register; or
- (b) The expunging of any entry wrongly made in or remaining on the register; or
- (c) The correction of any error or defect in the register.

(2.) An appeal shall lie to the Court of Appeal from any order for the rectification of any register made by the Supreme Court or a judge thereof under this section.

50.—(1.) Every person who makes application for the registration of a copyright in a book shall deliver to the Registrar one 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 bound, sewed, or stitched together, and on the best paper on which the book is printed.

(2.) Every person who makes an application for the registration of the copyright in a work of art shall deliver to the Registrar one copy of the work of art or a representation of it.

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(3.) The Registrar shall refuse to register the copyright in any book until sub-section one of this section has been complied with, or the copyright in a work of art until sub-section two of this section has been complied with.

(4.) Each copy or representation delivered to the Registrar in pursuance of this section shall be retained at the Copyright Office.

False repre-
sentation to
registrar.

51. Every person who wilfully makes any false statement or representation to deceive the Registrar or any officer in the execution of this Act, or to procure or influence the doing or omission of anything in relation to this Act or any matter thereunder, is liable on summary conviction to imprisonment for a term not exceeding two years.

Copies to be
delivered to
General
Assembly
Library.

52.—(1.) The publisher of every book which is first published in New Zealand after the commencement of this Act, and in which copyright subsists under this Act, shall within one month after the publication deliver at his own expense two copies of the book to the Librarian of the General Assembly Library, who shall give a written receipt for them.

(2.) The copies delivered to the Librarian of the General Assembly Library shall be copies 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 bound, sewed, or stitched together, and on the best paper on which the book is printed.

(3.) If a publisher fails to comply with this section he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the copies.

(4.) For the purpose of this section the expression "book" includes every part or division of a book, pamphlet, sheet of letterpress, map, plan, chart, or table, but shall not include any second or subsequent edition of a book unless that edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

Power to
make regu-
lations.

53. The Governor in Council may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act or for the conduct of any business relating to the Copyright Office.

Repeals.

54.—(1.) The Copyright Act, 1908, and section one hundred and thirty-two of the Patents, Designs, and Trade Marks Act, 1911, are hereby repealed.

(2.) The Imperial enactments referred to in the Second Schedule hereto shall, as from the commencement of this Act, cease to have any force or effect in New Zealand.

- APPENDIX D. 15 & 16 Vict. c. 12.—The International Copyright Act, 1852.
 NEW 25 & 26 Vict. c. 68.—The Fine Arts Copyright Act, 1862.
 ZEALAND. 38 & 39 Vict. c. 12.—The International Copyright Act, 1875.
 39 & 40 Vict. c. 36.—The Customs Consolidation Act, 1876: Section 152
 (prohibiting the importation of foreign reprints of
 books under copyright).
 45 & 46 Vict. c. 40.—The Copyright (Musical Compositions) Act, 1882.
 49 & 50 Vict. c. 33.—The International Copyright Act, 1886.
 51 & 52 Vict. c. 17.—The Copyright (Musical Compositions) Act, 1888.

UNITED STATES.

COPYRIGHT ACT, 1909, AS AMENDED BY THE COPYRIGHT
 ACTS, 1912 AND 1914.

An Act to Amend and Consolidate the Acts respecting Copy right.
 [March 4, 1909.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

Exclusive
 right to print,
 publish and
 vend.

(a) To print, reprint, publish, copy and vend the copyrighted work;

Exclusive
 right to
 translate,
 dramatize,
 arrange and
 adapt, &c.

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a non-dramatic work; to convert it into a novel or other non-dramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

Exclusive
 right to
 deliver
 lectures,
 sermons, &c.

(c) To deliver or authorise the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

To represent
 dramatic
 works, or
 make record,
 or exhibit or
 perform, &c.

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

To perform
 music and
 make arrange-
 ment, setting,
 or record.

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in sub-section (a) hereof, to make any arrangement or setting of it or of the melody of it in

any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: Provided, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign State or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: And provided further, and as a condition of extending the copyright control to such mechanical reproductions, That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. And provided further, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defence to any suit, action, or proceeding for any infringement of such copyright.

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UNITED STATES.

Act not retroactive.

Music by foreign author.

Control of mechanical musical reproduction.

Royalty for use of music on records, &c.

Notice of use of music on records.

License to use music on records.

Failure to pay royalties.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the Court may award taxable costs to the plaintiff and a reasonable counsel fee, and the Court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Reproduction of music on coin-operated machines.

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UNITED STATES.

Right at common law or in equity.

Component parts of copyrightable work.

Composite works or periodicals.

Works protected.

Classification of copyright works.

Books, composite, cyclopædic works; directories, gazetteers, &c.

Classification does not limit copyright.

Compilations, abridgments, dramatizations, translations, new editions.

Subsisting copyright not affected.

2. That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

3. That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act.

4. That the works for which copyright may be secured under this Act shall include all the writings of an author.

5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;

(b) Periodicals, including newspapers;

(c) Lectures, sermons, addresses, prepared for oral delivery;

(d) Dramatic or dramatico-musical compositions;

(e) Musical compositions;

(f) Maps;

(g) Works of art; models or designs for works of art;

(h) Reproductions of a work of art;

(i) Drawings or plastic works of a scientific or technical character;

(j) Photographs;

(k) Prints and pictorial illustrations;

(l) *Motion-picture photo-plays*;

(m) *Motion-pictures, other than photo-plays (a)*;

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

6. That compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

(a) (l) and (m) were added by the Act of 1912.

7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: Provided, however, That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorise any use or appropriation of such copyright material without the consent of the copyright proprietor.

8. That the author or proprietor of any work made the subject of copyright by this Act. or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: Provided, however, That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation, only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking *ad interim* protection under section twenty-one of this Act.

10. That such person may obtain registration of his claim to copyright by complying with the provisions of this Act, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in section fifty-five of this Act.

11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim

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Not subject-matter of copyright: works in public domain; government publications.

Copyright to author or proprietor for terms specified in Act.

Foreign authors who may secure copyright protection.

Alien authors domiciled in U. S.

Authors, when citizens of countries granting reciprocal rights.

International agreement.

Presidential proclamation.

Publication with notice initiates copyright.

Registration of copyright.

Copyright certificate.

Copyright protection of unpublished

APPENDIX D. of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or *dramatico-musical* composition; *of a title and description, with one print taken from each scene or act, if the work be a motion picture photo-play*; of a photographic print if the work be a photograph; *of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photo-play*; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this Act where the work is later reproduced in copies for sale (b).

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works:
lectures,
dramas,
music, &c.

Deposit of
copies after
publication.

Two complete
copies of
best edition.

Periodical
contributions.

Work not
reproduced
in copies
for sale.

No action for
infringement
until deposit
of copies.

Failure to
deposit copies.

Register of
copyrights
may demand
copies.

Failure to
deposit on
demand.

12. That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, *or if the work is by an author who is a citizen or subject of a foreign State or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country (c)*, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with.

13. That should the copies called for by section twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial

(b) The words in *italics* indicate alterations made by the Act of 1912.

(c) The words in *italics* were inserted by the Act of 1914.

possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

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Fine \$100 and retail price of two copies, best edition. Forfeiture of copyright. Postmaster's receipt.

14. That the postmaster to whom are delivered the articles deposited as provided in sections eleven and twelve of this Act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

Printed from type set within the United States. Book in foreign language excepted.

15. That of the printed book or periodical specified in section five, sub-sections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking *ad interim* protection under this Act.

Lithographic or photo-engraving process. Printing and binding of the book.

Illustrations in a book.

Separate lithographs and photo-engravings.

Books for blind excepted.

Books in foreign languages excepted.

Affidavit of American manufacture.

16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorised to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorised agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establish-

Printing and binding of the book.

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Establishment where printing was done.

Date of publication.

False affidavit, a misdemeanor; fine, \$1,000 and forfeiture of copyright.

Notice of copyright.

Notice on maps, copies of works of art, photographs, and prints.

Notice on accessible portion.

Notice on existing copyright works.

Notice of copyright on book.

On periodical.

One notice in each volume or periodical.

Omission of notice by accident or mistake.

Innocent infringement.

ments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.

18. That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.," accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in sub-sections (f) to (k), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: Provided, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four (d).

19. That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: Provided, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

20. That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement

(d) See note at foot of the Act, *post*, p. 718.

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no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the Court, in its discretion, shall so direct.

Book published abroad in the English language...

Ad interim copyright for thirty days.

Extension to full term.

Deposit of copies, filing of affidavit.

Duration of copyright: first term, twenty-eight years.

Posthumous works, periodicals, cyclopædic or composite works.

Renewal term twenty-eight years.

Other copyrighted works, first term twenty-eight years.

Renewal term twenty-eight years; to author, widow, children, heirs or next of kin.

21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an *ad interim* copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of thirty days after such deposit in the copyright office.

22. That whenever within the period of such *ad interim* protection an authorised edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this Act.

23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: Provided, That in the case of any posthumous work or of any periodical, cyclopædic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: And provided further, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopædic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight

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Notice that renewal term is desired.

Copyright ends in twenty-eight years unless renewed.

Extension of subsisting copyrights.

Proprietor entitled to renewal for composite work.

Renewal application.

Infringement of copyright.

Injunction.
Damages.

Proving sales.

Newspaper reproduction of photograph: recovery, \$50—\$200.

Infringement by motion pictures:

Undramatized or non-dramatic work, maximum damages, \$100.

years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: And provided further, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

24. That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: Provided, however, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: Provided, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the Court shall appear to be just, and in assessing such damages the Court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and in the case of the infringement of an undramatized or non-dramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted

work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him (e):

First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Fourth. In the case of dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the Court may prescribe, all articles alleged to infringe a copyright;

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the Court may order;

(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorised manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the Court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, sub-section (e), of this Act: Provided

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Dramatic work, maximum damages, \$5,000.

Maximum recovery, \$5,000.

Minimum recovery, \$250.

Painting, statue, or sculpture, \$10 for every infringing copy.

Other works, \$1 for every infringing copy.

Lectures, \$50 for every infringing delivery.

Dramatic or musical works, \$100 for first and \$50 for subsequent infringing performance.

Other musical compositions, \$10 for every infringing performance.

Delivering up infringing articles.

Destruction of infringing copies, &c.

Infringement by mechanical musical instruments.

Injunction may be granted.

Recovery of royalty.

(e) The words in italics were added by the Act of 1912.

<p>APPENDIX D.</p> <p><u>UNITED STATES.</u></p> <p>Notice to proprietor of intention to use.</p> <p>Damages, three times amount provided.</p> <p>Temporary injunction.</p> <p>Rules for practice and procedure.</p> <p>Judgment enforcing remedies.</p> <p>Proceedings, injunction, &c., may be united in one action.</p> <p>Penalty for wilful infringement.</p> <p>Oratorios, cantatas, &c., may be performed.</p> <p>False notice of copyright (penalty for).</p> <p>Fraudulent removal of notice; fine \$100-\$1,000.</p> <p>Issuing, selling, or importing article bearing false notice; fine \$100.</p>	<p>also, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory licence provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the Court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, sub-section (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.</p> <p>Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States (<i>f</i>).</p> <p>26. That any Court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.</p> <p>27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.</p> <p>28. That any person who wilfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and wilfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the Court: Provided, however, That nothing in this Act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.</p> <p>29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall know-</p>
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(*f*) See these Rules, *post*, p. 718.

ingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

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30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

Importation prohibited of articles bearing false notice and piratical copies.

31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorised by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this Act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this Act, shall be, and is hereby, prohibited: Provided, however, That, except as regards piratical copies, such prohibition shall not apply:

Prohibition of importation of books.

Exceptions to prohibition of importation:

(a) To works in raised characters for the use of the blind;

Works for the blind.

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorisation;

Foreign newspapers or magazines.

(c) To the authorised edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

Books in foreign languages of which only translations are copyrighted.

(d) To any book published abroad with the authorisation of the author or copyright proprietor when imported under the circumstances stated in one of the four sub-divisions following, that is to say:

Importation of authorised foreign books permitted.

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

For individual use and not for sale.

Second. When imported by the authority or for the use of the United States;

For the use of the United States.

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

For the use of societies, libraries, &c.

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Libraries purchased *en bloc*.

Books brought personally into the United States.

Imported copies not to be used to violate copyright.

Seizure of unlawfully imported copies.

Copies of authorised books imported may be returned.

Secretary of Treasury and Postmaster-General to make rules to prevent unlawful importation.

Jurisdiction of courts in copyright cases.

District in which suit may be brought.

Injunctions may be granted.

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons of families arriving from foreign countries and are not intended for sale:

Provided, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

32. That any and all articles prohibited importation by this Act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the Court, as the case may be, shall direct: Provided, however, That all copies of authorised editions of copyright books imported in the mails or otherwise in violation of the provisions of this Act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve wilful negligence or fraud.

33. That the Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this Act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this Act, and which infringe the rights of such copyright proprietors or injured parties.

34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognisable by the circuit courts of the United States the district Court of any Territory, the Supreme Court of the District of Columbia, the district Courts of Alaska, Hawaii, and Porto Rico, and the Courts of first instance of the Philippine Islands.

35. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

36. That any such Court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to

prevent and restrain the violation of any right secured by said laws, according to the course and principles of Courts of equity, on such terms as said Court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other Court or judge possessing jurisdiction of the defendants.

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37. That the clerk of the Court, or judge granting the injunction, shall, when required so to do by the Court hearing the application to enforce said injunction, transmit without delay to said Court a certified copy of all the papers in said cause that are on file in his office.

Certified copy of papers filed.

38. That the orders, judgments, or decrees of any Court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said Courts, respectively.

Judgments, &c. may be reviewed on appeal or writ of error.

39. That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose.

No criminal proceedings shall be maintained after three years.

40. That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the Court may award to the prevailing party a reasonable attorney's fee as part of the costs.

Full costs shall be allowed.

41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

Copyright distinct from property in material object.

Transfer of any copy of copyrighted work permitted.

42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

Copyright may be assigned, mortgaged, or bequeathed by will.

43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be *prima facie* evidence of the execution of the instrument.

Assignment executed in foreign country to be acknowledged.

APPENDIX D. 44. That every assignment of copyright shall be recorded in the UNITED STATES. copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Assignments to be recorded.

Register of copyrights to record assignments.

45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

Assignee's name may be substituted in copyright notice.

46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act.

Copyright records.

47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

Register of copyrights and assistant register of copyrights.

48. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of four thousand dollars per annum, and one assistant register of copyrights, at a salary of three thousand dollars per annum, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

Register of copyrights to deposit and account for fees.

49. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

Shall make monthly report of fees

50. That the register of copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

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Bond of register of copyrights.

51. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this Act.

Annual report of register of copyrights.

52. That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

Seal of copyright office.

53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorised to make rules and regulations for the registration of claims to copyright as provided by this Act (g).

Rules for the registration of copyrights.

54. That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof.

Record books.

Entry of copyright.

55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any Court as *prima facie* evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

Certificate of registration.

Certificate for book to state receipt of affidavit.

Certificate may be given to any person.

Receipt for copies deposited.

(g) See these Rules, *post*, p. 721.

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Index to copyright registrations.

Catalogue of copyright entries.

Catalogue cards.

Catalogues and indexes *primâ facie* evidence.

Distribution of catalogue of copyright entries.

Subscription price.

Superintendent of documents to receive subscriptions.

Record books, &c. open to inspection.

Copies may be taken of entries in record books.

Disposition of copyright deposits.

Preservation of copyright deposits.

56. That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any Court as *primâ facie* evidence of the facts stated therein as regards any copyright registration.

57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

58. That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

59. That of the articles deposited in the copyright office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other Governmental libraries in the District of Columbia for use therein.

60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: Provided, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this Act: And provided further, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, one dollar, which sum is to include a certificate of registration under seal: Provided, That in the case of photographs the fee shall be fifty cents where a certificate is not demanded. For every additional certificate of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, sub-section (c), or for any copy of such assignment or license, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section one, sub-section (c), twenty-five cents for each notice if not over fifty words, and an additional twenty-five cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, one dollar. For recording the extension or renewal of copyright provided for in sections twenty-three and twenty-four of this Act, fifty cents. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such

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Disposal of copyright deposits.

Manuscript copies to be preserved.

Fees.

Fee for registration.

Fee for certificate.

Fee for recording assignment.

Fee for copy of assignment.

Fee for recording notice of user upon mechanical musical instruments.

Fee for comparing copy of assignment.

Fee for recording renewal of copyright.

Fee for recording transfer of proprietorship.

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Fee for search.

Only one registration required for work in several volumes.

Definitions: "Date of publication."

"Author."

Repealing clause.

Date of enforcement.

search: Provided, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

62. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

63. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in Courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

64. That this Act shall go into effect on the first day of July, nineteen hundred and nine.

Approved, March 4, 1909.

NOTE TO SECTION 18, PROVISOR.

The Act of June 18, 1874, provides that the notice of copyright to be inscribed on each copy of a copyrighted work shall consist of the following words:

"Entered according to Act of Congress, in the year —, by A. B., in the office of the Librarian of Congress, at Washington"; or, . . . the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out, thus: "Copyright, 18—, by A. B."

RULES ADOPTED BY THE SUPREME COURT OF THE UNITED STATES FOR PRACTICE AND PROCEDURE UNDER SECTION 25 OF AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT, APPROVED MARCH 4, 1909. TO GO INTO EFFECT JULY 1, 1909.

1. The existing rules of equity practice, so far as they may be applicable, shall be enforced in proceedings instituted under section twenty-five (25) of the Act of March fourth, nineteen hundred and nine, entitled "An Act to amend and consolidate the Acts respecting copyright."

2. A copy of the alleged infringement of copyright, if actually made, and a copy of the work alleged to be infringed, should accompany the petition, or its absence be explained; except in cases of

alleged infringement by the public performance of dramatic and dramatico-musical compositions, the delivery of lectures, sermons, addresses, and so forth, the infringement of copyright upon sculptures and other similar works and in any case where it is not feasible.

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3. Upon the institution of any action, suit, or proceeding, or at any time thereafter, and before the entry of final judgment or decree therein, the plaintiff or complainant, or his authorized agent or attorney may file with the clerk of any Court given jurisdiction under section 34 of the Act of March 4, 1909, an affidavit stating upon the best of his knowledge, information, and belief, the number and location, as near as may be, of the alleged infringing copies, records, plates, molds, matrices, &c., or other means for making the copies alleged to infringe the copyright, and the value of the same, and with such affidavit shall file with the clerk a bond executed by at least two sureties and approved by the Court or a commissioner thereof.

4. Such bond shall bind the sureties in a specified sum, to be fixed by the Court, but not less than twice the reasonable value of such infringing copies, plates, records, molds, matrices, or other means for making such infringing copies, and be conditioned for the prompt prosecution of the action, suit or proceeding; for the return of said articles to the defendant, if they or any of them are adjudged not to be infringements, or if the action abates, or is discontinued before they are returned to the defendant; and for the payment to the defendant of any damages which the Court may award to him against the plaintiff or complainant. Upon the filing of said affidavit and bond, and the approval of said bond, the clerk shall issue a writ directed to the marshal of the district where the said infringing copies, plates, records, molds, matrices, &c., or other means of making such infringing copies shall be stated in said affidavit to be located, and generally to any marshal of the United States, directing the said marshal to forthwith seize and hold the same subject to the order of the Court issuing said writ, or of the Court of the district in which the seizure shall be made.

5. The marshal shall thereupon seize said articles or any smaller or larger part thereof he may then or thereafter find, using such force as may be reasonably necessary in the premises, and serve on the defendant a copy of the affidavit, writ, and bond by delivering the same to him personally, if he can be found within the district, or if he can not be found, to his agent, if any, or to the person from whose possession the articles are taken, or if the owner, agent, or such person can not be found within the district by leaving said copy at the usual place of abode of such owner or agent, with a person of suitable age and discretion, or at the place where said articles are found, and shall make immediate return of such seizure, or attempted seizure, to the Court. He shall also attach to said articles a tag or

APPENDIX D. label stating the fact of such seizure and warning all persons from
UNITED in any manner interfering therewith.
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6. A marshal who has seized alleged infringing articles, shall retain them in his possession, keeping them in a secure place, subject to the order of the Court.

7. Within three days after the articles are seized, and a copy of the affidavit, writ and bond are served as hereinbefore provided, the defendant shall serve upon the clerk a notice that he excepts to the amount of the penalty of the bond, or to the sureties of the plaintiff or complainant, or both, otherwise he shall be deemed to have waived all objection to the amount of the penalty of the bond and the sufficiency of the sureties thereon. If the Court sustain the exceptions it may order a new bond to be executed by the plaintiff or complainant, or in default thereof within a time to be named by the Court, the property to be returned to the defendant.

8. Within ten days after service of such notice, the attorney of the plaintiff or complainant shall serve upon the defendant or his attorney a notice of the justification of the sureties, and said sureties shall justify before the Court or a judge thereof at the time therein stated.

9. The defendant, if he does not except to the amount of the penalty of the bond or the sufficiency of the sureties of the plaintiff or complainant, may make application to the Court for the return to him of the articles seized, upon filing an affidavit stating all material facts and circumstances tending to show that the articles seized are not infringing copies, records, plates, molds, matrices, or means for making the copies alleged to infringe the copyright.

10. Thereupon the Court in its discretion, and after such hearing as it may direct, may order such return upon the filing by the defendant of a bond executed by at least two sureties, binding them in a specified sum to be fixed in the discretion of the Court, and conditioned for the delivery of said specified articles to abide the order of the Court. The plaintiff or complainant may require such sureties to justify within ten days of the filing of such bond.

11. Upon the granting of such application and the justification of the sureties on the bond, the marshal shall immediately deliver the articles seized to the defendant.

12. Any service required to be performed by any marshal may be performed by any deputy of such marshal.

13. For services in cases arising under this section, the marshal shall be entitled to the same fees as are allowed for similar services in other cases.

RULES AND REGULATIONS FOR THE REGISTRATION OF CLAIMS TO COPYRIGHT (*h*).

1. Copyright under the Act of Congress entitled: "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, is ordinarily secured by printing and publishing a copyrightable work with a notice of claim in the form prescribed by the statute. Registration can only be made *after* such publication, but the statute expressly provides, in certain cases, for registration of manuscript works.

Copyright under Act.

WHO MAY SECURE COPYRIGHT.

2. The persons entitled by the Act to copyright protection for their works are:

Persons entitled to copyright.

(1) The *author* of the work, if he is:

(a) A citizen of the United States, or

(b) A resident alien domiciled in the United States at the time of the first publication of his work, or

(c) A citizen or subject of any country which grants either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens. The existence of reciprocal copyright conditions is determined by presidential proclamation.

(2) The *proprietor* of a work. The word "proprietor" is here used to indicate a person who derives his title to the work from the author. If the author of the work should be a person who could not himself claim the benefit of the Copyright Act, the proprietor can not claim it.

(3) The *executors, administrators or assigns* of the above-mentioned author or proprietor.

REGISTRATION.

3. After the publication of any work entitled to copyright, the claimant of copyright should register this claim in the Copyright Office. An action for infringement of copyright can not be maintained in Court until the provisions with respect to the deposit of copies and registration of such work shall have been complied with.

Copyright registration.

A certificate of registration is issued to the applicant and duplicates thereof may be obtained on payment of the statutory fee of 50 cents.

(*) Copyright Office Bulletin, No. 15.

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to copyright.

SUBJECT-MATTER OF COPYRIGHT.

4. The Act provides that no copyright shall subsist in the original text of any work published prior to July 1, 1909, which has not been already copyrighted in the United States (sect. 7).

Section 5 of the Act divides the works for which copyright may be secured into eleven classes, as follows:

(a) *Books*.—This term includes all printed literary works (except dramatic compositions) whether published in the ordinary shape of a book or pamphlet, or printed as a leaflet, card, or single page. The term "book" as used in the law includes tabulated forms of information, frequently called charts; tables of figures showing the results of mathematical computations, such as logarithmic tables; interest, cost, and wage tables, &c., single poems, and the words of a song when printed and published without music; librettos; descriptions of moving pictures or spectacles; encyclopædias; catalogues; directories; gazetteers and similar compilations; circulars or folders containing information in the form of reading matter other than mere lists of articles, names and addresses, and literary contributions to periodicals or newspapers.

Blank books,
&c., not copy-
rightable.

5. The term "book" can not be applied to—

Blank books for use in business or in carrying out any system of transacting affairs, such as record books, account books, memorandum books, diaries or journals, bank deposit and cheque books; forms of contracts or leases which do not contain original copyrightable matter; coupons; forms for use in commercial, legal, or financial transactions, which are wholly or partly blank and whose value lies in their usefulness and not in their merit as literary compositions.

Directions on scales, or dials, or mathematical or other instruments; puzzles; games; rebuses; labels; wrappers; formulæ on boxes, bottles, and other receptacles of articles for sale or meant to accompany such articles.

Advertisements or catalogues which merely set forth the names, prices, and places where articles are for sale.

Prefaces or other introductory matter to works not themselves entitled to copyright protection, such as blank books.

Calendars are not capable of registration as such, but if they contain copyrightable reading matter or pictures they may be registered either as "books" or as "prints" according to the nature of the copyrightable matter.

Periodicals.

6.—(b) *Periodicals*.—This term includes newspapers, magazines, reviews, and serial publications appearing oftener than once a year; bulletins or proceedings of societies, &c., which appear regularly at intervals of less than a year; and, generally, periodical publica-

tions which would be registered as second-class matter at the post office.

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7.—(c) *Lectures, sermons, addresses, or similar productions, prepared for oral delivery.*

Lectures, &c

8.—(d) *Dramatic and dramatico-musical compositions, such as dramas, comedies, operas, operettas and similar works.*

Dramatic compositions, &c.

The designation "dramatic composition" does not include the following: Dances, ballets, or other choreographic works; tableaux and moving picture shows; stage settings or mechanical devices by which dramatic effects are produced, or "stage business"; animal shows, sleight-of-hand performances, acrobatic or circus tricks of any kind; descriptions of moving pictures or of settings for the production of moving pictures. (These, however, when printed and published, are registrable as "books") (i).

9. *Dramatico-musical compositions* include principally operas, operettas, and musical comedies, or similar productions which are to be acted as well as sung.

Dramatico-musical compositions, &c.

Ordinary songs, even when intended to be sung from the stage in a dramatic manner, or separately published songs from operas and operettas, should be registered as musical compositions, not dramatico-musical compositions.

Songs separately published.

10.—(e) *Musical compositions, including other vocal and all instrumental compositions, with or without words.*

Musical compositions.

But when the text is printed alone it should be registered as a "book," not as a "musical composition."

"Adaptations" and "arrangements" may be registered as "new works" under the provisions of section 6. Mere transpositions into different keys are not expressly provided for in the Copyright Act; but if published with copyright notice and copies are deposited with application, registration will be made.

11.—(f) *Maps.*—This term includes all cartographical works, such as terrestrial maps, plats, marine charts, star maps, but not diagrams, astrological charts, landscapes, or drawings of imaginary regions which do not have a real existence.

Maps.

12.—(g) *Works of art.*—This term includes all works belonging fairly to the so-called fine arts. (Paintings, drawings, and sculpture.)

Works of art.

Productions of the industrial arts utilitarian in purpose and character are not subject to copyright registration, even if artistically made or ornamented.

No copyright exists in toys, games, dolls, advertising novelties,

Toys, games, &c.

(i) See now as to photo-plays, the Act of 1912 and Regulations, *post*, p. 735.

APPENDIX D. instruments or tools of any kind, glassware, embroideries, garments,licas, woven fabrics, or any similar articles.

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Reproductions of works of art.

13.—(h) *Reproductions of works of art.*—This term refers to such reproductions (engravings, woodcuts, etchings, casts, &c.) as contain in themselves an artistic element distinct from that of the original work of art which has been reproduced.

Drawings or plastic works.

14.—(i) *Drawings or plastic works of a scientific or technical character.*—This term includes diagrams or models illustrating scientific or technical works, architects' plans, designs for engineering work, &c.

Photographs.

15.—(j) *Photographs.*—This term covers all positive prints from photographic negatives, including those from moving-picture films (the entire series being counted as a single photograph), but not photogravures, half tones, and other photo-engravings.

Prints and pictorial illustrations.

16.—(k) *Prints and pictorial illustrations.*—This term comprises all printed pictures not included in the various other classes enumerated above.

Articles for use not copyrightable.

Articles of utilitarian purpose do not become capable of copyright registration because they consist in part of pictures which in themselves are copyrightable, e.g., puzzles, games, rebuses, badges, buttons, buckles, pins, novelties of every description, or similar articles.

Postal cards can not be copyrighted as such. The pictures thereon may be registered as "prints or pictorial illustrations" or as "photographs." Text matter on a postal card may be of such a character that it may be registered as a "book."

Mere ornamental scrolls, combinations of lines and colors, decorative borders, and similar designs, or ornamental letters or forms of type are not included in the designation "prints and pictorial illustrations." Trade marks can not be copyrighted nor registered in the Copyright Office.

HOW TO SECURE REGISTRATION:

Registerable works.

17. Copyright registration may be secured for:

- (1) Unpublished works.
- (2) Published works.

UNPUBLISHED WORKS.

Unpublished works are such as have not at the time of registration been printed or reproduced in copies for sale, or been publicly distributed. They include: (a) Lectures, sermons, addresses, or similar productions for oral delivery; (b) dramatic and musical compositions; (c) photographic prints; (d) works of art (paintings, drawings, and sculpture), and (e) plastic works.

In order to secure copyright in such unpublished works, the following steps are necessary (*k*):

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18.—(1) In the case of lectures, sermons, addresses, and dramatic and musical compositions, deposit one type-written or manuscript copy of the work.

Registration of unpublished works.

This copy should be in convenient form, clean and legible, the leaves securely fastened together, and should bear the title of the work corresponding to that given in the application.

The entire work in each case should be deposited. It is not sufficient to deposit a mere outline or epitome, or, in the case of a play, a mere scenario, or a scenario with the synopsis of the dialogue.

19.—(2) In the case of photographs, deposit one copy of a positive print of the work. (Photo-engravings or photogravures are not photographs within the meaning of this provision.)

Unpublished photograph.

20.—(3) In the case of works of art, models or designs for works of art, or drawings or plastic works of a scientific or technical character, deposit a photographic reproduction.

Photograph of work of art.

In each case the deposited article should be accompanied by an application for registration and a money order for the amount of the statutory fee.

21. Any work which has been registered as an unpublished work, if reproduced in copies for sale or distribution, must be deposited a second time (two copies, accompanied by an application for registration and the statutory fee) in the same manner as is required in the case of works published in the first place.

Reproduction of unpublished work.

PUBLISHED WORKS.

Deposit of Copies.

22. After publication of the work with the copyright notice inscribed, two *complete* copies of the best edition of the work must be sent to the Copyright Office (*l*), with a proper application for registration correctly filled out and a money order for the amount of the legal fee.

Deposit of copies.

The statute requires that the deposit of the copyright work shall be made "promptly," which has been defined as "without unnecessary delay." It is not essential, however, that the deposit be made on the very day of publication.

23. Published works are such as are printed or otherwise produced and "placed on sale, sold, or publicly distributed" (*i.e.*, so that all persons who desire copies may obtain them without restriction or condition other than that imposed by the copyright law).

Definition of "published work."

(*k*) As to dramas, see further Regulations, *post*, p. 733.

(*l*) Under the Act of 1914 only one copy of a work published in a foreign country is now required: see *post*, p. 737.

APPENDIX D. Representation on the stage of a play is not a publication of it, nor is the public performance of a musical composition publication. Works intended for sale or general distribution must first be printed with the statutory form of copyright notice inscribed on every copy intended to be circulated.

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NOTICE OF COPYRIGHT.

Form of notice.

24. The ordinary form of copyright notice for books, periodicals, dramatic and musical compositions is "Copyright, 19— (the year of publication), by A. B. (the name of the claimant)." The name of the claimant printed in the notice should be the real name of a living person, or his trade name if he always uses one (but not a pseudonym or pen name), or the name of the firm or corporation claiming to own the copyright. The copyright notice should not be printed in the name of one person *for the benefit of another*. The beneficiary's name should be printed in such cases.

Short form of notice.

25. In the case of maps, photographs, reproductions of works of art, prints or pictorial illustrations, works of art, models or designs for works of art, and plastic works of a scientific or technical character, the notice may consist of the letter C, inclosed within a circle, thus ©, accompanied with the initials, monogram, mark, or symbol of the copyright proprietor. But in such cases the name itself of the copyright proprietor must appear on some accessible portion of the work, or on the mount of the picture or map, or on the margin, back, or permanent base or pedestal of the work.

Notice upon each copy.

26. The prescribed notice must be affixed to each copy of the work published or offered for sale in the United States. But no notice is required in the case of foreign books printed abroad seeking *ad interim* protection in the United States, as provided in section 21 of the Copyright Act.

AMERICAN MANUFACTURE OF COPYRIGHT BOOKS.

Works produced in United States.

27. The following works must be manufactured in the United States in order to secure copyright:

(a) All "books" in the English language and books in any language by a citizen or domiciled resident of the United States must be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text of such books be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States; and the printing of the text and binding of the book must be performed within the limits of the United States.

(b) All *illustrations* within a book produced by lithographic process or photo-engraving process and all *separate lithographs* or *photo-engravings* must be produced by lithographic or photo-engraving process wholly performed within the limits of the United States, except when the subjects represented in such illustrations in a book or such separate lithographs or photo-engravings "are located in a foreign country and illustrate a scientific work or reproduce a work of art."

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28. Books by foreign authors in any language other than English are not required to be printed in the United States.

Books by foreign authors.

In the case of books printed abroad in the English language an *ad interim* term of copyright of thirty days from registration made in the Copyright Office within thirty days after publication abroad may be secured; but in order to extend the copyright to the full term of protection, an edition of the work must be published in the United States within the thirty days *ad interim* term, printed or produced within the limits of the United States as required in section 15 of the Copyright Act.

Books printed abroad.

APPLICATION FOR REGISTRATION.

29. The application for copyright registration required to be sent with each work (see No. 20) must state the following facts, without which no registration can be made:

Application for registration.

(1) The *name* and address of the claimant of copyright.

(2) The *nationality* of the author of the work.

(3) The *title* of the work.

(4) The name and address of person to whom certificate is to be sent.

(5) In the case of all *published* works the actual date (year, month, and day) when the work was published.

30. In addition, it is desirable that the application should state for record the name of the author. If, however, the work is published anonymously or under a pseudonym and it is not desired to place on record the real name of the author, this may be omitted. In the case of works made for hire, the employer may be given as the author. By the nationality of the author is meant citizenship, not race; a person naturalized in the United States should be described as an American. An author, a citizen of a foreign country having no copyright relations with the United States, may secure copyright in this country, if at the time of publication of his work he is a permanent resident of the United States. The fact of such permanent residence in the United States should be expressly stated in the application. Care should be taken that the title of the work, the name of the author, and the name of the copyright claimant

Name of author.

Nationality of author.

APPENDIX D. should be correctly stated in the application, and that they should agree exactly with the same statements made in the work itself.

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APPLICATION FORMS.

Application forms.

31. The Copyright Office has issued the following application forms, which will be furnished on request, and should be used when applying for copyright registration:

A¹. Book by citizen or resident of the United States.

A¹. New ed. New edition of book by citizen or resident of the United States.

A¹ for. Book by citizen or resident of a foreign country, but manufactured in the United States.

A². Edition printed in the United States of a book originally published abroad in the English language.

A³. Book by foreign author in foreign language.

A⁴. *Ad intcrim*. Book published abroad in the English language.

A⁵. Contribution to a newspaper or periodical.

B¹. Periodical. For registration of single issue.

B². Periodical. General application and deposit.

C. Lecture, sermon, or address.

D¹. Published dramatic composition.

D². Dramatic composition not reproduced for sale.

D³. Dramatico-musical composition.

E¹. Published musical composition.

E². Musical composition not reproduced for sale.

F. Published map.

G. Work of art (painting, drawing, or sculpture); or model or design for a work of art.

L. Drawing or plastic work of a scientific or technical character.

J¹. Photograph published for sale.

J². Photograph not reproduced for sale.

K. Print or pictorial illustration.

AFFIDAVIT OF MANUFACTURE.

Affidavit for book.

32. In the case of books by American authors and all books in the English language the application must be accompanied by an affidavit, showing the following facts:

(1) That the copies deposited have been printed from type set within the limits of the United States; or from plates made within the limits of the United States from type set therein; or if the text be produced by lithographic process or photo-engraving process, that such process was wholly performed within the limits of the United States. Stating, in either case, the place and the establishment where such work was done.

(2) That the printing of the text has been performed within the

limits of the United States, showing the place and the name of the establishment doing the work.

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(3) That the binding of such book has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done. This can be omitted if the work is unbound.

(4) That the completion of the printing of said book was on a stated day, or that the book was published on a given date.

Section 62 of the Copyright Act defines the date of publication as "the earliest date when copies of the first authorised edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority."

Date of publication.

33. The affidavit may be made before any officer authorised to administer oaths within the United States who can affix his official seal to the instrument.

Affidavit must be under seal.

The applicant and the officer administering the oath for such affidavit are specially requested to make sure that the instrument is properly executed, so as to avoid the delay of having it returned for amendment. Experience shows that among the common errors made by applicants are the following:

Errors by applicants.

Failure to write in the "venue," that is, the name of the county and State, and to make sure that the notary's statement agrees.

Reciting a corporation or partnership as affiant. Oaths can be taken only by individuals.

Failure to state in what capacity the affiant takes the oath, whether as claimant, agent of the claimant, or printer. Where a corporation or firm is the claimant, the affiant should swear as agent.

Failure to state the *exact date* of publication or completion of printing. The month alone is insufficient.

Failure to sign the affidavit. The signature should correspond exactly with the name of the affiant stated at the beginning. Corporation or firm names must not appear in this place.

Failure to obtain signature of the notary after swearing to the contents.

Failure to obtain the seal of the notary.

Swearing before an officer not authorised to act in the place stated in the venue.

Variance between names and dates as stated in the affidavit and the application.

The affidavit must never be made before the day of publication.

34. The affidavit may be made by: (1) The person claiming the copyright; or (2) his duly authorised agent or representative residing in the United States; or (3) the printer who has printed the book.

By whom affidavit may be made.

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The person making the affidavit must state in which of the above-mentioned capacities he does so.

Book in
foreign
language.

35. In the case of a foreign author applying for a book in a language other than English, no affidavit is required, as such books are not subject to the manufacturing clause.

In the case of a foreign author applying for a book in the English language, the same affidavit must be made as in that of an American author, except where a book is deposited for *ad interim* protection under section 21. In such cases the affidavit must be filed when the *ad interim* copyright is sought to be extended to the full term.

The affidavit is only required for BOOKS.

PERIODICALS (FORM B).

Periodicals.

36. Application should be made in the same manner as for books, depositing two copies, but no affidavit is required.

Separate registration is necessary for each number of the periodical published with a notice of copyright, and can only be made after publication. It is not possible to register the title of the periodical in advance of publication.

CONTRIBUTIONS TO PERIODICALS (FORM A⁵).

Contributions
to periodicals.

37. If special registration is requested for any contribution to a periodical, *one* copy of the number of the periodical in which the contribution appears should be deposited promptly after publication.

The entire copy should be sent; sending a mere clipping or a page containing the contribution does not comply with the statute.

The date of publication of a periodical is not necessarily the date stated on the title-page. The application should state the day on which the issue is "first placed on sale, sold, or publicly distributed," which may be earlier or later than the date printed on the title-page.

AD INTERIM APPLICATIONS (FORM A⁴).

Ad interim
copyright.

38. Where a book in the English language has been printed abroad, an *ad interim* copyright may be secured by depositing in the Copyright Office one complete copy of the foreign edition, with an application containing a request for the reservation and a money order for \$1. Such applications should state: (1) Name and nationality of the author; (2) Name and nationality of the copyright claimant; (3) Exact date of original publication abroad.

The deposit must be made within thirty days from publication abroad. Whenever, within the thirty days' period of *ad interim* protection, an edition manufactured in the United States is published, and two copies are deposited, the copyright claim therein may be registered the same as any other book (Form A²).

MAILING APPLICATIONS AND COPIES.

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39. All mail matter intended for the Copyright Office should be addressed to the "Register of Copyrights, Library of Congress, Washington, D.C." No letters dealing with copyright matters should be addressed to individuals in the office.

Address of mail matter.

Copyright matter designed for deposit in the Copyright Office will be transmitted by the postmaster free of charge when requested. The postmaster will also, when requested, give a receipt for matter so delivered to him for transmission.

No franking label is issued by the Copyright Office for this purpose.

FEEES.

40. The fee required to be paid for copyright registration is \$1, except that in case of photographs it is only 50 cents when no certificate of registration is desired.

Copyright fees.

All remittances to the Copyright Office should be sent by money order or bank draft. Postage stamps should not be sent for fees or postage. Checks can not be accepted unless certified. Coin or currency inclosed in letter or packages if sent will be at the remitter's risk.

Remittances.

Publishers may for their own convenience deposit in the Copyright Office a sum of money in advance against which each registration will be charged.

ASSIGNMENTS OF COPYRIGHT.

41. When a copyright has been assigned the instrument in writing signed by the proprietor of the copyright may be filed in this office for record within six calendar months after its execution without the limits of the United States or three calendar months within the United States.

Assignments of copyright.

After having been recorded the original assignment will be returned to the sender with a sealed certificate of record attached.

42. The fee for recording and certifying an assignment is \$1 up to 300 words; \$2 from 300 to 1,000 words; and another dollar for each additional thousand words or fraction thereof over 300 words.

Fee for recording assignment.

43. After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. Such substitution or transfer of ownership will be indexed in this office upon request, at a cost of 10 cents for each work assigned.

Name of assignee in claim.

NOTICE OF USER OF MUSICAL COMPOSITIONS.

44. Whenever the owner of the copyright in a musical composition uses such music in phonographs himself or permits anyone else to

Notice of user of music.

APPENDIX D. do so, he must send a notice of such use by him or by any other person to the Copyright Office to be recorded.

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Notice in absence of license.

45. Whenever any person in the absence of a license intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce the same mechanically, the Act requires that he shall serve notice of such intention upon the copyright proprietor and must also send a duplicate of such notice to the Copyright Office.

APPLICATION FOR THE RENEWAL OR EXTENSION OF SUBSISTING COPYRIGHTS.

Renewals and extensions.

46. Application for the renewal or extension of a subsisting copyright (except copyright of a composite work) may be filed within one year prior to the expiration of the existing term by:

(1) The author of the work if still living;

(2) The widow, widower, or children of the author if the author is not living;

(3) The author's executor, if such author, widow, widower, or children be not living;

(4) If the author, widow, widower, and children are all dead, and the author left no will, then the next of kin.

Renewal for composite work.

47. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor is entitled to the privilege of renewal and extension.

Renewal fee.

48. The fee for the recording of the renewal claim is 50 cents. Application for the renewal or extension of copyright can not be recorded in the name of an assignee nor in that of any person not expressly mentioned in section 24 of the Act.

SEARCHES.

Searches.

49. Upon application to the Register of Copyrights search of the records, indexes, or deposits will be made for such information as they may contain relative to copyright claims. Persons desiring searches to be made should state clearly the nature of the work, its title, the name of the claimant of copyright and probable date of entry; in the case of an assignment, the name of the assignor or assignee or both, and the name of the copyright claimant and the title of the music referred to in case of notice of user.

Search fee.

The statutory fee for searches is 50 cents for each full hour of time consumed in making such search.

DRAMAS.

INSTRUCTIONS FOR SECURING COPYRIGHT REGISTRATION IN THE UNITED STATES UNDER THE UNITED STATES COPYRIGHT ACT OF MARCH 4, 1909.

In order to secure the registration of a claim to copyright in the United States for any dramatic composition, the following procedure is required under the copyright law of the United States:—

I. If the drama is a new work which has been printed and sold as a book:

(1) Print upon the back of the title-page the copyright notice in the form prescribed by the copyright statute. The usual and a correct form is the word "Copyright"; the year date of publication (*i.e.*, the year when copies were first sold, offered for sale, or publicly distributed); and the name of the person who claims the copyright; *e.g.*, "Copyright, 1912, by John Smith."

(2) Promptly after such publication of the play send by post prepaid two (2) copies addressed: Register of Copyrights, Library of Congress, Washington, D.C., U.S.A.

(3) These copies must be accompanied by a claim to copyright in the work, setting out—

(a) The full title of the play.

(b) The name of the person who claims the copyright, his nationality and address.

[This must be the real name and not the pen name, stage name, or pseudonym. It is this name which must appear in the printed notice, and the form of the name in the printed notice should exactly agree with the name stated in the application for record.]

(c) The nationality of the author or authors (*i.e.*, the name of the country of which they are at the time of making the application citizens or subjects) must be given, or if permanent residents of the United States, that fact should be stated.

[If the dramatic work is an adaptation or translation, then it is the name of the country of which the author of the adaptation or translation is a citizen or subject that must be stated.]

(4) The name of the author or authors should also be given, if printed in the book; or, if not so printed and no objection exists to placing the names on record. But it is not obligatory to disclose the name of the author.

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(5) The application must state the exact date of publication, *i.e.*, "the earliest date when copies of the first authorised edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority."

This application can be made by letter, provided all the essential facts are clearly set out. It would, however, be more conveniently supplied to the Copyright Office by using the application form called "D¹," which will be sent upon request.

(6) With the application must be sent an international post-office money order to pay the statutory registration fee of \$1 (=about 4s. 2d.). This fee includes a certificate of registration under seal of the Copyright Office, which will be posted free of further charge to the address indicated in the application. The money order should be made payable to the Register of Copyrights. Personal checks or domestic British money orders or British postal notes cannot be received.

The copyright is for a first term of twenty-eight years from publication, with a right of renewal for twenty-eight years more. Old plays which are now first printed as books cannot be registered to secure the statutory copyright. The law does not require that the drama be printed in the United States.

II. If the drama is a new work and has not been printed and published, it may be registered as a dramatic composition "not reproduced in copies for sale" by proceeding as follows:

- (a) Deposit in the Copyright Office one clean and complete copy, either manuscript or typewritten;
- (b) Send with it an application for registration of claim to copyright exactly as above, omitting only the date of publication. (Application form "D²" can be used for this purpose.)

[If it is the intention presently to print and sell the drama, there would seem to be no advantage in registering the manuscript, as the law expressly requires a second deposit of two printed copies, and registration when the work has been "reproduced in copies for sale."]

Address all matter to The Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C., U.S.A.

THORVALD SOLBERG,
Register of Copyrights.

MODEL OF BLANK "D," REQUEST FOR REGISTRATION OF A PUBLISHED
DRAMATIC COMPOSITION.

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REGISTER OF COPYRIGHTS, WASHINGTON, D. C.

Date, .

Of the DRAMATIC COMPOSITION named herein, Two complete copies of the best edition first published on the date stated herein are hereby deposited to secure copyright registration, according to the provisions of the Act of March 4, 1909. \$1 (statutory fee for registration) is also inclosed. The copyright is claimed by the undersigned:

Name and address of copyright claimant, .

Name of Author, but if a translation, then name of the Translator, .

Country of which the author or translator is a citizen, .

[An alien author domiciled in the United States should write here in addition to citizenship "domiciled in U. S."]

Brief title of work, .

Exact date of publication, . [Must be stated.]

[Date (day, month, and year) when placed on sale, sold, or publicly distributed.]

Send certificate of registration to, .

Name and address of remitter, .

MOTION PICTURES.

DIRECTIONS FOR SECURING REGISTRATION UNDER THE AMENDATORY
COPYRIGHT ACT OF AUGUST 24, 1912.

The amendment of the Copyright Act, approved August 24, 1912, provides for obtaining copyright for two new classes of works, namely:

Class "l," "Motion-picture photo-plays"; and Class "m," "Motion pictures other than photo-plays."

In order to secure registration of claims to copyright for such works the following steps should be taken in compliance with the express provisions of the Act cited.

MOTION-PICTURE PHOTO-PLAYS.

I. Motion-picture photo-plays not reproduced in copies for sale.
Deposit in the Copyright Office, Washington, D.C.—

- (1) the title of the motion-picture photo-play,
- (2) a description of the work, preferably either printed or typewritten,
- (3) a photograph taken from each scene of every act.

These deposits should be accompanied by an application for recording the claim to copyright. For this purpose use application

APPENDIX D. form "L²," which will be furnished by the Copyright Office upon request. Also send with the application a post office or express money order to pay the statutory registration fee of \$1.00.

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II. Motion-picture photo-plays reproduced in copies for sale.

When the motion-picture photo-play has been published (*i.e.*, placed on sale, sold, or publicly distributed) with the required notice of copyright upon each copy, promptly after such publication deposit in the Copyright Office two complete copies of the work, accompanied by an application for recording the claim to copyright in the published work. For this purpose use application form "L¹," which will be furnished by the Copyright Office upon request. Also send with the application a post office or express money order to pay the statutory registration fee of \$1.00.

MOTION PICTURES OTHER THAN PHOTO-PLAYS.

I. Motion pictures other than photo-plays not reproduced in copies for sale.

Deposit in the Copyright Office, Washington, D.C.—

- (1) the title of the motion picture,
- (2) a description of the work, preferably either printed or typewritten,
- (3) two or more photographs taken from different sections of the complete motion picture.

These deposits should be accompanied by an application for recording the claim to copyright. For this purpose use application form "M²," which will be furnished by the Copyright Office upon request. Also send with the application a post office or express money order to pay the statutory fee of \$1.00.

II. Motion pictures other than photo-plays reproduced in copies for sale.

When the work has been published (*i.e.*, placed on sale, sold, or publicly distributed) with the required notice of copyright upon each copy, promptly after such publication deposit in the Copyright Office two complete copies of the work, accompanied by an application for recording the claim to copyright in the published work. For this purpose use application form "M¹," which will be furnished by the Copyright Office upon request. Also send with the application a post office or express money order to pay the statutory fee of \$1.00.

In all cases the money order remitting the registration fee should be made payable to the "Register of Copyrights." Send the title, description, prints, copies, application and fee in one parcel, addressed to the Register of Copyrights, Washington, D.C.

If any motion picture has been registered as a work "not reproduced in copies for sale," it must nevertheless be registered a second time if it has been afterward published.

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THORVALD SOLBERG,
Register of Copyrights.

DEPOSIT OF WORKS OF FOREIGN AUTHORS.

The copyright law of the United States has been amended by the Act of Congress, approved March 28, 1914, providing, in the case of a work by an author who is a citizen or subject of a foreign State or nation and which has been published in a foreign country, that of the best edition published in such foreign country one complete copy shall be promptly deposited in the Copyright Office at Washington, after publication, in lieu of two copies as heretofore required (a).

This provision of law applies to books, dramas, music, maps, photographs, prints and all other works by foreign authors published in a foreign country, which are not required by the copyright laws to be printed or manufactured in the United States in order to secure copyright protection in the United States.

The new Act does not change any provisions of the Copyright Act of March 4, 1909, as regards the requirements of American manufacture.

The application for registration should state the place and foreign country where the work was first published.

Only one copy should be deposited in the case of any such work published abroad. Attention is particularly directed to this amendment in order that no more than the one copy required may be sent, as the Copyright Office has no funds with which to defray the postage for the return of any extra copies received.

Application forms to be used for filing claims to copyright in accordance with the new provision of law will be at once prepared and will be forwarded to all persons requesting them. Meantime it will be possible to use the old application forms for published works by changing with a pen "two copies" to "one copy" wherever these words occur in the forms.

THORVALD SOLBERG,
Register of Copyrights.

(a) See sect. 12 of the Act of 1909, as amended by the Act of 1914, *ante*, p. 704.

APPENDIX E.

RULES AND ORDERS, ETC. MADE UNDER THE COPYRIGHT ACT, 1911.

THE COPYRIGHT ROYALTY SYSTEM (GENERAL) REGULATIONS, 1912. DATED JUNE 7, 1912 (a).

The Board of Trade, in pursuance of the powers conferred by section 3 of the Copyright Act, 1911, hereby make the following regulations:—

Preliminary.

(1.) These Regulations may be cited as the Copyright Royalty System (General) Regulations, 1912, and shall come into operation on the 1st day of July, 1912.

Notice.

(2.) The notice required by section 3 of the Copyright Act, 1911, shall contain the following particulars:—

- (a) The name and address of the person intending to reproduce the work;
- (b) The name of the work which it is intended to reproduce and (if necessary) a description sufficient to identify it;
- (c) The manner in which it is intended to reproduce the work (*e.g.*, whether by printing, lithography, photography, &c.);
- (d) The price or prices at which it is intended to publish the work;
- (e) The earliest date at which any of the copies will be delivered to a purchaser.

(3.) The notice shall, not less than one month before any copies of the work are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and an address within the United Kingdom of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to such owner or agent at such address;

(a) Statutory Rules and Orders, 1912, No. 532.

- (b) If such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *London Gazette*; the advertisement in the *London Gazette* shall give the particulars required by paragraphs (a) and (b) of Regulation (2), and shall also state an address from which a copy of the notice described in Regulation (2) may be obtained.

Payment of Royalties.

(4.)—(a) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed to the copies of the work.

After the person reproducing the work has given the prescribed notice of his intention to reproduce the work the owner of the copyright shall by writing sent by registered post intimate to him some reasonably convenient place within the United Kingdom from which adhesive labels can be obtained and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

Subject to these Regulations, no copy of the work shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto.

(b) In cases when royalties are payable by means of adhesive labels if at any time labels of the required denomination are not available either because—

- (i) after the expiration of 14 days from the date of the prescribed notice the owner of the copyright has not duly sent to the person reproducing the work an intimation of some reasonably convenient place within the United Kingdom from which such labels can be obtained; or

- (ii) the owner of the copyright refuses or neglects to supply such labels within 14 days after demand duly made,

copies of the work may be delivered to purchasers without having labels affixed thereto; and the amount of royalties shall be a debt due from the person reproducing the work to the owner of the copyright, and the person reproducing the work shall keep an account of all such copies sold by him.

(c) For the purposes of this Regulation, “the date of the prescribed notice” means—

- (i) in cases when the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;

- (ii) in cases when the notice is required to be advertised in the *London Gazette*, the date of such advertisement.

APPENDIX E. (d) Where royalties are by agreement payable in any other mode than by means of adhesive labels the time and frequency of the payment shall be such as are specified in the agreement.

(e) The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle and the side of the label not to be greater than $\frac{3}{4}$ inch in length. The label shall not bear the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Interpretation.

(6.) In these Regulations the expression "owner of the copyright" has the same meaning as in section 3 of the Copyright Act, 1911.

Dated this 7th day of June, 1912.

H. LLEWELLYN SMITH,
Secretary to the Board of Trade.

THE COPYRIGHT ROYALTY SYSTEM (MECHANICAL MUSICAL INSTRUMENTS) REGULATIONS, 1912. DATED JUNE, 7, 1912 (b).

The Board of Trade, in pursuance of the powers conferred by section 19 (6) of the Copyright Act, 1911, hereby make the following regulations:—

Preliminary.

(1.) These Regulations may be cited as the Copyright Royalty System (Mechanical Musical Instruments) Regulations, 1912, and shall come into operation on the 1st day of July, 1912.

Notice.

(2.) The notice required by section 19 (2) of the Copyright Act, 1911, shall contain the following particulars:—

- (a) The name and address of the person intending to make the contrivances;
- (b) The name of the musical work which it is intended to reproduce and of the author (if known); and (if necessary) a description sufficient to identify the musical work;
- (c) The class of contrivance on which it is intended to reproduce the musical work (*e.g.*, whether discs, cylinders or music rolls);

(b) Statutory Rules and Orders, 1912, No. 533.

- (d) The ordinary retail selling prices of the contrivances, and the amount of the royalty payable on each contrivance in respect of the musical work;
- (e) The earliest date at which any of the contrivances will be delivered to a purchaser;
- (f) Whether any other work is to be reproduced on the same contrivance with the musical work specified in accordance with paragraph (b).

(3.) The notice shall, not less than 10 days before any contrivances on which the musical work is reproduced are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and an address within the United Kingdom of the owner of the copyright, or his agent for the receipt of notice, are known, or can with reasonable diligence be ascertained, the notice shall be sent to such owner or agent at such address;
- (b) If such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *London Gazette*; the advertisement in the *London Gazette* shall give the particulars required by paragraphs (a) and (b) of Regulation (2), and shall also state an address from which a copy of the notice described in Regulation (2) may be obtained. Any number of musical works may be included in the same advertisement.

The notice may be given either before or after the 1st day of July, 1912.

Payment of Royalties.

(4.)—(a) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed in the manner provided by these Regulations.

After the person making the contrivances has given the prescribed notice of his intention to make or sell the contrivances, the owner of the copyright shall by writing sent by registered post intimate to him some reasonably convenient place within the United Kingdom from which adhesive labels can be obtained and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

Subject to these Regulations no contrivance shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto, or in the case of cylinders, to which it is not reasonably practicable to affix the labels, until such label or labels have been affixed to a carton or box enclosing the cylinder.

APPENDIX E. (b) In cases where royalties are payable by means of adhesive labels if at any time labels of the required denominations are not available either because—

(i) after the expiration of five days from the date of the prescribed notice of the intention of the person making the contrivance to make or sell such contrivances the owner of the copyright has not duly sent to the person making the contrivances an intimation of some reasonably convenient place within the United Kingdom from which such labels can be obtained; or

(ii) the owner of the copyright refuses or neglects to supply such labels within three days after demand duly made, contrivances may be delivered to purchasers without having labels affixed thereto or to the carton or box enclosing the same; and the amount of royalties shall be a debt due from the person making the contrivances to the owner of the copyright and the person making the contrivances shall keep an account of all such contrivances sold by him.

(c) For the purposes of this Regulation "the date of the prescribed notice" means—

(i) in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;

(ii) in cases where the notice is required to be advertised in the *London Gazette*, the date of such advertisement.

(d) In cases where royalties are payable on contrivances made before the commencement of the Copyright Act, 1911, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these Regulations in the case of the notice required by section 19 (2) of the Copyright Act, 1911.

(e) Where royalties are by agreement payable in any other mode than by means of adhesive labels, the time and frequency of the payment shall be such as are specified in the agreement.

(f) The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle and the side of the label not to be greater than $\frac{3}{4}$ inch in length. This label shall not bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Ordinary retail selling price.

(5.) The ordinary retail selling price of any contrivance shall be calculated at the marked or catalogued selling price of single

copies to the public, or, if there is no such marked or catalogued selling price, at the highest price at which single copies are ordinarily sold to the public. APPENDIX E.

Inquiries.

(6.) The inquiries referred to in section 19 (5) of the Copyright Act, 1911, shall be directed to the owner of the copyright by name or (if his name is not known and cannot with reasonable diligence be ascertained) in general terms to "the owner of the copyright" of the musical work in respect of which the inquiries are made, and shall contain—

- (a) a statement of the name of the musical work in respect of which the inquiries are made and of the author (if known), and (if necessary) a description sufficient to identify it;
- (b) a statement of the name, address and occupation of the person making the inquiries;
- (c) an allegation that a contrivance has previously been made by means of which the musical work may be mechanically performed, with the trade name (if known) and a description of such contrivance;
- (d) an inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

(7.) The inquiries shall be sent by registered post or published by advertisement as follows:—

- (a) if an address within the United Kingdom of the owner of the copyright is known or can with reasonable diligence be ascertained, the inquiries shall be sent to such address; or
- (b) if such address is not known and cannot with reasonable diligence be ascertained, the inquiries shall be advertised in the *London Gazette*.

(8.) The prescribed time for reply to such inquiries shall be:—

- (a) in cases where the inquiries are required to be sent by registered post 7 days after the date when the inquiries would in ordinary course of post be delivered;
- (b) in cases where the inquiries are required to be advertised in the *London Gazette* 7 days after the date of such advertisement.

Interpretation.

(9.) In these Regulations the expression "owner of the copyright" has the same meaning as in section 19 (2) of the Copyright Act, 1911.

Dated this 7th day of June, 1912.

H. LLEWELLYN SMITH,
Secretary to the Board of Trade.

APPENDIX E.

THE DESIGNS RULES, 1912. DATED JUNE 26, 1912 (c).

By virtue of the provisions of the Patents and Designs Act, 1907, and the Copyright Act, 1911, the Board of Trade do hereby make the following Rules:—

Preliminary.

1. These Rules may be cited as the Designs Rules, 1912, and shall come into operation on the 1st day of July, 1912.

Designs excluded from protection under Copyright Act, 1911.

2. A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 22 of the Copyright Act, 1911—

- (a) When the design is reproduced or is intended to be reproduced in more than fifty single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set, as defined by Rule 5 of the Designs Rules, 1908;
- (b) Where the design is to be applied to (1) printed paper hangings, (2) carpets, floor cloths or oil cloths, manufactured or sold in lengths or pieces, (3) textile piece goods, or textile goods manufactured or sold in lengths or pieces, (4) lace, not made by hand.

Dated this 26th day of June, 1912.

H. LLEWELLYN SMITH,
Secretary to the Board of Trade.

REGULATIONS DATED JUNE 19, 1912, MADE BY THE COMMISSIONERS OF CUSTOMS AND EXCISE UNDER SECTION 14 OF THE COPYRIGHT ACT, 1911 (1 & 2 GEO. 5, c. 46) AS TO THE DETENTION AND FORFEITURE OF COPIES INFRINGING COPYRIGHT (d).

The Commissioners of Customs and Excise in pursuance of the powers vested in them by section fourteen of the Copyright Act, 1911, hereby prescribe the following Regulations which are to be observed on and after the first day of July, nineteen hundred and twelve.

1. The notice in writing to be given to the Commissioners of Customs and Excise (hereinafter referred to as the said Commissioners) under section fourteen of the Copyright Act, 1911, by the owner of the copyright in any book or other printed work in which

(c) Statutory Rules and Orders, 1912, No. 661.

(d) Statutory Rules and Orders, 1912, No. 1,714.

copyright subsists under the said Act or his agent who is desirous that copies thereof printed or reprinted out of the United Kingdom shall not be imported into the United Kingdom shall be in the Form No. 1 in the Schedule hereto or as near thereto as circumstances permit.

2. Any notice in regard to any book or other printed work in which copyright subsisted on the 30th day of June, nineteen hundred and twelve, which was given to and accepted by the said Commissioners on or before that day pursuant to section forty-two of the Customs Consolidation Act, 1876, or section one of the Revenue Act, 1889, shall for a period of twelve months from the first day of July, nineteen hundred and twelve, if the copyright so long subsists be treated as a notice given under section fourteen of the Copyright Act, 1911, unless the notice is withdrawn or superseded or the said Commissioners require a further notice to be given.

3. The notice in writing to be given to the said Commissioners under section fourteen of the Copyright Act, 1911, by the owner of the copyright in any work (other than a book or other printed work) in which copyright subsists under the said Act or his agent who is desirous that copies thereof made out of the United Kingdom shall not be imported into the United Kingdom may be either a general notice in the Form No. 2 in the Schedule hereto or as near thereto as circumstances permit or a special notice in the Form No. 3 in the same schedule relating to a particular importation.

4. Every notice given in pursuance of these Regulations in the Form No. 1 or No. 2 in the Schedule hereto shall be accompanied by a statutory declaration in the Form No. 4 in the same Schedule.

5. Before any article which appears, or is alleged, to be a copy of a work to which a notice applies is detained, or any further proceedings with a view to the forfeiture thereof under the law relating to the Customs are taken, the person who signed the notice whether as owner or agent shall, if required so to do, give to the said Commissioners in writing such further information and evidence, verified if so required by a statutory declaration, as they consider necessary to satisfy them that the article in question is liable to detention and forfeiture.

6. In the case of any detention in consequence of a notice in the Form No. 3 given to the said Commissioners the person who signed the notice whether as owner or agent must if so required deposit with the Collector of Customs and Excise or other Chief Officer of Customs and Excise at the port or place of detention a sum of money sufficient in the opinion of that Officer to cover any expense which may be incurred in the examination required by reason of his notice of the goods detained, and if upon the examination of the goods the said Collector or other Chief Officer is satisfied that there is no ground for their detention, they will be delivered.

APPENDIX E.

7. If any goods are placed under detention in consequence of any notice given in pursuance of these Regulations, the said Commissioners may require the person who signed the notice to give an undertaking in writing to reimburse them all expenses and damages incurred in respect of the detention, and of any proceedings for forfeiture subsequently taken if such an undertaking has not already been given, and may also require him within four days after the detention to enter into a bond with two approved sureties in such form and for such amount as the said Commissioners may require.

8. Any deposit of money previously made will be returned on the completion of the bond.

9. In these Regulations—

“Owner of the copyright” has the same meaning as in section fourteen of the Copyright Act, 1911.

“Book or other printed work” means every part or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published.

Dated this 19th day of June, 1912.

Signed by Order of the Commissioners
of Customs and Excise.

J. P. BYRNE,

E. C. CUNNINGHAM,

Secretaries.

THE SCHEDULE.

FORM No. 1.

Notice.

Relating to Copyright Books and other printed works.

To the Commissioners of Customs and Excise.

I, _____, of _____, hereby give you notice that copyright in the original work (a) _____ mentioned in the Schedule hereto now subsists under the Copyright Act, 1911, and that (b) _____ the owner of the copyright in the said work (a) _____ and that (c) _____ desirous that copies of the said work (a) _____ printed or reprinted out of the United Kingdom shall not be imported into the United Kingdom.

Dated this _____ day of _____, 19 _____.

(Signature) _____

(d) _____

(a) or works.

(b) If notice is given by the owner insert “I am”; if given by an agent insert name of owner and the word “is.”

(c) “I am” or “he is.”

(d) If an agent insert “Agent of owner.”

SCHEDULE.

- Title of Book (e) .
- Description of printed work, if not a book .
- Full name of Author or Authors .
- Whether Author or Authors alive, if not, date of death .
- When and where (f) book or printed work first published .

(NOTE.—Where advantage has been taken of the provisions of the Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the United Kingdom.)

- (e) The notice may apply to a number of books or printed works, in which case the particulars in the Schedule must be given as respects each book or printed work.
- (f) It is sufficient to state the *country* of first publication.

FORM NO. 2.

Notice.

Relating to Copyright Works, other than Books or other printed Works.
To the Commissioners of Customs and Excise.

I, _____, of _____, hereby give you notice that copyright in the original work mentioned in the Schedule hereto now subsists under the Copyright Act, 1911, and that (a) _____ the owner of the copyright in the said work, and that (b) _____ desirous that copies of the said work made out of the United Kingdom shall not be imported into the United Kingdom.

Dated the _____ day of _____, 19 _____.

(Signature) _____
(e) _____

SCHEDULE.

- Title of Work (if any) .
- Full description of Work .
- Initials or Marks (if any) usually placed on copies of work .
- Full name of Author or Authors .
- Whether Author or Authors alive, if not, date of death .
- When and where (d) work first published .

(NOTE.—Where advantage has been taken of the provisions of the Copyright Act, 1911, as to simultaneous publication, the date and place stated should be those which entitle the work to copyright in the United Kingdom.)

If work not published:—

- Whether Author British subject or not .
- If not a British subject name of country in which Author was resident, or domiciled at date of the making of the work .
- In the case of photographs, phonographic records and music rolls, date of making the original negative or original plate .

- (a) If notice is given by the owner, insert "I am," if given by an agent, insert name of owner and the word "is."
- (b) "I am," or "he is."
- (c) If an agent, insert "Agent of owner."
- (d) It is sufficient to state the *country* of first publication.

APPENDIX E.

APPENDIX E.

FORM No. 3.

Notice.

Relating to a particular importation.

To the Commissioners of Customs and Excise.

I, _____, of _____, hereby give you notice that I am the owner (a) _____ of the copyright in a certain original work as to which copyright now subsists under the Copyright Act, 1911, and that the undermentioned goods, that is to say, (b) _____ are about to be imported into the (c) Port of _____ on or about the _____ day of _____ next in the (d) _____ from _____.

That such goods are liable to detention and forfeiture as being (e) _____.

And I request that the said goods may be detained and dealt with accordingly, and I hereby undertake to reimburse the Commissioners of Customs and Excise all expenses and damages to be incurred in respect of the detention, and of any proceedings for forfeiture which may be subsequently taken.

Dated this _____ day of _____, 19 _____.

(Signature) _____.

(f) _____.

(a) or agent for the owner.

(b) Describe the goods, number of packages, marks used, and any other particulars necessary for their identification.

(c) or Sub-Port.

(d) Describe the ship, and give name or indication.

(e) State if the goods are copies of the original work made out of the United Kingdom, or how otherwise the goods are liable to detention and forfeiture.

(f) If an agent, insert "Agent of owner."

FORM No. 4.

STATUTORY DECLARATION.

I, _____, of _____, do solemnly and sincerely declare that the contents of the Notice hereto annexed are true, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared by the above-named _____, at _____, this _____ day of _____, 19 _____, before me _____, a Commissioner for Oaths.

THE NATIONAL LIBRARY OF WALES (DELIVERY OF BOOKS)
REGULATIONS, 1912. DATED JUNE 25, 1912 (b).

The Board of Trade in pursuance of section 15 (5) of the Copyright Act, 1911, hereby make the following Regulations:—

(1.) These Regulations may be cited as the National Library of Wales (Delivery of Books) Regulations, 1912, and shall come into operation on the 1st day of July, 1912.

(2.) The books, of which copies are to be delivered to the National Library of Wales in pursuance of section 15 of the Copyright Act, 1911, shall not include any book of the following classes, viz.:—

Books (other than books written wholly or mainly in Welsh or any other Celtic language, or relating wholly or mainly to the antiquities, language, literature, philology, history, religion, arts, crafts, or industries of the Welsh or other Celtic peoples, or relating wholly or mainly to the natural history of Wales) of which:

(i) The number of copies in the published edition does not exceed 300; or

(ii) The number of copies in the published edition does not exceed 400 and the published price of each volume exceeds 5*l.*; or

(iii) The number of copies in the published edition does not exceed 600 and the published price of each volume exceeds 10*l.*

(3.) For the purposes of these Regulations the published edition of a book includes all copies of the same work published by the same publisher or his successor in business in a form substantially the same with respect to printing, illustrations and general condition.

Dated this 25th day of June, 1912.

H. LLEWELLYN SMITH,
Secretary to the Board of Trade.

(b) Statutory Rules and Orders, 1912, No. 635.

APPENDIX E.

TREASURY MINUTE DATED 28TH JUNE, 1912.

My Lords read section 18 of the Copyright Act, 1911 (1 & 2 Geo. 5, c. 46), which enacts that—

“Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.”

The above statutory provision renders it necessary to reconsider the Treasury Minute of the 31st August, 1887 (presented to the House of Commons No. 335 of 1887), and to define anew the practice to be followed with regard to Crown copyright.

The Treasury Minute divided Government publications into the following classes:—

- (1) Reports of Select Committees of the two Houses of Parliament, or of Royal Commissions.
- (2) Papers required by statute to be laid before Parliament, *e.g.*, Orders in Council, Rules made by Government Departments, Accounts, Reports of Government Inspectors.
- (3) Papers laid before Parliament by Command, *e.g.*, Treaties, Diplomatic Correspondence, Reports from Consuls and Secretaries of Legation, Reports of Inquiries into Explosions or Accidents, and other Special Reports made to Government Departments.
- (4) Acts of Parliament.
- (5) Official books, *e.g.*, King's Regulations for the Army or Navy.
- (6) Literary or *quasi*-literary works, *e.g.*, the Reports of the “Challenger” Expedition, the Rolls Publications, the State Trials, the “Board of Trade Journal.”
- (7) Charts and Ordnance Maps.

A considerable and increasing number of Government works fall into the three last classes above set forth, and My Lords see no reason why such works—often produced at considerable cost—should be reproduced by private enterprise for the benefit of individual publishers. For the future, publications which fall within this description will bear an indication on the title-page that the Crown copyright is reserved. The Controller of the Stationery Office will act on a notification by the department responsible for the production of the work that it is desired that Crown copyright should be expressly reserved subject to reference to Their Lordships in case of

doubt. Any infringement of copyright in these cases should be brought to the notice of the Controller of the Stationery Office by the heads of departments, so far as works prepared or published by or under their direction are concerned. APPENDIX E.

The Controller of the Stationery Office will refer to this Board for instructions as to whether any infringement of Crown copyright shall be made the subject of legal proceedings.

The publications which fall into the first four classes are issued for the use and information of the public, and it is desirable that the knowledge of their contents should be diffused as widely as possible. In the case of these publications no steps will ordinarily be taken to enforce the rights of the Crown in respect of copyright. The rights of the Crown will not, however, lapse, and should exceptional circumstances appear to justify such a course it will be possible to assert them. In such a case, the department concerned should acquaint the Controller of the Stationery Office as early as possible of the special circumstances which render it desirable to depart from the general rule permitting full and free reproduction of works in these categories, and the Controller will, subject to the direction of Their Lordships, take such measures as may seem appropriate to enforce the right of the Crown.

Acts of Parliament must not, except when published under the authority of the Government, purport on the face of them to be published by authority.

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