ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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C A P. LIX.

An Act for securing to Authors, in certain Cases, the Benefit of International Copyright.

[31st *July* 1838.]

Her Majesty, by Order in Council, may direct that Authors of Books first published in Foreign Countries, and their Assigns, shall have a Copyright in such Books within Her Majesty's Dominions.

WHEREAS it is desirable to afford Protection within Her Majesty's Dominions to the Authors of Books first published in Foreign Countries, and their Assigns, in Cases where Protection shall be afforded in such Foreign Countries to the Authors of Books first published in Her Majesty's Dominions, and their Assigns; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the Authors of Books which shall, after a future Time to be specified in such Order in Council, be published in any Foreign Country to be specified in such Order in Council, and their Executors, Administrators, and Assigns, shall have the sole Liberty of printing and

reprinting such Books within the United Kingdom of *Great Britain* and *Ireland*, and every other Part of the *British* Dominions, for such Term as Her Majesty shall by such Order in Council direct, not exceeding the Term which Authors being *British* Subjects are now by Law entitled to in respect of Books first published within the United Kingdom; provided that no such Author or his Assigns shall be entitled to the Benefit of this Act unless, within a Time to be in that Behalf prescribed by such Order in Council, the Title to the Copy of every such Book, and the Name and Place of Abode of the Author thereof, and the Time and Place of the first Publication thereof in such Foreign Country, shall be entered in the Register Book of the Company of Stationers in *London*; and unless, within a Time to be also prescribed by such Order in Council, One printed Copy of the whole of such Book and of every Volume thereof, upon the best Paper upon which the largest Number or Impression of such Book shall have been printed for Sale, together with all Maps and Prints relating thereto, shall be delivered to the Warehouse Keeper of the Company of Stationers at the Hall of the said Company.

Title of Book to be entered at Stationers Hall, and One Copy delivered to the Warehouse Keeper.

II. Provided always, and be it enacted, That if a Book be published anonymously it shall be sufficient to insert in the Entry thereof in such Register Book the Name and Place of Abode of the first Publisher thereof, instead of the Name and Place of Abode of the Author thereof, together with a Declaration that such Entry is made either on behalf of the Author or on behalf of such first Publisher, as the Case may require.

In case of Books published anonymously, the Name of Publisher to be sufficient.

III. And be it enacted, That every such Entry shall be *primâ facie* Proof of a rightful first Publication; but if there be a wrongful first Publication, and any Party have availed himself thereof to obtain an Entry of a spurious Work, the Author or his first Publisher may apply by Petition or on Motion to the Court of Chancery to order such Entry to be amended; but no such Order shall be made unless it be proved to the Satisfaction of the said Court, first with respect to a wrongful Publication in a Country to which the Author or first Publisher does not belong, and in regard to which there does not subsist with this Country any Treaty of International Copyright, that the Party making the Application was the Author or first Publisher, as the Case requires; second, with respect to a wrongful first Publication either in the Country where a rightful first Publication has taken place, or in regard to which there subsists with this Country a Treaty of International Copyright, that a Court of competent Jurisdiction in any such Country where such wrongful first Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or first Publisher.

Wrongful first Publication may be amended by Court of Chancery.

IV. And be it enacted, That such Register Book shall at all Times be kept at the Hall of the said Company, and for every such Entry the Sum of Two Shillings, and no more, shall be paid, and the same Register

Register Book to be kept at Stationers Hall,

Register Book may at all seasonable and convenient Times be inspected by any Person on Payment of the Sum of One Shilling, and no more, to the Warehouse Keeper of the said Company of Stationers; and such Warehouse Keeper shall, when and as often as thereto required, give a Certificate under his Hand of every or any such Entry and Delivery, and of the Time of making the same respectively, and for every such Certificate the Sum of One Shilling shall be paid; and such Certificate, upon Proof of the Handwriting of the Person signing the same, and that such Person was in fact the Warehouse Keeper of the said Company, shall without further Proof be admitted in all Courts as Evidence of such Entry and Delivery, and of the Time of making the same respectively.

and to be open to Inspection.

Certificate by Warehouse Keeper.

V. And be it enacted, That the said Warehouse Keeper shall receive at the Hall of the said Company every Book or Volume so to be delivered as aforesaid, and within One Calendar Month after receiving such Book or Volume shall deposit the same in the Library of the *British* Museum.

Warehouse Keeper to deposit Books in the British Museum.

VI. Provided always, and be it enacted, That it shall not be requisite to deliver to the Warehouse Keeper of the said Stationers Company any printed Copy of the Second or of any subsequent Edition of any Book or Books so delivered as aforesaid, unless the same shall contain Additions or Alterations; and in case any Edition after the first of any Book so delivered as aforesaid shall contain any Addition or Alteration, it shall not be requisite to deliver any printed Copies thereof, if One printed Copy of such Additions or Alterations only, printed in an uniform Manner with the former Edition of such Book, be, within a Time in that Behalf to be prescribed by any such Order in Council as aforesaid, delivered to the Warehouse Keeper of the said Company of Stationers.

Second or subsequent Editions.

VII. And be it enacted, That the respective Terms to be specified by such Orders in Council respectively for the Continuance of the Privilege to be granted to the Authors of Books to be first published in Foreign Countries, and their respective Assigns, may be different for Books first published in different Foreign Countries, and that the Times to be prescribed for the Entry of the Titles to the Copies of such Books, and the Delivery to the said Warehouse Keeper of the aforesaid Copy, may be different for different Foreign Countries and for different Classes of Books.

Orders in Council may specify different Periods for different Foreign Countries, &c.

VIII. And be it enacted, That if any Bookseller or Printer, or other Person whatsoever, in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any other Part of the *British* Dominions, shall, within the Term to be limited by any such Order in Council, print, reprint, or import for Sale, or cause to be printed, reprinted, or imported for Sale, any Book to which such Order in Council shall extend, without the Consent of the Author or other Proprietor of the Copyright

Booksellers, &c. who shall print, &c. any Book to which Order in Council may extend, without Consent of Pro-

prietor, liable to Penalties.

right of and in such Book first had and obtained in Writing, or, knowing the same to be so printed, reprinted, or imported for Sale without such Consent of such Author or other Proprietor, shall sell, publish, or expose to Sale, or cause to be sold, published, or exposed to Sale, or have in his Possession for Sale, any such Book without such Consent first had and obtained as aforesaid, then every such Offender shall be liable to a Special Action on the Case, at the Suit of the Author or other Proprietor of the Copyright of and in such Book so unlawfully printed, reprinted, imported, or published or exposed to Sale, or being in the Possession of such Offender for Sale as aforesaid, contrary to the true Intent and Meaning of this Act; and every such Author or other Proprietor shall and may, by and in such Special Action on the Case to be so brought against such Offender in any Court of Record in that Part of the said United Kingdom or of the *British* Dominions in which the Offence shall be committed, recover such Damages as the Jury on the Trial of such Action or on the Execution of a Writ of Inquiry thereon shall give or assess, together with Double Costs of Suit, in which Action no Privilege or Protection shall be allowed; and every such Offender shall also forfeit such Book, and every Sheet being Part of such Book, and shall upon Order of any Court of Record in which any Action at Law or Suit in Equity shall be commenced or prosecuted by such Author or other Proprietor, to be made on Motion or Petition to the said Court, deliver the same to the Author or other Proprietor of the Copyright of such Book, or to his Attorney or Agent to be thereto lawfully authorized, and he shall forthwith damask or make Waste Paper of the same; and every such Offender shall also forfeit the Sum of Three-pence for every Sheet thereof, either printed or printing, or published or exposed to Sale, contrary to the true Intent and Meaning of this Act, the one Moiety thereof to Her Majesty and the other Moiety thereof to any Person who shall sue for the same in any such Court of Record by Action of Debt, Bill, Plaint, or Information, in which no Privilege or Protection shall be allowed: Provided always, that in *Scotland* such Offender shall be liable to an Action of Damages in the Court of Session in *Scotland*, which shall and may be brought and prosecuted in the same Manner in which any other Action of Damages to the like Amount may be brought and prosecuted there, and in any such Action where Damages shall be awarded Double Costs of Suit or Expences of Process shall be allowed.

No Order in Council to have any Effect unless it states that reciprocal Protection is secured.

IX. Provided always, and be it enacted, That no such Order in Council shall have any Effect unless it shall be therein stated, as the Ground for issuing the same, that due Protection for the Benefit of the Authors of printed Books first published in the Dominions of Her Majesty and their Assigns has been secured by the Foreign Power in whose Dominions the Books to which such Order in Council shall relate shall be first published.

Orders in Council may be revoked.

X. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act, but

but nevertheless without Prejudice to any Rights acquired previously to such Revocation or Alteration.

Orders in Council to be published in Gazette, and to have same Effect as this Act.

XI. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*, and from the Time of such Publication shall have the same Effect as if every Part thereof were included in this Act.

Orders in Council to be laid before Parliament.

XII. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Translations of Books first published abroad.

XIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent the printing, Publication, or Sale of any Translation of any Book, the Author whereof and his Assigns may be entitled to the Benefit of this Act.

Foreign Authors not entitled to Copyright, except under this Act.

XIV. And be it enacted, That the Author of any Book to be after the passing of this Act first published out of Her Majesty's Dominions, or his Assigns, shall have no Copyright therein within Her Majesty's Dominions otherwise than such (if any) as he may become entitled to under this Act.

Limitation of Actions.

XV. Provided nevertheless, and be it enacted, That all Actions, Suits, Bills, Indictments, or Informations for any Offence that shall be committed against this Act shall be brought, sued, and commenced within Twelve Months next after such Offence committed, and not afterwards.

Interpretation Clause.

XVI. And be it enacted, That in the Construction of this Act the Word "Book" shall be construed to include "Volume," "Pamphlet," "Sheet of Letterpress," "Sheet of Music," "Map," "Chart," or "Plan;" and the Words "printing" and "reprinting" shall include Engraving and any other Method of multiplying Copies; and the Expression "Her Majesty" shall include the Heirs and Successors of Her Majesty; and the Expressions "Order of Her Majesty in Council" and "Order in Council" shall respectively mean Order of Her Majesty, acting by and with the Advice of Her Majesty's Most Honourable Privy Council; and in describing any Persons or Things any Word importing the Plural Number shall mean also One Person or Thing, and any Word importing the Singular Number shall include several Persons or Things, and any Word importing the Masculine shall include also the Feminine Gender; unless in any of such Cases there shall be something in the Subject or Context repugnant to such Construction.

Act may be amended.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.