ANNO SECUNDO

# VICTORIÆ REGINÆ.

*****************************************************

## C A P. XVII.

## An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time. [14th *June* 1839.]

WHEREAS it is expedient that Provision should be made for securing the exclusive Benefit of Designs for Articles of Manufacture to the Authors and Proprietors thereof for a limited Time; 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 every Proprietor of a new and original Design made for any of the following Purposes, and not published before the First Day of *July* One thousand eight hundred and thirty-nine, shall have the sole Right to use the same for any such Purpose during the Term of Twelve Calendar Months, to be computed from the Time of the same being registered according to this Act; and the following are the Purposes referred to:

Duration of Copyright.

First.—For the Pattern or Print, to be either worked into or worked on, or printed on or painted on, any Article of Manufacture, being a Tissue or textile Fabric, except Lace, and also except Linens, Cottons, Calicoes, Muslins, and any other Article within the Meaning of the Acts mentioned in the Schedule hereto annexed:

Second.—For the Modelling, or the Casting, or the Embossment, or the Chasing, or the Engraving, or for any other Kind of Impression or Ornament, on any Article of Manufacture, not being a Tissue or textile Fabric:

Third.—For the Shape or Configuration of any Article of Manufacture, except Lace, and also except Linens, Cottons, Calicoes, Muslins, and any other Article within the Meaning of the Acts mentioned in the Schedule hereto annexed:

Proviso for Designs for Modelling, &c.

Provided always, that every Proprietor of a new and original Design made for the Modelling, or the Casting, or the Embossment, or the Chasing, or the Engraving, or for any other Kind of Impression or Ornament on any Article of Manufacture, being of any Metal or mixed Metals, shall have the sole Right to use the same during the Term of Three Years, to be computed from the Time of the same being registered according to this Act; but no Person shall be entitled to the Benefit of this Act unless the Design have before Publication been registered according to this Act, and unless such Person be registered according to this Act as the Proprietor of the Design, and unless after Publication of the Design every Article of Manufacture published by him, on which such Design is used, have thereon the Name of the first registered Proprietor, and the Number of the Design in the Register, and the Date of the Registration thereof: And the Author of every such new and original Design shall be considered the Proprietor, unless he have executed the Work on behalf of another Person for a valuable Consideration, in which Case such Person shall be considered the Proprietor, and shall be entitled to be registered in the Place of the Author; and every Person purchasing for a valuable Consideration a new and original Design, or the exclusive or the partial Right to use the same for any One or more of the above-mentioned Purposes, in relation to any One or more Articles of Manufacture, shall be considered as the Proprietor of the Design for all or any One or more of such Purposes, as the Case happens to be.

Conditions of Copyright.

Proprietor explained.

Transfer of Copyright, and Register thereof.

II. And be it enacted, That every Person purchasing a new and original Design may enter his Title in the Register hereby provided; and any Writing purporting to be a Transfer of such Design, and signed by the Proprietor thereof, shall operate as an effectual Transfer; and the Registrar shall, on Request, and the Production of such Writing, insert the Name of the new Proprietor in the Register; and the following may be the Form of such Transfer, and of such Request to the Registrar:

*Form of Transfer and Authority to register.*

'I *A. B.*, Author [*or* Proprietor] of Design Number having transferred my Right thereto [*or if such Transfer be partial*] so far as regards the making of [*describe the Articles of Manufacture with respect to which the Right is transferred*] to *B. C.* of do hereby authorize you to insert his Name on the Register of Designs accordingly.'

*Form of Request to register.*

'I *B. C.*, the Person mentioned in the above Transfer, do request you to register my Name and Property in the said Design, according to the Terms of such Transfer.'

III. And

For preventing Piracy.

III. And be it enacted, That during the Existence of such exclusive or partial Right no Person shall either do or cause to be done any of the following Acts in regard to a registered Design, without the Licence or Consent in Writing of the registered Proprietor thereof; (that is to say,)

No Person shall use for the Purposes aforesaid, or any of them, or print or work or copy, such registered Design, or any original Part thereof, on any Article of Manufacture, for Sale:

No Person shall publish, or sell or expose to Sale or Barter, or in any other Manner dispose of for Profit, any Article whereon such registered Design or any original Part thereof has been used, knowing that the Proprietor of such Design has not given his Consent to the Use thereof upon such Article:

No Person shall adopt any such registered Design on any Article of Manufacture for Sale, either wholly or partially, by making any Addition to any original Part thereof, or by making any Subtraction from any original Part thereof:

Penalty.

And if any Person commit any such Act he shall for every Offence forfeit a Sum not less than Five Pounds and not exceeding Thirty Pounds, to the Proprietor of the Design in respect of which such Offence has been committed.

Recovery of Penalties for Piracy.

IV. And be it enacted, That the Party injured by any such Act may recover such Penalty as follows:

In *England*, either by an Action of Debt or on the Case against the Party offending, or by summary Proceeding before Two Justices having Jurisdiction where the Party offending resides; and if the Party injured proceed by such summary Proceeding, any Justice of the Peace acting for the County, Riding, Division, City, or Borough where the Party offending resides, and not being concerned either in the Sale or Manufacture of the Article of Manufacture or in the Design to which such summary Proceeding relates, may issue a Summons requiring such Party to appear on a Day and at a Time and Place to be named in such Summons, such Time not being less than Eight Days from the Date thereof; and every such Summons shall be served on the Party offending, either in Person or at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, any Two or more of such Justices may proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party offending or upon the Oath or Affirmation of One or more credible Witnesses, which such Justices are hereby authorized to administer, may convict the Offender in a Penalty of not less than Five Pounds or more than Thirty Pounds, as aforesaid, for each Offence, as to such Justices doth seem fit; and if the Amount of such Penalty or of such Penalties, and the Costs attending the Conviction, so assessed by such Justices, be not forthwith paid, the Amount of the Penalty or of the Penalties, and of the Costs, together with the Costs of the Distress and Sale, shall be levied by Distress and Sale of the Goods and Chattels of the Offender wherever the same happen to be in *England;* and the Justices before whom the Party has been convicted, or, on Proof of the Conviction,

tion, any Two Justices acting for any County, Riding, Division, City, or Borough in *England* where Goods and Chattels of the Person offending happen to be, may grant a Warrant for such Distress and Sale; and the Overplus, if any, shall be returned to the Owner of the Goods and Chattels, on Demand:

In *Scotland*, either before the Court of Session, or by summary Proceeding as aforesaid before any Two or more Justices of the Peace of the County or Place where the Offence was committed:

In *Ireland*, either by Action in a Superior Court of Law at *Dublin*, or by Civil Bill in the Civil Bill Court of the County or Place where the Offence was committed:

And no Action or other Proceeding for any Offence under this Act shall be brought after the Expiration of Six Calendar Months from the Commission of the Offence; and in such Action or other Proceeding every Plaintiff or Prosecutor shall recover his full Costs of Suit, or of such other Proceeding.

Registrar, &c. of Designs to be appointed.

V. For the Purpose of registering Designs for Articles of Manufacture, in order to obtain the Protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations may appoint a Person to be a Registrar of Designs for Articles of Manufacture, and if the Lords of the said Committee see fit, a Deputy Registrar, Clerks, and other necessary Officers and Servants; and such Registrar and Deputy Registrar shall hold their Offices during the Pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from Time to Time fix the Salary or Remuneration of such Registrar, Deputy Registrar, Clerks, Officers, and Servants; and, subject to the Provisions of this Act, the Lords of the said Committee may make Rules for regulating the Execution of the Duties of the Office of the said Registrar; and such Registrar shall have a Seal of Office.

Registrar's Duties.

VI. And be it enacted, That the said Registrar shall not register any Design unless he be furnished with Three Copies or Drawings of such Design, accompanied with the Name and Place of Abode of the Proprietor thereof; and the Registrar shall register all such Copies from Time to Time successively as they are received by him for that Purpose, and on every such Copy he shall affix a Number corresponding to such Succession, and he shall retain Two Copies, one of which he shall file in his Office, and the other he shall hold at the Disposition of the Lords of the said Committee, and the remaining Copy he shall return to the Person by whom the same has been forwarded to him; and in order to give ready Access to the Copies of Designs so registered, he shall keep a classified Index of such Copies of Designs.

Certificate of Registration of Design.

VII. And be it enacted, That upon any original Design so registered, and upon every Copy thereof received for the Purpose of being registered, or for the Purpose of such Registration being certified thereon, the Registrar shall certify under his Hand that the Design has been so registered, the Date of such Registration, and the Name of the registered Proprietor; and such Certificate made on every

such original Design, or on such Copy thereof, and purporting to be signed by the Registrar or Deputy Registrar, and purporting to have the Seal of Office of such Registrar affixed thereto, shall, in the Absence of Evidence to the contrary, be sufficient Proof, as follows:

Of the Design, and of the Name of the Proprietor therein mentioned, having been duly registered; and

Of the Commencement of the Period of Registry; and

Of the Person named therein as Proprietor being the Proprietor; and

Of the Originality of the Design, and

Of the Provisions of this Act, and of any Rule under which the Certificate appears to be made, having been complied with:

And any such Writing purporting to be such Certificate shall (in the Absence of Evidence to the contrary) be received in Evidence without Proof of the Handwriting of the Signature thereto, or of the Seal of Office affixed thereto, or of the Person signing the same being the Registrar or Deputy Registrar.

Fees of Registration, and Application thereof.

VIII. And be it enacted, That the Commissioners of the Treasury shall from Time to Time fix the Fees to be paid for the Services to be performed by the Registrar, and such Fees shall be applied to defray the Expences of the said Office, and the Salaries or other Remuneration of the said Registrar, and of any other Persons employed under him, with the Sanction of the Commissioners of the Treasury, in the Execution of this Act, and the Balance shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and the Commissioners of the Treasury may regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for.

Penalty for Extortion.

IX. And be it enacted, That if either the Registrar or any Person employed under him either demand or receive any Gratuity or Reward, whether in Money or otherwise, except the Salary or Remuneration authorized by the Commissioners of the Treasury, he shall forfeit for every such Offence Fifty Pounds to any Person suing for for the same, by Action of Debt in the Court of Exchequer at *Westminster*, and he shall also be liable to be either suspended or dismissed from his Office, and rendered incapable of holding any Situation in the said Office, as the Lords of the Treasury see fit.

Letters, &c. to and from the Office of Registrar of Designs exempt from Postage.

1 Vict. c. 35.

X. And for the Purpose of facilitating the Use of the Provisions of this Act in regard to the Registration of Designs, be it enacted, That all Letters and Packets transmitted by Post, either to or from the Office of Registrar of Designs, relating solely to the Business of such Office, shall be exempt from Postage; and that in respect of such Letters and Packets the Provisions of an Act passed in the First Year of Her present Majesty's Reign, intituled *An Act for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage*, relating to the general Regulation of the official Privilege of franking, and to the Transmission to the Post Office of unprivileged Letters, and the Penalties and Provisions

mentioned in an Act passed in the First Year of the Reign of
1 Vict. c. 36. Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, shall, so far as the same may be applicable, apply to the Office of the Registrar of Designs, and the Franking Officer thereof.

Interpretation Clause.

XI. And for the Interpretation of this Act, be it enacted, That the following Terms and Expressions, so far as they are not repugnant to the Context of this Act, shall be construed as follows; (that is to say,) the Expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them; and the Expression "Article of Manufacture" shall include any Article of the Kind herein referred to, whether it be made by Hand or by Machinery, or by both of those Means; and the Singular Number shall include the Plural as well as the Singular Number; and the Masculine Gender shall include the Feminine Gender as well as the Masculine Gender.

Commencement of Act.

XII. And be it enacted, That this Act shall come into operation on the passing thereof, as to the Office and the Appointment of the Registrar hereby authorized, and on the First Day of *July* One thousand eight hundred and thirty-nine, as to the other Parts of the Act.

Alteration of Act.

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

SCHE-

## SCHEDULE.

| DATE OF ACTS. | TITLE. |
|---|---|
| 27 Geo. 3. c. 38. (1787.) | An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time. |
| 29 Geo. 3. c. 19. (1789.) | An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time. |
| 34 Geo. 3. c. 23. (1794.) | An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time. |
| 2 Vict. (1839.) | Any Act passed during the present Session of Parliament, "for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics." |

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1839.