CAP. LXV.

An Act to amend the Laws relating to the Copyright of Designs. [22d *August* 1843.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled '*An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*,' there was granted to the Proprietor of any new and original Design, with the Exceptions therein mentioned, the sole Right to apply the same to the ornamenting of any Article of Manufacture or any such Substance as therein described during the respective Periods therein mentioned: And whereas it is expedient to extend the Protection afforded by the said Act to such Designs herein-after mentioned, not being of an ornamental Character, as are not included therein:' 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 this Act shall come into operation on the First Day of *September* One thousand eight hundred and forty-three. 5&6 Vict. c. 100. Commencement of Act

II. And with regard to any new or original Design for any Article of Manufacture having reference to some Purpose of Utility, so far as such Design shall be for the Shape or Configuration of such Article, and that whether it be for the whole of such Shape or Configuration or only for a Part thereof, be it enacted, That the Proprietor of such Design not previously published within the United Kingdom of *Great Britain* and *Ireland* or elsewhere shall have the sole Right to apply such Design to any Article, or make or sell any Article according to such Design, for the Term of Three Years, to be computed from the Time of such Design being registered according to this Act: Provided always, that this Enactment shall not extend to such Designs as are within the Provisions of the said Act, or of Two other Acts passed respectively in the Thirty-eighth and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, and intituled respectively *An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned*, and *An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned.* Grant of Copyright. Proviso. 38 G. 3. c. 71. 54 G. 3. c. 56.

III. Provided always, and be it enacted, That no Person shall be entitled to the Benefit of this Act unless such Design have before Publication thereof been registered according to this Act, and unless the Name of such Person shall be registered according to this Act as a Proprietor of such Design, and unless after Publication of such Design every Article of Manufacture made by him according to such Design, or on which such Design is used, hath thereon the Word "Registered," with the Date of Registration. Conditions of Copyright.

IV. And

Penalty for wrongfully using Marks denoting a registered Design.

IV. And be it enacted, That unless a Design applied to any Article of Manufacture be registered either as aforesaid or according to the Provisions of the said first-mentioned Act, and also after the Copyright of such Design shall have expired, it shall be unlawful to put on any such Article the Word "Registered," or to advertise the same for Sale as a registered Article; and if any Person shall so unlawfully publish, sell, or expose or advertise for Sale any such Article of Manufacture, he shall forfeit for every such Offence a Sum not exceeding Five Pounds nor less than One Pound, which may be recovered by any Person proceeding for the same by any of the Remedies hereby given for the Recovery of Penalties for pirating any such Design.

Floor or Oil Cloths included in Class Six.

V. And be it enacted, That all such Articles of Manufacture as are commonly known by the Name of Floor Cloths or Oil Cloths shall henceforth be considered as included in Class Six in the said first-mentioned Act in that Behalf mentioned, and be registered accordingly.

Certain Provisions of 5&6 Vict. c. 100. to apply to this Act.

VI. And be it enacted, That all and every the Clauses and Provisions contained in the said first-mentioned Act, so far as they are not repugnant to the Provisions contained in this Act, relating respectively to the Explanation of the Term Proprietor, to the Transfer of Designs, to the Piracy of Designs, to the Mode of recovering Penalties, to Actions for Damages, to cancelling and amending Registrations, to the Limitation of Actions, to the awarding of Costs, to the Certificate of Registration, to the fixing and Application of Fees of Registration, and to the Penalty for Extortion, shall be applied and extended to this present Act as fully and effectually, and to all Intents and Purposes, as if the said several Clauses and Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Appointment of Registrar, &c.

VII. And be it enacted, That so much of the said first-mentioned Act as relates to the Appointment of a Registrar of Designs for ornamenting Articles of Manufacture, and other Officers, as well as to the fixing of the Salaries for the Payment of the same, shall be and the same is hereby repealed; and for the Purpose of carrying into effect the Provisions as well of this Act as of the said first-mentioned Act, the Lords of the Committee of the Privy Council for the Consideration of all Matters of Trade and Plantations may appoint a Person to be Registrar of Designs for Articles of Manufacture, and, if the Lords of the said Committee see fit, an Assistant Registrar and other necessary Officers and Servants; and such Registrar, Assistant Registrar, Officers, and Servants shall hold their Offices during the Pleasure of the Lords of the said Committee; and such Registrar shall have a Seal of Office; and the Commissioners of Her Majesty's Treasury may from Time to Time fix the Salary or other Remuneration of such Registrar, Assistant Registrar, and other Officers and Servants; and all the Provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the Registrar, Deputy Re-

gistrar, Clerks, and other Officers and Servants thereby appointed and therein named, shall be construed and held to apply respectively to the Registrar, Assistant Registrar, and other Officers and Servants to be appointed under this Act.

Registrar's Duties.

VIII. And be it enacted, That the said Registrar shall not register any Design for the Shape or Configuration of any Article of Manufacture as aforesaid unless he be furnished with Two exactly similar Drawings or Prints of such Design, with such Description in Writing as may be necessary to render the same intelligible according to the Judgment of the said Registrar, together with the Title of the said Design, and the Name of every Person who shall claim to be Proprietor, or of the Style or Title of the Firm under which such Proprietor may be trading, with his Place of Abode, or Place of carrying on Business, or other Place of Address; and every such Drawing or Print, together with the Title and Description of such Design, and the Name and Address of the Proprietor aforesaid, shall be on One Sheet of Paper or Parchment, and on the same Side thereof; and the Size of the said Sheet shall not exceed Twenty-four Inches by Fifteen Inches; and there shall be left on One of the said Sheets a blank Space on the same Side on which are the said Drawings, Title, Description, Name, and Address, of the Size of Six Inches by Four Inches, for the Certificate herein mentioned; and the said Drawings or Prints shall be made on a proper geometric Scale; and the said Description shall set forth such Part or Parts of the said Design (if any) as shall not be new or original; and the said Registrar shall register all such Drawings or Prints from Time to Time as they are received by him for that Purpose; and on every such Drawing or Print he shall affix a Number corresponding to the Order of Succession in the Register, and he shall retain One Drawing or Print which he shall file at his Office, and the other he shall return to the Person by whom the same has been forwarded to him; and in order to give a ready Access to the Designs so registered he shall keep a proper Index of the Titles thereof.

Drawings.

Discretionary Power as to Registry vested in the Registrar.

IX. And be it enacted, That if any Design be brought to the said Registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said Registrar to refuse to register such Design otherwise than under the present Act and in the Manner hereby provided; and if it shall appear to the said Registrar that the Design brought to be registered under the said first-mentioned Act or this Act is not intended to be applied to any Article of Manufacture, but only to some Label, Wrapper, or other Covering in which such Article might be exposed for Sale, or that such Design is contrary to public Morality or Order, it shall be lawful for the said Registrar, in his Discretion, wholly to refuse to register such Design: Provided always, that the Lords of the said Committee of Privy Council may, on Representation made to them by the Proprietor of any Design so wholly refused

Proviso.

fused to be registered as aforesaid, if they shall see fit, direct the said Registrar to register such Design, whereupon and in such Case the said Registrar shall be and is hereby required to register the same accordingly.

Inspection of Index of Titles of Designs, &c.

X. And be it enacted, That every Person shall be at liberty to inspect the Index of the Titles of the Designs, not being ornamental Designs, registered under this Act, and to take Copies from the same, paying only such Fees as shall be appointed by virtue of this Act in that Behalf; and every Person shall be at liberty to inspect any such Design, and to take Copies thereof, paying such Fee as aforesaid; but no Design whereof the Copyright shall not have expired shall be open to Inspection, except in the Presence of such Registrar, or in the Presence of some Person holding an Appointment under this Act, and not so as to take a Copy of such Design, nor without paying such Fee as aforesaid.

Interpretation of Act.

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 of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them; 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.

Alteration of Act.

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

CAP. LXVI.

An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment. [22d *August* 1843.]

'WHEREAS an Act was passed in the Session of the Third Year of the Reign of His late Majesty King
3 G. 4. c. 39. 'George the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment* by which, among other things, it was enacted, that the Clerk of the Dockets and Judgments in His said late Majesty's Court of King's Bench should cause every Warrant of Attorney and Cognovit Actionem in any personal Action, and every Copy thereof, which in and by the said recited Act are directed to be filed in his said Office, to be numbered, and should keep a Book or Books in his said Office in which he should cause to be fairly entered the Particulars in the said Act set forth, according to the Form contained in the Schedule to the said Act annexed, which said Book or Books, and every Warrant of Attorney and Cognovit Actionem, or

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