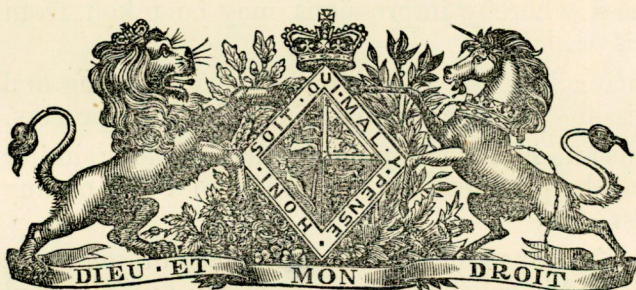


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 25 March, 1879. }*

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO SECUNDO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to secure to Proprietors of Works of Literature and Fine Art and to Proprietors of Designs for Articles and Works of Manufacture and Art the Copyright of such Works and Designs for a limited period.

**W**HEREAS it is considered that the Law of Copyright as the Preamble.  
same exists in the United Kingdom can with certain modifica-  
tions be introduced into this Colony with great benefit to Authors  
Artists Designers and others whose works and rights have hitherto  
5 been without protection from piracy and infringement Be it there-  
fore enacted by the Queen's Most Excellent Majesty by and with  
the advice and consent of the Legislative Council and Legislative  
Assembly of New South Wales in Parliament assembled and by the  
authority of the same as follows:—

10 1. This Act shall come into force on the first day of July in the Commencement and  
year one thousand eight hundred and seventy-nine and may be cited short title.  
as the "Copyright Act 1879" It is divided into Four Parts which  
embrace the subjects following—

- 15 PART I.—*Literary Dramatic and Musical Works Lectures &c.*  
PART II.—*Fine Arts &c.*  
PART III.—*Designs &c.*  
PART IV.—*Miscellaneous Provisions.*



*Copyright.*

2. The following words and expressions in this Act shall unless there is anything in the context repugnant thereto or inconsistent therewith mean and include the matters following respectively viz. :—

Interpretation of  
terms &c.

- 5        “The Governor” means the Governor with the advice of the Executive Council.
- “Registrar” means and includes the Registrar and Assistant Registrars (if any) appointed under this Act.
- 10       “Book” means and includes any volume part or division of a volume newspaper pamphlet libretto sheet of letter-press sheet of music map chart or plan separately published.
- “Dramatic or musical production” means and includes any tragedy comedy play opera farce or other scenic musical or dramatic piece entertainment or composition.
- 15       “Engraving” means and includes every work made upon a plate block or slab of any material by engraving lithography or any other process whereby impressions may be taken from such plate block or slab.
- “Drawing and Painting” means and includes every drawing and painting made in any manner and material and by any process.
- 20       “Photograph” means and includes any photograph or other similar work which shall be produced by the action of light or any chemical process.
- “Work of sculpture” means and includes any piece of sculpture whether in the round in relief or intaglio made in any material and by any process.
- 25       “Copyright” means the sole and exclusive right and liberty of making printing writing drawing painting photographing or otherwise howsoever multiplying copies of any matter thing or subject to which the said word is herein applied or to which any original design as hereinafter described in section one of Part III has been applied.
- 30       “Proprietor” means and includes the author of any new and original design as hereinafter described and the author of any book or of any tragedy comedy play opera farce or other dramatic or musical composition or production or of any lecture as hereinafter described and the author of every original painting drawing work of sculpture and photograph as hereinafter described unless such author shall have executed any of the works aforesaid on behalf of another person for a good or a valuable consideration in which case such person shall be and be considered the proprietor thereof and shall be entitled to be registered in the place of the author And shall also mean and include every person or persons acquiring for a good or valuable consideration such new and original design or the right or partial or limited right to apply the same to making selling or ornamenting any one or more articles or works of manufacture or art or any one or more substances as hereinafter in section thirty-four described and the copyright as hereinbefore defined or any part thereof in such book tragedy comedy play opera farce or other dramatic or musical composition or production or in such lecture and in such original painting drawing work of sculpture and photograph and also every person who shall purchase such copyright or upon whom the property in such design or any part thereof or such right or partial or limited right to the application thereof and in such copyright or any part thereof as aforesaid shall devolve or be bequeathed and to the extent that the same shall have been so acquired or shall
- 35       5 & 6 Vic. c. 100 s. 5.
- 40
- 45
- 50
- 55



*Copyright.*

5 shall have so devolved or been bequeathed but not otherwise  
 Provided that the word "proprietor" shall have such further  
 and other meaning and include such further and other  
 persons as is expressly given thereto and included thereunder  
 by any of the provisions of this Act.

## PART I.

*Literary Dramatic and Musical Works.*

3. The copyright in every book which shall before or after the  
 passing of this Act have been or be first published in this colony in  
 10 the lifetime of its author shall endure for the natural life of such  
 author and for the further term of seven years commencing at the  
 time of his death and shall be the property of such author and his  
 assigns Provided that if the said term of seven years shall expire  
 before the end of forty-two years from the first publication of such  
 15 book in this colony the copyright shall in that case endure for such  
 period of forty-two years The copyright in every book which has been  
 or shall be published in this colony after the death of its author shall  
 endure for the term of forty-two years from the first publication thereof  
 in this colony and shall be the property of the proprietor of the author's  
 20 manuscript from which such book shall be first published and his  
 assigns.

Duration of copyright  
 in books &c.  
 5 & 6 Vic. c. 45 s. 3.

4. It shall be lawful for the Governor on complaint made to  
 the Attorney General that the proprietor of the copyright in any such  
 book after the death of its author has refused to republish or to allow  
 25 the republication of the same and that by reason of such refusal such  
 book may be withheld from the public to grant a license to the  
 complainant to publish such book in such manner and subject to such  
 conditions as he may think fit and it shall be lawful for such  
 complainant to publish such book according to such license.

Governor may license  
 the republication of  
 books which the  
 proprietor refuses to  
 republish after death  
 of author.  
 5 & 6 Vic. c. 45 s. 5.

30 5. A printed copy of the whole of every book which shall be  
 first published in this colony after the passing of this Act together with  
 all maps prints or other engravings belonging thereto finished and  
 colored in the same manner as the best copies of the same shall be  
 published and also of any second or subsequent edition which shall be  
 35 so published with any additions or alterations whether the same shall  
 be in letterpress or in the maps prints or other engravings belonging  
 thereto and whether the first edition of such book shall have been  
 published before or after the passing of this Act and also of any second  
 or subsequent edition of every such book of which the first or some  
 40 preceding edition shall not have been delivered for the use of the  
 Free Public Library and the Library of the University of Sydney  
 bound sewed or stitched together and upon the best paper on which  
 the same shall be printed shall within two calendar months after  
 the day on which any such book shall be first sold published or  
 45 offered for sale within this colony be delivered by or on behalf of the  
 publisher thereof at the said Libraries.

Copies of books to be  
 delivered within a  
 certain time at the  
 Free Public Library.  
 5 & 6 Vic. c. 45 s. 6.

6. Every copy of a book which under the provisions of this  
 Part ought to be delivered as aforesaid shall be delivered at the said  
 Libraries between the hours of ten in the forenoon and four in  
 50 the afternoon to one of the officers of the said library or to some person  
 duly authorized to receive the same and such officer or other person  
 receiving such copy is hereby required to give a receipt in writing  
 for the same and such delivery shall to all intents and purposes be  
 deemed to be a good and sufficient delivery under the provisions of  
 55 this part of this Act.

Mode of delivering  
 books at library.  
 5 & 6 Vic. c. 45 s. 7.



*Copyright.*

7. If any such publisher shall neglect to deliver such book as aforesaid he shall for every such default forfeit besides the value of such copy of such book or edition which he ought to have delivered a sum not exceeding ten pounds to be recovered by the librarian of the said library in a summary way before any two Justices of the Peace.

Penalty for default  
in delivering copies  
for use of library.  
5 & 6 Vic. c. 45 s. 10.

8. A register wherein may be registered as hereinafter enacted the proprietorship in the copyright of books dramatic or musical works whether in manuscript or otherwise and the assignments of such proprietorship and licenses affecting such copyright shall be kept at the registry appointed by virtue of this Act by the Registrar of Copyright and shall at all convenient times be open to the inspection of any person on payment of one shilling for every entry which shall be searched for or inspected in the said book and such officer shall whenever thereunto reasonably required give a copy of any entry in such book certified under his hand and impressed stamped or sealed with the stamp or seal of the said registry office to any person requiring the same on payment to him of the fee provided by virtue of this Act in that behalf and such copies so certified and impressed stamped or sealed shall be received in evidence in all Courts and shall be *prima facie* proof of the proprietorship or assignment of copyright or license as therein expressed and in the case of dramatic or musical works shall be *prima facie* proof of the right of representation or performance.

Book of registry to be  
kept.  
5 & 6 Vic. c. 45 s. 11.

9. After the passing of this Act it shall be lawful for the proprietor of copyright in any book heretofore first published or in any book hereafter to be first published in this colony to make entry in the registry aforesaid of the title of such book the time of the first publication thereof the name and place of abode of the publisher thereof and the name and place of abode of the proprietor of the copyright of the said book or of any portion of such copyright in the form in that behalf given in the fourth Schedule hereto upon payment of the prescribed fee to the Registrar or other proper officer and it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein by making entry in the said register of such assignment and of the name and place of abode of the assignee thereof in the form in the first Schedule hereto on payment of the like sum and such assignment so entered shall be effectual in law to all intents and purposes whatsoever and shall be of the same force and effect as if such assignment had been made by deed.

Entries of copyright  
of books in registry.  
5 & 6 Vic. c. 45 s. 13.

10. If any person shall in this Colony after the passing of this Act print or cause to be printed either for sale or exportation any book in which there shall be a subsisting registered copyright as aforesaid without the consent in writing of the proprietor thereof or his agent duly authorized in that behalf in writing or shall import for sale or hire any such book so unlawfully printed from parts beyond the sea or knowing such book to have been so unlawfully printed or imported shall sell publish or expose to sale or hire or cause to be sold published or exposed to sale or hire or shall have in his possession for sale or hire any such book so unlawfully printed or imported without such consent as aforesaid such offender shall be liable for every such offence to a penalty not exceeding ten pounds to be recovered by the proprietor against whom such offence shall have been committed with full costs of suit before two or more Justices in a summary manner and also to an action at the suit of the proprietor of such copyright in the Supreme Court.

Remedy for piracy  
by action.  
5 & 6 Vic. c. 45 s. 15

11. After the passing of this Act in any action brought within this Colony against any person for printing any such book for sale hire or exportation or for importing selling publishing or exposing to sale or hire or causing to be imported sold published or exposed to sale or hire any such book the defendant on pleading thereto shall give to

Notice to be given by  
defendant in actions  
for piracy.  
5 & 6 Vic. c. 45 s. 16.



*Copyright.*

to the plaintiff a notice in writing of any objections on which he means to rely on the trial of the action and if the nature of his defence be that the plaintiff was not the author or first publisher of the book in which he shall by such action claim copyright or is not the proprietor of the copyright therein or that some other person than the plaintiff was the author or first publisher of such book or is the proprietor of the copyright therein then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book or the proprietor of the copyright therein together with the title of such book and the time when and the place where such book was first published otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid or that he was not the proprietor of the copyright therein and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice or that any other person was the author or first publisher of such book or the proprietor of the copyright therein than the person specified in such notice or give in evidence in support of his defence any other book than one substantially corresponding in title time and place of publication with the title time and place specified in such notice Provided however that nothing in this section contained shall in any such action relieve the plaintiff from proving that he was the proprietor of such book at the time of the alleged infringement of his copyright therein.

12. After the passing of this Act it shall not be lawful for any person not being the proprietor of the copyright or some person authorised by him to import into this Colony for sale or hire any printed book first composed or written or printed and published in the said Colony wherein there shall be copyright and reprinted elsewhere than in the said Colony And if any person not being such proprietor or person authorized as aforesaid shall import or bring or cause to be imported or brought for sale or hire any such printed book into any part of the said Colony contrary to the true intent and meaning of this Part of this Act or shall knowingly sell publish or expose to sale or let to hire or have in his possession for sale or hire any such book then every such book shall be forfeited and shall be seized by any officer of Customs or excise and the same shall be destroyed by such officer and every person so offending being duly convicted thereof before any two Justices of the Peace shall also for every such offence forfeit the sum of ten pounds and double the value of every copy of such book which he shall so import or cause to be imported into the said Colony or shall knowingly sell publish or expose to sale or let to hire or shall cause to be sold published or exposed to sale or let to hire or shall have in his possession for sale or hire contrary to the true intent and meaning of this Part one moiety to be paid to the Consolidated Revenue Fund and the other to the use of the proprietor of the copyright in such book.

13. When any publisher or other person in this Colony shall before or at the time of the passing of this Act have projected conducted and carried on or shall hereafter project conduct and carry on or be the proprietor of any encyclopædia review magazine periodical work newspaper or work published in the said Colony in a series of books or parts of any book whatsoever and shall have employed or shall employ any persons to compose the same or any volumes parts essays articles or portions shall have been or shall hereafter be composed under such employment on the terms that the copyright therein shall belong to such proprietor projector publisher or conductor the copyright

The proprietor only can import for sale books first composed in the Colony and reprinted elsewhere. Books may be seized. 5 & 6 Vic. c. 45 s. 17.

Copyright in reviews magazines &c. 5 & 6 Vic. c. 45 s. 18.



*Copyright.*

copyright in every such encyclopædia review magazine periodical work and work published in a series of books or parts and in every volume part essay article and portion so composed and paid for shall be the property of such proprietor projector publisher or conductor who shall enjoy the same rights as if he were the actual author thereof and shall have such term of copyright therein as is given to the authors of books by this Part except only that in the case of essays articles or portions forming part of and first published in reviews magazines or other periodical works of a like nature after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Part Provided that during the term of twenty-eight years the said proprietor projector publisher or conductor shall not publish any such essay article or portion separately or singly without the consent previously obtained of the author thereof or his assigns Provided also that nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract express or implied may have reserved or may hereafter reserve to himself such right but every author reserving retaining or having such right shall be entitled to the copyright in such composition when published in a separate form according to this Part without prejudice to the right of such proprietor projector publisher or conductor as aforesaid.

14. The proprietor of the copyright in any such encyclopædia review magazine newspaper periodical work or other work so published in a series of books or parts shall be entitled to all the benefits of the registration at the registry aforesaid under this Part on entering in the said register the title of such encyclopædia review magazine newspaper periodical work or other work so published in a series of books or parts the time of the first publication of the first volume number or part thereof or of the first number volume or part first published after the passing of this Act in any such work which shall have been published heretofore and the name and place of abode of the proprietor thereof and of the publisher thereof when such publisher shall not also be the proprietor thereof.

Proprietors of reviews magazines &c. can register at once. 5 & 6 Vic. c. 45 s. 19.

15. No assignment of the copyright of any book consisting of or containing a dramatic or musical production shall convey to the assignee the right of representing or performing such dramatic or musical production unless an entry in the said register shall be made of such assignment wherein shall be expressed the intention of the parties that such right should pass by such assignment.

Assignment of copyright of a dramatic piece not to convey right of representation. 5 & 6 Vic. c. 45 s. 22.

16. All copies of any book wherein there shall be copyright and of which entry shall have been made in the said register and which shall have been unlawfully printed or imported without the consent of the registered proprietor of such copyright in writing under his hand first obtained shall be deemed to be the property of the proprietor of such copyright if such proprietor be duly registered as herein provided and such registered proprietor shall after demand thereof in writing be entitled to sue for and recover the same or damages for the detention of the same in an action of detinue from any party who shall detain the same or to sue for and recover damages for the conversion thereof in an action of trover.

Books printed shall become property of proprietor of copyright and may be recovered by action. 5 & 6 Vic. c. 45 s. 23.

17. No proprietor of copyright under this Part save the proprietor of copyright in any lecture as hereinafter described in section twenty shall maintain any action or suit at law or in equity or any summary proceeding in respect of any infringement of such copyright unless he shall before commencing such action suit or other proceeding have caused an entry to be made in the registry aforesaid pursuant to this

Proprietor cannot sue before registration. 5 & 6 Vic. c. 45 s. 24.



*Copyright.*

this Part Provided always that the omission to make such entry shall not affect such copyright but only the right to sue or proceed in respect of the infringement thereof as aforesaid.

18. From and after the passing of this Act the author or the assignee of such author of any tragedy comedy play opera farce or of any dramatic or musical work in this colony whether the same be printed and published by the author thereof or his assignee or not and whether the same were composed before the passing of this Act or not shall have as his own property the sole liberty of representing or performing or causing or permitting to be represented or performed at any place or places in this Colony any such dramatic or musical works for the term in this Part provided for the duration of copyright in books Provided that nothing in this section contained shall prejudice or affect the right of any person to represent or cause to be represented or perform or cause to be performed at any place or places as aforesaid such works in all cases in which the author thereof or his assignee shall before the passing of this Act have authorized such representation or performance Provided also that all the provisions of this Part relating to the copyright in books so far as the same are not inconsistent with this section and the section next immediately following shall apply and be deemed to apply (as far as the same are applicable) to the liberty of representing or performing any such works as aforesaid save and except that the first public representation or performance of any such works shall be deemed equivalent in the construction of this Part to the first publication of any book Provided also that in case of any dramatic or musical work in manuscript it shall be sufficient for the person having the right of representing or performing or causing to be represented or performed the same to register only the title thereof the name and place of abode of the author or composer thereof the name and place of abode of the proprietor thereof and the time and place of its first representation or performance Provided also that no copy of any dramatic or musical work shall be delivered at the said Public Library as aforesaid unless such work shall have been printed for sale.
19. If any person shall during the continuance of such sole liberty contrary to the intent of section eighteen of this Part or right of the author or his assignee represent or perform or cause to be represented or performed without the consent in writing of the author or other proprietor first had and obtained at any place or places in the said colony any such dramatic or musical work or any part thereof every such offender shall be liable for each and every such representation or performance to the payment of an amount of not less than forty shillings or to the full amount of the benefit or advantage arising from such representation or performance or the injury or loss sustained by the plaintiff therefrom whichever shall be the greater damages to the author or proprietor of such work so represented or performed contrary to the true intent and meaning of this part of this Act to be recovered with full costs of suit as between attorney and client by such author or other proprietor in any Court of competent jurisdiction in that part of the said colony in which the offence shall be committed and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid it shall be sufficient for the plaintiff to state that he has such sole liberty without stating the same to be subject to such right or authority or otherwise mentioning the same.
20. The author of any lecture or lectures first delivered in this colony or the person to whom he hath sold or otherwise conveyed or transferred the copy thereof in order to deliver the same in any school seminary institution or other place or for any other purpose whatever shall

Property in dramatic and musical productions.  
3 & 4 Wm. IV. c. 15 s. 2.  
5 & 6 Vic. c. 45 s. 20.

Penalty on persons performing dramatic or musical pieces contrary to last section.  
3 and 4 Wm. IV. c. 15 s. 2.  
5 and 6 Vic. c. 45 s. 21.

Authors of lectures or their assigns to have the sole right publishing same.  
5 and 6 Wm. IV. c. 65 s. 1.



*Copyright.*

- shall have the sole right and liberty of printing and publishing such lecture or lectures and that if any person shall by taking down the same in short-hand or otherwise in writing or in any other way obtain or make a copy of such lecture or lectures and shall print or lithograph  
5 or otherwise copy and publish the same or cause the same to be printed lithographed or otherwise copied and published without leave of the author thereof or of the person to whom the author thereof hath sold or otherwise conveyed or transferred the same and every person who knowing the same to have been printed or copied without and pub-  
10 lished without such consent shall sell publish or expose to sale or cause to be sold published or exposed to sale any such lecture or lectures shall forfeit all such printed or otherwise copied lecture or lectures or parts thereof together with one penny for every sheet thereof which shall be found in his custody either printed lithographed or copied or  
15 printing lithographing or copying published or exposed to sale contrary to the true intent and meaning of sections numbered twenty twenty-one twenty-two twenty-three and twenty-four of this Part of this Act to be recovered before two or more Justices in a summary manner by the proprietor of the copyright in such lectures or his assigns.
- 20 21. Any printer or publisher of any newspaper who shall without such leave as aforesaid print and publish in such newspaper any such lecture or lectures shall be deemed and taken to be a person printing and publishing without leave within the provisions of the last immediately preceding section numbered twenty and liable to the  
25 aforesaid forfeitures and penalties in respect of such printing and publishing. Penalty on printers or publishers of newspapers publishing lectures without leave. 6 and 7 Wm. IV. c. 65 s. 2.
22. No person allowed for certain fee and reward or otherwise to attend and be present at any lecture delivered in any place shall be deemed and taken to be licensed or to have leave to print copy and  
30 publish such lectures only because of having leave to attend to such lecture or lectures. Persons having leave to attend lectures not entitled to publish them. 6 and 7 Wm. IV. c. 65 s. 3.
23. Nothing in sections numbered twenty twenty-one and twenty-two shall extend to prohibit any person from printing copying and publishing any lecture or lectures which have or shall have been  
35 printed and published with leave of the authors thereof or their assigns and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by the Act or to any lectures which have been printed or published before the passing of this Act. The sections not to prohibit publication of lectures after expiration of copyright.
- 40 24. Nothing in the sections numbered twenty twenty-one and twenty-two shall extend to any lecture or lectures or to the printing copying or publishing of any lecture or lectures or parts thereof of which notice not to print lithograph or otherwise copy and publish the same shall not have been published twice at least in some paper  
45 generally circulating in the place where such lecture or lectures shall be delivered two days at least before delivering the same or to any lecture or lectures delivered in any university public school or college or on any public foundation or by any individual by virtue of or according to any gift endowment or foundation. Notice not to print lithograph copy and publish lectures to be given by public advertisement.



*Copyright.*

## PART II.

*Fine Arts.*

25. The author being a British subject or resident in this Colony of every new and original painting drawing work of sculpture engraving  
 5 and photograph which shall be or shall have been made in this colony and shall not have been sold or disposed of before the commencement of this Act and his assigns shall have the sole and exclusive right of copying photographing engraving reproducing and multiplying such painting drawing work of sculpture engraving and the design thereof  
 10 or such photograph and the negative thereof by any means and of any size for the term of fourteen years as regards such painting drawing work of sculpture and engraving and for the term of three years as regards such photograph and the negative thereof Provided that when any painting drawing work of sculpture engraving photograph or the  
 15 negative of any photograph shall for the first time after the passing of this Act be sold or disposed of or shall be made or executed for or on behalf of any other person for a good or a valuable consideration the person so selling or disposing of or making or executing the same shall not retain the copyright thereof unless it be expressly reserved  
 20 to him by agreement in writing signed at or before the time of such sale or disposition by the vendee or assignee of such painting drawing work of sculpture engraving photograph or of such negative of a photograph or by the person for or on whose behalf the same shall be so made or executed but the copyright shall belong to the vendee or  
 25 assignee of such painting drawing work of sculpture engraving photograph or of such negative of a photograph or to the person for or on whose behalf the same shall have been made or executed nor shall the vendee or assignee thereof be entitled to any such copyright unless at or before the time of such sale or disposition an agreement in writing  
 30 signed by the person so selling or disposing of the same or by his agent duly authorized in writing shall have been made to that effect.

Copyright in paintings drawings sculpture engravings photographs.

25 & 26 Vic. c. 68 s. 1.

26. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright or to represent any scene or object notwithstanding that there may be  
 35 copyright in some representation of such scene or object.

Copyright not to prevent representation of subject of works.

25 & 26 Vic. c. 68 s. 2.

27. There shall be kept at the registry to be appointed under and by virtue of this Act a book or books entitled "The Register of Proprietors of Copyright in Paintings Drawings Works of Sculpture Engravings and Photographs" wherein shall be entered upon payment  
 40 of the fee provided by virtue of this Act in that behalf a memorandum of every copyright to which any person shall be entitled under this Part of this Act and also of every subsequent assignment of any such copyright and such memorandum shall contain a statement of the date of such agreement or assignment and of the names of the parties  
 45 thereto and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof and of the name and place of abode or place of business of the author of the work in which there shall be such copyright together with a short description of the nature and subject of such work and in addition thereto if the person  
 50 registering shall so desire a sketch outline or photograph of the said work and no proprietor of any such copyright shall be entitled to the benefit of this Part of this Act until such registration and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration Provided that the omission to register  
 55 any copyright under this Part of this Act shall not affect such copyright but only the right to sue or proceed in respect of the infringement thereof.

Books for registration of "Paintings" &c.

25 & 26 Vic. c. 68 s. 4.



*Copyright.*

Certain provisions of Part I to apply to books to be kept under this part.

25 & 26 Vic. c. 68 s. 5.

28. The provisions and enactments contained in Part I of this Act with regard to and in connection with the keeping of the register books thereby required the searches therein and the delivery of certified and stamped or sealed copies thereof the reception of such copies in evidence and the cancelling or amending entries in such register books shall apply to the book or books to be kept by virtue of this part and to the entries and assignments of copyright and proprietorship therein under this Part as fully and effectually to all intents and purposes as if such provisions and enactments were expressly enacted in this Part in relation thereto. Provided that the forms of every kind prescribed by the said Part I may be varied to meet the circumstances of each case.

Penalties on infringement of copyright.

25 & 26 Vic. c. 68 s. 6.

29. If the author of any such painting drawing work of sculpture engraving or photograph in which there shall be subsisting copyright after having sold or disposed of such copyright or if any other person not being the proprietor for the time being of copyright in any such painting drawing work of sculpture engraving or photograph shall without the consent of such proprietor repeat copy colourably imitate or otherwise multiply for sale hire exhibition or distribution any such work or the design thereof or knowing that any such repetition copy or other imitation has been unlawfully made shall import into any part of this colony or sell publish let to hire exhibit or distribute or offer for sale hire exhibition or distribution or cause or procure to be imported sold published let to hire distributed or offered for sale hire exhibition or distribution any repetition copy or imitation of the said work or of the design thereof made without such consent as aforesaid such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds and all such repetitions copies and imitations made without such consent as aforesaid and all negatives of photographs made for the purpose of obtaining such copies shall be forfeited to the proprietor of the copyright.

Penalties on fraudulent productions and sales.

25 & 26 Vic. c. 68 s. 7.

30. No person shall do or cause to be done any or either of the following acts that is to say :—

- (I.) No person shall fraudulently sign or otherwise affix or fraudulently cause to be signed or otherwise affixed to or upon any such painting drawing work of sculpture engraving or photograph or the negative thereof any name initials or monogram
- (II.) No person shall fraudulently sell publish exhibit or dispose of or offer for sale exhibition or distribution any such painting drawing work of sculpture engraving or photograph or negative of a photograph having thereon the name initials or monogram of a person who did not execute or make such work
- (III.) No person shall fraudulently utter dispose of or put off or cause to be uttered or disposed of or put off any copy or colourable imitation of any such painting drawing work of sculpture engraving or photograph or negative of a photograph whether there shall be subsisting copyright therein or not as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken
- (IV.) Where the author or maker of any such painting drawing work of sculpture engraving or photograph or negative of a photograph made before or after the passing of this Act shall have sold or otherwise parted with the possession of such work if any alteration shall afterwards be made therein by any other person by addition or otherwise no person shall be



*Copyright.*

be at liberty during the life of the author or maker of such work without his consent to make or knowingly to sell or publish or offer for sale such work or any copies of such work so altered as aforesaid or of any part thereof as or for the unaltered work of such author or maker

5

Every offender under this section shall upon conviction forfeit to the person aggrieved a sum not exceeding ten pounds or not exceeding double the full price (if the same amount to ten pounds at least) at which all such copies engravings imitations or altered works shall have been sold or offered for sale and all such copies engravings imitations or altered works shall be forfeited to the person or the assigns or legal representatives of the person whose name initials or monogram shall be so fraudulently signed or affixed thereto or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid

10

15 Provided always that the penalties imposed by this section shall not be incurred unless the person whose name initials or monogram shall be so fraudulently signed or affixed or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid shall have been living at or within twenty years next before the time when

20 the offence may have been committed.

31. All pecuniary penalties which shall be incurred and all such unlawful copies imitations and all other effects and things as shall have been forfeited by offenders pursuant to this part of this Act may be recovered by the proprietor against whom the offence shall have been committed or by the person hereinbefore empowered to recover the same respectively either by action against the party offending or by summary proceeding before any two Justices having jurisdiction where the party offending resides or has his place of business.

Recovery of penalties.  
25 and 26 Vict.  
c. 68 s. 8.

32. All repetitions copies or imitations of paintings drawings works of sculpture engravings or photographs wherein or in the design whereof there shall be subsisting copyright under this part of this Act and all repetitions copies and imitations of the design of any such painting drawing work of sculpture engraving photograph or of the negative of any such photograph which contrary to the provisions of this part of this Act shall have been made in this Colony or elsewhere are hereby absolutely prohibited to be imported into the said Colony except by or with the consent of the proprietor of the copyright thereof or his agent authorized in writing and if the proprietor of any such copyright or his agent shall declare that any goods imported are repetitions copies or imitations of any such painting drawing work of sculpture engraving or photograph or the negative of any such photograph and so prohibited as aforesaid then such goods may be detained by the officers of Her Majesty's Customs in the said Colony.

Importation of pirated works prohibited.  
25 and 26 Vict.  
c. 68 s. 10.

33. If the author of any such painting drawing work of sculpture engraving or photograph in which there shall be subsisting copyright after having sold or otherwise disposed of such copyright or of any other person not being the proprietor for the time being of such copyright shall without the consent of such proprietor repeat copy colourably imitate or otherwise multiply or cause or procure to be repeated copied colourably imitated or otherwise multiplied for sale hire exhibition or distribution any such work or the design thereof or the negative of any such photograph or shall import or cause to be imported into this Colony or sell publish let to hire exhibit or distribute or offer for sale hire exhibition or distribution or cause or procure to be sold published let to hire exhibited or distributed or offered for sale hire exhibition or distribution any repetition copy or imitation of such work or the design thereof or the negative of any such photograph made without such consent as aforesaid then every such proprietor in addition to the remedies hereby given for the recovery of any such penalties

Saving of right to bring action for damages.  
25 and 26 Vict.  
c. 68 s. 11.



*Copyright.*

penalties and forfeiture of any such things as aforesaid may recover damages by and in a special action on the case to be brought against the person so offending and may in such action recover and enforce the delivery to him of all unlawful repetitions copies and imitations  
 5 and negatives of photographs or may recover damages for the retention or conversion thereof Provided that nothing in this section contained nor any proceeding conviction or judgment for any act in this part of this Act forbidden shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

10

## PART III.

*Designs.*

34. The proprietor of any new and original design for any article or work of manufacture or art and whether such article or work be for purposes of utility ornament or otherwise and whether  
 15 such design be applicable to the ornamentation only of any article or work of manufacture or art or to the pattern shape or configuration of such article or work of manufacture or art or to the pattern shape configuration or ornamentation of any substance artificial or natural or partly artificial and partly natural and whether such design be  
 20 applicable to two or more of such purposes and by whatever means such design be applicable whether by printing or by painting or by embroidery or by weaving or by modelling or by casting or by embossing or by engraving or by staining or by any other means whatsoever manual mechanical or chemical separate or combined and  
 25 which design has not previously been published in this colony or elsewhere shall have the sole right to apply the said design to any article or work or to any substance aforesaid and the sole right to make ornament or sell any article work or substance according to such design for the respective terms hereinafter mentioned such respective  
 30 terms to be computed from the time of such design being registered according to this part of this Act (that is to say) :—

Copyright of designs.  
 5 & 6 Vic. c. 100 s. 3.  
 6 & 7 Vic. c. 67 s. 2.

35 In respect of the application of any such design to the pattern shape configuration or ornamentation of any article work or substance aforesaid contained and comprehended in the first five classes following for the term of three years.

40 In respect of the application of any such design to the pattern shape configuration or ornamentation of any article work or substance aforesaid contained and comprehended in the sixth seventh eighth ninth tenth eleventh twelfth thirteenth and fourteenth classes following for the term of two years.

Class 1. Articles of manufacture composed wholly or chiefly of any metal or mixed metals.

Class 2. Articles of manufacture composed wholly or chiefly of wood stone cement or plaster.

45 Class 3. Articles of manufacture composed wholly or chiefly of glass.

Class 4. Articles of manufacture composed wholly or chiefly of earthenware.

50 Class 5. Articles of manufacture composed wholly or chiefly of ivory bone papier-maché and every other solid substances not already comprised in the above classes numbered 1 2 3 4.

Class 6. Paperhangings.

Class 7. Carpets tapestry floorcloths and oilcloths.

55 Class 8. Shawls if the design be applied solely by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics.

Class



*Copyright.*

Class 9. Shawls not comprised in class 8.

Class 10. Yarn thread or warp if the design be applied by printing or by any other process by which colors are or may hereafter be produced.

5 Class 11. Woven fabrics composed of linen cotton wool silk or hair or of any two or more of such materials if the design be applied by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics excepting the articles included in class 12.

10 Class 12. Woven fabrics composed of linen cotton wool silk or hair or of any two or more of such materials if the design be applied by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics such woven fabrics being or coming within  
15 the description technically called furnitures and the repeat of the design whereof shall be more than twelve inches by eight inches.

Class 13. Woven fabrics not comprised in any preceding class.

20 Class 14. Lace and any article of manufacture or work of art or substance not comprised in any preceding class.

35. No person shall be entitled to the benefit of Part III of this Act with regard to any design in respect of the application thereof as aforesaid to any article work or substance or to making selling or ornamenting any article or work of manufacture or art or any such  
25 substance unless such design shall before the publication thereof have been registered according to Part III of this Act and unless the name of such person shall have been registered according to said Part III as a proprietor of such design and unless after the publication of such design every such article or work of manufacture or art or such  
30 substance to which the same shall be so applied or made by him according to such design or on which such design is used hath thereon the word registered with the name of the proprietor and the date of registration thereof.

Conditions of  
copyright.

5 & 6 Vic. c. 100 s. 4  
21 & 22 Vic. c. 70 s. 4.

Marks denoting a  
registered design.

36. The Registrar appointed by virtue of this Act shall not  
35 register any such design for making or ornamenting any articles or works of manufacture or art or substances as aforesaid unless he be furnished by the applicant for such registration in every case save where hereinafterwards provided with a model or pattern of such design and also with two copies drawings prints written or printed or partly  
40 written and printed specifications or descriptions of such design together with the name of every person who shall claim to be proprietor thereof or the style or title of the firm under which such proprietor may be trading and his place of abode or place of carrying on his business or other place of address and the number of the class in respect of which  
45 such registration is made and unless the fee appointed by virtue of this Act for such registration shall have been previously paid and the Registrar shall register all such models patterns copies drawings prints specifications or descriptions from time to time successively as they are received by him for registration and on every such model or pattern  
50 and its corresponding copy drawing print specification or description he shall mark or affix a number corresponding to the order and succession in which they are respectively received and he shall retain such model or pattern and one of such copies drawings prints specifications or descriptions in his office and the other copy drawing print specification  
55 or description he shall return to the person by whom the same shall have been forwarded to him and such Registrar shall class such design and keep a proper index of each class Provided that on request of the applicant for registration the Attorney-General by writing under his hand may order the Registrar to dispense with the necessity of requiring such

Registration how  
effected.

5 & 6 Vic. c. 100  
s. 15.



*Copyright.*

such applicant to furnish (as herein provided) such model or pattern aforesaid in all cases in which it shall be proved to the satisfaction of the Attorney General that such model or pattern ought not to be required on the grounds of the cost and trouble to the applicant of furnishing the same and such Registrar shall obey such order and shall register such application without requiring such applicant to furnish any model or pattern as aforesaid upon his having fulfilled all the other conditions of registration.

37. Upon every model or pattern and every copy drawing print specification or description aforesaid being registered as aforesaid 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 or the style or title of the firm under which such proprietor may be trading with his place of abode or place of carrying on his business or other place of address and also the number of such design together with such number or letter or number and letter and in such form as shall be employed by him to denote or correspond with the date of such registration and every such certificate purporting to be signed by the Registrar and purporting to have the seal or stamp of the 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 Part of this Act and of any rule under which the certificate seems to be made having been duly complied with And any such writing purporting to be such certificate shall in the absence of evidence to the contrary be received as evidence without proof of the handwriting of the signature thereto or of the seal or stamp of the office affixed thereto or of the person signing the same being the Registrar.

38. Every person purchasing or otherwise acquiring the right to the entire or partial or limited use of any such 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 or his agent duly authorised in writing in that behalf shall operate as an effectual transfer and the Registrar shall on request and on the production and verification to the satisfaction of the Registrar of such writing or in the case of acquiring such right by any other mode than the purchase thereof on the production of any evidence to the satisfaction of the Registrar and in every such case upon payment of the fee provided by this Act in that behalf insert the name of the new proprietor in the register and such transfer and request shall be respectively in the forms given in the Schedules Second and Third hereto or as near thereto as the circumstances of the case will admit but if such request to register be made by any person to or upon whom any such design shall devolve otherwise than by transfer such latter request may be in form (B) of the Second Schedule hereto or in some form of the like kind.

39. Every person shall be at liberty to inspect any design whereof the copyright shall have expired paying only such fee as shall be appointed by virtue of this Act in that behalf but with regard to designs whereof the copyright shall not have expired they shall not be open to inspection except by a proprietor of such design or by some person authorized by him in writing or by some person especially authorized by the Registrar and upon the payment for every such inspection

Certificate of registration.  
5 & 6 Vic. c. 100 s. 16.

Transfer of copyright and register thereof.  
5 & 6 Vic. c. 100 s. 6.

Inspection of registered designs.  
5 & 6 Vic. c. 100 s. 17.



*Copyright.*

inspection such fee as aforesaid but no person save the proprietor or some person duly authorized by him in writing in that behalf and in no case save on payment of the fee provided by virtue of this Act in that behalf shall take or be permitted to take a copy of such design or of  
 5 any part thereof Provided that it shall be lawful for the said Registrar or his deputy to give any person applying to him and producing a particular design together with the registration mark thereof or producing such registration mark only and paying the fee provided by virtue of this Act in that behalf a certificate stating whether there be  
 10 any copyright existing of such design and (if there be) in respect of what particular article or work of manufacture or art or substance such copyright exists and the term of such copyright and the date of registration and also the name and address of the registered proprietor thereof.

40. During the existence of any such right to the entire or  
 15 partial or limited use of any such design no person shall either do or cause to be done any of the following acts with regard to any articles or works of manufacture or art or substances in respect of which the copyright of such design shall be in force without the license or consent in writing of the registered proprietor thereof (that is to say):—

20 No person shall apply any such design or any fraudulent imitation thereof for the purpose of sale to the making or ornamenting of any article or work of manufacture or art or any substance artificial or natural or partly artificial and partly natural as described in section thirty-four of this Part.  
 25 No person shall publish sell or expose for sale any article or work of manufacture or art or any substance to which such design or any fraudulent imitation thereof shall have been so applied after having received either verbally or in writing or otherwise from any source whatever the knowledge that the  
 30 proprietor's consent has not been given to such application or after having been served with or having had left at or upon his usual place of abode or business premises a written notice signed by such proprietor or his agent to the same effect.

41. If any person commit any such act he shall for every such  
 35 offence forfeit a sum not less than five pounds and not exceeding fifty pounds one-half to the proprietor of the design in respect of which such offence shall have been committed and one-half to the Consolidated Revenue Fund and such proprietor can recover such penalty either by an action of debt or on the case in any Court of competent  
 40 jurisdiction where the party offending resides (or has his place of business) or by summary proceeding before any two or more Justices of the Peace Provided that in every such case no greater penalty than twenty pounds and costs shall be inflicted.

42. Notwithstanding the remedies hereby given for the recovery  
 45 of any such penalty as aforesaid it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred in addition to any proceeding under this part of this Act for the recovery of such penalty to bring such action or suit as he might be entitled to for the recovery of any damages which he shall have sustained either  
 50 by the application of any such design or of a fraudulent imitation thereof for the purpose of sale to any articles or works of manufacture or art or substances or by the publication sale or exposure to sale as aforesaid by any person of any article work or substance to which such design or any fraudulent imitation thereof shall have been so applied such person  
 55 knowing that the proprietor of such design had not given his consent to any such application thereof.

43. In any suit in equity which may be instituted by the proprietor of any design or the person lawfully entitled thereto relative to such design if it shall appear to the satisfaction of the Court or Judge  
 having

Piracy of designs.  
 5 & 6 Vic. c. 100 s. 7.

Recovery of penalties  
 for piracy.  
 5 & 6 Vic. c. 100 s. 8.  
 21 & 22 Vic. c. 70 s. 8.

Proviso as to action  
 for damages.  
 5 & 6 Vic. c. 100 s. 9.

Registration may in  
 certain cases be  
 cancelled or amended.  
 5 & 6 Vic. c. 100 s. 10.



*Copyright.*

having cognizance of such suit that the design has been registered in the name of a person not being the proprietor nor lawfully entitled thereto it shall be competent for such Judge in his discretion by a decree or order in such suit to direct either that such registration be  
 5 cancelled (in which case the same shall thenceforth be wholly void) or that the name of the proprietor of such design or other person lawfully entitled thereto be substituted in the register for the name of such wrongful proprietor or claimant in like manner as hereinbefore directed in case of the transfer of a design and to make such order respecting  
 10 the costs of such cancellation or substitution and of all proceedings to procure and effect the same as he shall think fit and the Registrar is hereby authorized and required upon being served with an official copy of such decree or order and upon payment of the proper fee to comply with the tenor of such decree or order and either to cancel such regis-  
 15 tration or substitute such new name or otherwise amend such register as such decree or order may direct.

44. Unless every such design as aforesaid be so registered as aforesaid and unless such design so registered shall have been applied to making or ornamenting such article or work or substance within  
 20 this colony and also unless the copyright of such design in relation to such article or work or substance shall have expired it shall be unlawful to put on any such article or work or such substance in the manner hereinbefore required with respect to articles works or substances whereto shall be applied a registered design the marks hereinbefore  
 25 required to be so applied or any marks corresponding therewith or similar thereto and if any person shall so unlawfully apply any such mark or shall publish sell or expose for sale any article or work of manufacture or art or any substance with any such marks so unlawfully applied knowing that any such marks have been unlawfully applied  
 30 he shall forfeit for every such offence a sum not exceeding twenty pounds which may be recovered with full costs of suit by any person proceeding for the same by any of the ways hereinbefore directed with respect to penalties for pirating any such design.

Penalty for wrong-fully using marks denoting a registered design.  
 5 & 6 Vic. c. 100 s. 11.

## PART IV.

35 *Miscellaneous Provisions.*

45. If any Registrar under this Act or any other person employed under or by virtue of this Act either demand or receive any gratuity or reward in money or otherwise except the salary or remuneration authorized by the Governor he shall forfeit for every such offence fifty  
 40 pounds to any person suing for the same by action of debt in the Supreme Court 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 or the public service of this Colony.

Registrar &c. receiving gratuities punished.  
 5 and 6 Vict. s. 19.

46. If any person shall wilfully and knowingly make or cause  
 45 to be made any false entry in any Register under this Act or shall wilfully and knowingly produce or cause to be produced or tendered in evidence any paper or parchment falsely purporting to be a copy of any entry in any such Register he shall be guilty of an indictable misdemeanor and shall on conviction thereof be imprisoned for any  
 50 term not exceeding three years with or without hard labor.

Making false entries declarations &c. a misdemeanor.

47. All proprietorship copyright and sole liberty under this Act shall be deemed personal property and be assignable at law and trans-  
 missible by bequest and in case of intestacy shall be subject to the same law of distribution as other personal property and every assign-  
 55 ment thereof or of any part thereof and every license to use or copy by any means or process whatsoever the design article work or substance  
 which

Copyright to be personal property  
 25 and 26 Vict.  
 c. 68 s. 3.



*Copyright.*

which shall be the subject of such copyright shall be made by some note or memorandum in writing to be signed by the proprietor of the copyright or his agent appointed for that purpose in writing.

48. All actions suits bills indictments or informations for any offence that shall be committed against this Act shall be brought sued laid and commenced within twelve calendar months next after such offence committed or else the same shall be void and of none effect Provided that such limitation of time shall not extend or be construed to extend to any actions suits or other proceedings which under the authority of this Act shall or may be brought sued or commenced for or in respect of any copy or copies of books to be delivered for use of the Free Public Library or Library of the University hereinbefore mentioned.

Limitation of actions proceedings &c. 5 and 6 Vic. c. 45 s. 26.

49. Every action for the infringement of copyright under any part of this Act shall be tried before a Judge of the Supreme Court And in any such action it shall be lawful for a Judge of such Court on the application of the plaintiff or defendant to make such order for an injunction inspection or account and to give such directions respecting such action injunction inspection or account and the proceedings therein respectively as to such Judge may seem fit.

Judge of Supreme Court may make injunction orders. 25 and 26 Vic. c. 68 s. 9.

50. It shall be lawful for the Registrar to amend any entry in any registry book under this Act upon application in writing in that behalf stating the amendment required by the proprietor or part or limited proprietor of the registered design copyright or sole liberty to which such entry refers and upon proof to the satisfaction of such Registrar that such entry requires the amendment so applied for and upon payment of the fee provided by virtue of this Act in that behalf Provided that upon the refusal of such Registrar to amend as aforesaid such proprietor may apply to the Supreme Court or any Judge thereof for an order that such entry be amended as required and such Court or Judge shall make such order regarding the amendment of such entry as to such Court or Judge shall seem just and the Registrar shall comply with such order according to the tenor thereof upon payment of the fee aforesaid And further if any person shall deem himself aggrieved by any entry made under colour of this Act in any book of registry it shall be lawful for such person to apply by motion on notice to the Supreme Court or to apply by summons on notice to any Judge in chambers for an order that such entry may be expunged or varied and that upon such application by motion or summons aforesaid such Court or Judge shall make such order for expunging varying confirming or otherwise dealing with such entry either with or without costs as to such Court or Judge shall seem just and the proper officer appointed under this Act for the purposes of this Act shall on production to him of any such order for expunging varying confirming or otherwise dealing with any such entry and on payment of the fee provided by this Act in that behalf comply with the requisitions of such order according to the tenor thereof.

Amending varying or expunging entries in or from registry. 5 and 6 Vic. c. 45 s. 14.

51. If it shall appear to the satisfaction of any Registrar under this Act that the design brought to be registered under Part I. of this Act is not intended to be applied to any article or work of manufacture or art or substance as aforesaid but only to some label wrapper or other covering in which such article work or substance might be exposed for sale or that any design as aforesaid or that any work whether manual mechanical chemical literary dramatic musical or artistic or of whatever kind it may be whether *ejusdem generis* or not that may be the subject of copyright and be registered under any Part of this Act is contrary to public morality or order it shall be lawful for such Registrar in his discretion wholly to refuse to register any such design or work as aforesaid Provided that the Governor may on representation made to the Attorney General by the proprietor

Discretionary power to register vested in Registrar. 6 and 7 Vic. c. 35 s. 9.



*Copyright.*

of any such design or work so wholly refused to be registered as aforesaid if he shall think fit order the said Registrar to register such design or work whereupon and in such case the said Registrar shall and is hereby required to register the same accordingly.

- 5 52. It shall be lawful for the Governor from time to time to appoint subject to removal at any time one or more Registrars and (if required) Assistant Registrars and other necessary officers and servants for the purposes and to carry into effect the provisions of this Act and also from time to time to appoint alter or remove the offices  
10 of registry in and to such place or places in this Colony as he shall think fit and also from time to time to make vary alter amend or rescind rules which shall become valid on being published in the *Government Gazette* to regulate the form and mode of each and every kind of registration under this Act and also from time to time by  
15 notice in the *Government Gazette* to fix or alter the scale of fees to be paid for the registration of every kind of design copyright sole liberty and proprietorship whether entire or limited and transfers thereof whether entire or limited under this Act and for the amendment alteration and expunging of any entry in any books of registry  
20 and for all searches inspections extracts and copies of any books of registry registered documents or other books of reference allowed and kept in the said offices of registry by virtue of this said Act and also from time to time to 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  
25 be accounted for and also from time to time to frame adopt alter vary or amend such other rules and regulations in connection herewith as will give effect to the provisions of this Act according to the true intent and meaning thereof.

Appointment of  
officers  
Power to make  
regulations &c.

53. The Registrar under this Act shall cause to be prepared the necessary stamps for carrying out the provisions of this Act and also a seal bearing the impression of the royal arms and having inscribed in the margin thereof the words "Office of Copyright Registry of New South Wales" and all certificates extracts copies of entries and other documents purporting to be impressed stamped or sealed with such  
30 stamps or seal and to be signed by any Registrar or by any Assistant Registrar under this Act shall be admissible in evidence without further proof of the same being correct or of the authenticity and genuineness of such stamp seal or signature.

Seal of "Registry  
Office."

54. All fees payable and all fines and penalties recoverable under this Act shall be paid to the Registrar who shall pay over the same to such persons and at such times and shall render such accounts of the same to such persons as the Governor shall from time to time by rule or regulation published in the *Government Gazette* order or direct and all such fees and penalties shall be carried to and form part  
45 of the Consolidated Revenue Fund.

Fees how disposed of  
&c.

55. Nothing in this Act contained shall be deemed to affect the law of copyright as applicable to this Colony by any Imperial statute now in force Provided also that notwithstanding the provisions of this Act it shall be lawful for any person resident in this Colony to repeat imitate copy and otherwise multiply any painting drawing work of sculpture or photograph in or belonging to the Museum Academy of Art or any art gallery wholly or partly endowed from public funds or to the Free Public Library or the Library of the University of Sydney and the trustees of such museum or library and the Senate of  
50 the said University and the governing body of such academy or gallery respectively are hereby authorized and required to allow such repetitions imitations copies and multiplications to be made in such manner and at such time or times as by rule or regulation the Governor shall order and direct.

This Act not to affect  
Imperial Copyright  
Statutes applicable to  
this Colony.

Residents in this  
Colony may copy &c.  
paintings &c. in  
Museum &c.

## SCHEDULES.



Copyright.

SCHEDULES.

FIRST SCHEDULE.

(A.)

Form of Concurrence of the party assigning any Book previously registered.

5 I A.B. of being the assignor of the copyright of the book hereunder described do hereby require you to make entry of the assignment of the copyright therein.

Title of Book.	Assignor of the Copyright.	Assignee of Copyright.
Y.Z.	A.B.	C.D.

(B.)

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assignor of Copyright.	Assignee of Copyright.
15	[Set out the title of the book and refer to the page of the registry book in which the original entry of the copyright thereof is made.]	A.B.	C.D.

SECOND SCHEDULE.

Form of Transfer and Authority to Register.

20 I A.B. author [or proprietor] of design No. having transferred my right thereto [or if such transfer be partial] so far as regards the making or ornamenting of [describe the articles or works of manufacture or art or substances or the locality with respect to which the right is transferred] to B.C. of do hereby authorize you to insert my name on the register of designs accordingly.

THIRD SCHEDULE.

(A.)

Form of Request to Register.

25 I B.C. the person mentioned in the above transfer do request you to register my name and property in the said design as entitled [if to the entire use] to the entire use of such design [or if to the partial or limited use] to the partial or limited use of such design so far as regards the application thereof [describe the articles or works of manufacture or art or the substances or the locality in relation to which the right is transferred.]

(B.)

35 I C.D. in whom is vested by [state bankruptcy or otherwise] the design No. [or if such devolution be of a partial or limited right so far as regards the application thereof] to [describe the articles or works of manufacture or art or substance or the locality in relation to which the right has devolved.]

FOURTH



Copyright.

FOURTH SCHEDULE.

(A.)

Form of requiring Entry of Proprietorship.

I A.B. of do hereby certify that I am the proprietor of the  
5 copyright of a book intituled Y.Z. and I hereby require you to make entry in the  
register book of the of my proprietorship of such copyright according  
to the particulars underwritten.

	Title of Book.	Name of Publisher and place of Publication.	Name and place of abode of Proprietor of the Copyright.	Date of first Publication.
10	Y.Z.		A.B.	

Dated this day of 18  
Witness—C.D. (Signed) A.B.

(B.)

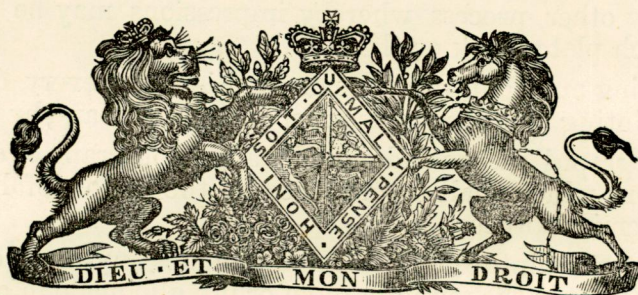
Original Entry of Proprietorship of Copyright of a Book.

15	Time of making the Entry.	Title of Book.	Name of the Publisher and place of Publication.	Name and place of abode of the Proprietor of the Copyright.	Date of first Publication.
		Y.Z.	A.B.	C.D.	

[1s.]



New South Wales.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XX.

An Act to secure to Proprietors of Works of Literature and Fine Art and to Proprietors of Designs for Articles and Works of Manufacture and Art the Copyright of such Works and Designs for a limited period. [Assented to, 14th May, 1879.]

**W**HEREAS it is considered that the Law of Copyright as the same exists in the United Kingdom can with certain modifications be introduced into this Colony with great benefit to Authors Artists Designers and others whose works and rights have hitherto been without protection from piracy and infringement Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. This Act shall come into force on the first day of July in the year one thousand eight hundred and seventy-nine and may be cited as the "Copyright Act 1879" It is divided into Four Parts which embrace the subjects following—

PART I.—*Literary Dramatic and Musical Works Lectures &c.*

PART II.—*Fine Arts &c.*

PART III.—*Designs &c.*

PART IV.—*Miscellaneous Provisions.*



*Copyright.*

Interpretation of  
terms &c.

2. The following words and expressions in this Act shall unless there is anything in the context repugnant thereto or inconsistent therewith mean and include the matters following respectively viz. :—

“The Governor” means the Governor with the advice of the Executive Council.

“Registrar” means and includes the Registrar and Assistant Registrars (if any) appointed under this Act.

“Book” means and includes any volume part or division of a volume newspaper pamphlet libretto sheet of letter-press sheet of music map chart or plan separately published.

“Dramatic or musical production” means and includes any tragedy comedy play opera farce or other scenic musical or dramatic piece entertainment or composition.

“Engraving” means and includes every work made upon a plate block or slab of any material by engraving lithography or any other process whereby impressions may be taken from such plate block or slab.

“Drawing and Painting” means and includes every drawing and painting made in any manner and material and by any process.

“Photograph” means and includes any photograph or other similar work which shall be produced by the action of light or any chemical process.

“Work of sculpture” means and includes any piece of sculpture whether in the round in relief or intaglio made in any material and by any process.

“Copyright” means the sole and exclusive right and liberty of making printing writing drawing painting photographing or otherwise howsoever multiplying copies of any matter thing or subject to which the said word is herein applied or to which any original design as hereinafter described in section one of Part III has been applied.

“Proprietor” means and includes the author of any new and original design as hereinafter described and the author of any book or of any tragedy comedy play opera farce or other dramatic or musical composition or production or of any lecture as hereinafter described and the author of every original painting drawing work of sculpture and photograph as hereinafter described unless such author shall have executed any of the works aforesaid on behalf of another person for a good or a valuable consideration in which case such person shall be and be considered the proprietor thereof and shall be entitled to be registered in the place of the author And shall also mean and include every person or persons acquiring for a good or valuable consideration such new and original design or the right or partial or limited right to apply the same to making selling or ornamenting any one or more articles or works of manufacture or art or any one or more substances as hereinafter in section thirty-four described and the copyright as hereinbefore defined or any part thereof in such book tragedy comedy play opera farce or other dramatic or musical composition or production or in such lecture and in such original painting drawing work of sculpture and photograph and also every person who shall purchase such copyright or upon whom the property in such design or any part thereof or such right or partial or limited right to the application thereof and in such copyright or any part thereof as aforesaid shall devolve or be bequeathed and to the extent that the same shall have been so acquired or shall



*Copyright.*

shall have so devolved or been bequeathed but not otherwise  
 Provided that the word "proprietor" shall have such further  
 and other meaning and include such further and other  
 persons as is expressly given thereto and included thereunder  
 by any of the provisions of this Act.

## PART I.

*Literary Dramatic and Musical Works.*

3. The copyright in every book which shall before or after the passing of this Act have been or be first published in this colony in the lifetime of its author shall endure for the natural life of such author and for the further term of seven years commencing at the time of his death and shall be the property of such author and his assigns. Provided that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book in this colony the copyright shall in that case endure for such period of forty-two years. The copyright in every book which has been or shall be published in this colony after the death of its author shall endure for the term of forty-two years from the first publication thereof in this colony and shall be the property of the proprietor of the author's manuscript from which such book shall be first published and his assigns.

Duration of copyright  
in books &c.  
5 & 6 Vic. c. 45 s. 3.

4. It shall be lawful for the Governor on complaint made to the Attorney General that the proprietor of the copyright in any such book after the death of its author has refused to republish or to allow the republication of the same and that by reason of such refusal such book may be withheld from the public to grant a license to the complainant to publish such book in such manner and subject to such conditions as he may think fit and it shall be lawful for such complainant to publish such book according to such license.

Governor may license  
the republication of  
books which the  
proprietor refuses to  
republish after death  
of author.  
5 & 6 Vic. c. 45 s. 5.

5. A printed copy of the whole of every book which shall be first published in this colony after the passing of this Act together with all maps prints or other engravings belonging thereto finished and colored in the same manner as the best copies of the same shall be published and also of any second or subsequent edition which shall be so published with any additions or alterations whether the same shall be in letterpress or in the maps prints or other engravings belonging thereto and whether the first edition of such book shall have been published before or after the passing of this Act and also of any second or subsequent edition of every such book of which the first or some preceding edition shall not have been delivered for the use of the Free Public Library and the Library of the University of Sydney bound sewed or stitched together and upon the best paper on which the same shall be printed shall within two calendar months after the day on which any such book shall be first sold published or offered for sale within this colony be delivered by or on behalf of the publisher thereof at the said Libraries.

Copies of books to be  
delivered within a  
certain time at the  
Free Public Library.  
5 & 6 Vic. c. 45 s. 6.

6. Every copy of a book which under the provisions of this Part ought to be delivered as aforesaid shall be delivered at the said Libraries between the hours of ten in the forenoon and four in the afternoon to one of the officers of the said library or to some person duly authorized to receive the same and such officer or other person receiving such copy is hereby required to give a receipt in writing for the same and such delivery shall to all intents and purposes be deemed to be a good and sufficient delivery under the provisions of this part of this Act.

Mode of delivering  
books at library.  
5 & 6 Vic. c. 45 s. 7.



*Copyright.*

Penalty for default  
in delivering copies  
for use of library.  
5 & 6 Vic. c. 45 s. 10.

7. If any such publisher shall neglect to deliver such book as aforesaid he shall for every such default forfeit besides the value of such copy of such book or edition which he ought to have delivered a sum not exceeding ten pounds to be recovered by the librarian of the said library in a summary way before any two Justices of the Peace.

Book of registry to be  
kept.  
5 & 6 Vic. c. 45 s. 11.

8. A register wherein may be registered as hereinafter enacted the proprietorship in the copyright of books dramatic or musical works whether in manuscript or otherwise and the assignments of such proprietorship and licenses affecting such copyright shall be kept at the registry appointed by virtue of this Act by the Registrar of Copyright and shall at all convenient times be open to the inspection of any person on payment of one shilling for every entry which shall be searched for or inspected in the said book and such officer shall whenever thereunto reasonably required give a copy of any entry in such book certified under his hand and impressed stamped or sealed with the stamp or seal of the said registry office to any person requiring the same on payment to him of the fee provided by virtue of this Act in that behalf and such copies so certified and impressed stamped or sealed shall be received in evidence in all Courts and shall be *primâ facie* proof of the proprietorship or assignment of copyright or license as therein expressed and in the case of dramatic or musical works shall be *primâ facie* proof of the right of representation or performance.

Entries of copyright  
of books in registry.  
5 & 6 Vic. c. 45 s. 13.

9. After the passing of this Act it shall be lawful for the proprietor of copyright in any book heretofore first published or in any book hereafter to be first published in this colony to make entry in the registry aforesaid of the title of such book the time of the first publication thereof the name and place of abode of the publisher thereof and the name and place of abode of the proprietor of the copyright of the said book or of any portion of such copyright in the form in that behalf given in the fourth Schedule hereto upon payment of the prescribed fee to the Registrar or other proper officer and it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein by making entry in the said register of such assignment and of the name and place of abode of the assignee thereof in the form in the first Schedule hereto on payment of the like sum and such assignment so entered shall be effectual in law to all intents and purposes whatsoever and shall be of the same force and effect as if such assignment had been made by deed.

Remedy for piracy  
by action.  
5 & 6 Vic. c. 45 s. 15.

10. If any person shall in this Colony after the passing of this Act print or cause to be printed either for sale or exportation any book in which there shall be a subsisting registered copyright as aforesaid without the consent in writing of the proprietor thereof or his agent duly authorized in that behalf in writing or shall import for sale or hire any such book so unlawfully printed from parts beyond the sea or knowing such book to have been so unlawfully printed or imported shall sell publish or expose to sale or hire or cause to be sold published or exposed to sale or hire or shall have in his possession for sale or hire any such book so unlawfully printed or imported without such consent as aforesaid such offender shall be liable for every such offence to a penalty not exceeding ten pounds to be recovered by the proprietor against whom such offence shall have been committed with full costs of suit before two or more Justices in a summary manner and also to an action at the suit of the proprietor of such copyright in the Supreme Court.

Notice to be given by  
defendant in actions  
for piracy.  
5 & 6 Vic. c. 45 s. 16.

11. After the passing of this Act in any action brought within this Colony against any person for printing any such book for sale hire or exportation or for importing selling publishing or exposing to sale or hire or causing to be imported sold published or exposed to sale or hire any such book the defendant on pleading thereto shall give  
to



*Copyright.*

to the plaintiff a notice in writing of any objections on which he means to rely on the trial of the action and if the nature of his defence be that the plaintiff was not the author or first publisher of the book in which he shall by such action claim copyright or is not the proprietor of the copyright therein or that some other person than the plaintiff was the author or first publisher of such book or is the proprietor of the copyright therein then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book or the proprietor of the copyright therein together with the title of such book and the time when and the place where such book was first published otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid or that he was not the proprietor of the copyright therein and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice or that any other person was the author or first publisher of such book or the proprietor of the copyright therein than the person specified in such notice or give in evidence in support of his defence any other book than one substantially corresponding in title time and place of publication with the title time and place specified in such notice. Provided however that nothing in this section contained shall in any such action relieve the plaintiff from proving that he was the proprietor of such book at the time of the alleged infringement of his copyright therein.

12. After the passing of this Act it shall not be lawful for any person not being the proprietor of the copyright or some person authorised by him to import into this Colony for sale or hire any printed book first composed or written or printed and published in the said Colony wherein there shall be copyright and reprinted elsewhere than in the said Colony. And if any person not being such proprietor or person authorized as aforesaid shall import or bring or cause to be imported or brought for sale or hire any such printed book into any part of the said Colony contrary to the true intent and meaning of this Part of this Act or shall knowingly sell publish or expose to sale or let to hire or have in his possession for sale or hire any such book then every such book shall be forfeited and shall be seized by any officer of Customs or excise and the same shall be destroyed by such officer and every person so offending being duly convicted thereof before any two Justices of the Peace shall also for every such offence forfeit the sum of ten pounds and double the value of every copy of such book which he shall so import or cause to be imported into the said Colony or shall knowingly sell publish or expose to sale or let to hire or shall cause to be sold published or exposed to sale or let to hire or shall have in his possession for sale or hire contrary to the true intent and meaning of this Part one moiety to be paid to the Consolidated Revenue Fund and the other to the use of the proprietor of the copyright in such book.

The proprietor only can import for sale books first composed in the Colony and reprinted elsewhere. Books may be seized. 5 & 6 Vic. c. 45 s. 17.

13. When any publisher or other person in this Colony shall before or at the time of the passing of this Act have projected conducted and carried on or shall hereafter project conduct and carry on or be the proprietor of any encyclopædia review magazine periodical work newspaper or work published in the said Colony in a series of books or parts of any book whatsoever and shall have employed or shall employ any persons to compose the same or any volumes parts essays articles or portions shall have been or shall hereafter be composed under such employment on the terms that the copyright therein shall belong to such proprietor projector publisher or conductor the

Copyright in reviews magazines &c. 5 & 6 Vic. c. 45 s. 18.

copyright



*Copyright.*

copyright in every such encyclopædia review magazine periodical work and work published in a series of books or parts and in every volume part essay article and portion so composed and paid for shall be the property of such proprietor projector publisher or conductor who shall enjoy the same rights as if he were the actual author thereof and shall have such term of copyright therein as is given to the authors of books by this Part except only that in the case of essays articles or portions forming part of and first published in reviews magazines or other periodical works of a like nature after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Part Provided that during the term of twenty-eight years the said proprietor projector publisher or conductor shall not publish any such essay article or portion separately or singly without the consent previously obtained of the author thereof or his assigns Provided also that nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract express or implied may have reserved or may hereafter reserve to himself such right but every author reserving retaining or having such right shall be entitled to the copyright in such composition when published in a separate form according to this Part without prejudice to the right of such proprietor projector publisher or conductor as aforesaid.

Proprietors of reviews magazines &c. can register at once. 5 & 6 Vic. c. 45 s. 19.

14. The proprietor of the copyright in any such encyclopædia review magazine newspaper periodical work or other work so published in a series of books or parts shall be entitled to all the benefits of the registration at the registry aforesaid under this Part on entering in the said register the title of such encyclopædia review magazine newspaper periodical work or other work so published in a series of books or parts the time of the first publication of the first volume number or part thereof or of the first number volume or part first published after the passing of this Act in any such work which shall have been published heretofore and the name and place of abode of the proprietor thereof and of the publisher thereof when such publisher shall not also be the proprietor thereof.

Assignment of copyright of a dramatic piece not to convey right of representation. 5 & 6 Vic. c. 45 s. 22.

15. No assignment of the copyright of any book consisting of or containing a dramatic or musical production shall convey to the assignee the right of representing or performing such dramatic or musical production unless an entry in the said register shall be made of such assignment wherein shall be expressed the intention of the parties that such right should pass by such assignment.

Books printed shall become property of proprietor of copyright and may be recovered by action. 5 & 6 Vic. c. 45 s. 23.

16. All copies of any book wherein there shall be copyright and of which entry shall have been made in the said register and which shall have been unlawfully printed or imported without the consent of the registered proprietor of such copyright in writing under his hand first obtained shall be deemed to be the property of the proprietor of such copyright if such proprietor be duly registered as herein provided and such registered proprietor shall after demand thereof in writing be entitled to sue for and recover the same or damages for the detention of the same in an action of detinue from any party who shall detain the same or to sue for and recover damages for the conversion thereof in an action of trover.

Proprietor cannot sue before registration. 5 & 6 Vic. c. 45 s. 24.

17. No proprietor of copyright under this Part save the proprietor of copyright in any lecture as hereinafter described in section twenty shall maintain any action or suit at law or in equity or any summary proceeding in respect of any infringement of such copyright unless he shall before commencing such action suit or other proceeding have caused an entry to be made in the registry aforesaid pursuant to this



*Copyright.*

this Part Provided always that the omission to make such entry shall not affect such copyright but only the right to sue or proceed in respect of the infringement thereof as aforesaid.

18. From and after the passing of this Act the author or the assignee of such author of any tragedy comedy play opera farce or of any dramatic or musical work in this colony whether the same be printed and published by the author thereof or his assignee or not and whether the same were composed before the passing of this Act or not shall have as his own property the sole liberty of representing or performing or causing or permitting to be represented or performed at any place or places in this Colony any such dramatic or musical works for the term in this Part provided for the duration of copyright in books Provided that nothing in this section contained shall prejudice or affect the right of any person to represent or cause to be represented or perform or cause to be performed at any place or places as aforesaid such works in all cases in which the author thereof or his assignee shall before the passing of this Act have authorized such representation or performance Provided also that all the provisions of this Part relating to the copyright in books so far as the same are not inconsistent with this section and the section next immediately following shall apply and be deemed to apply (as far as the same are applicable) to the liberty of representing or performing any such works as aforesaid save and except that the first public representation or performance of any such works shall be deemed equivalent in the construction of this Part to the first publication of any book Provided also that in case of any dramatic or musical work in manuscript it shall be sufficient for the person having the right of representing or performing or causing to be represented or performed the same to register only the title thereof the name and place of abode of the author or composer thereof the name and place of abode of the proprietor thereof and the time and place of its first representation or performance Provided also that no copy of any dramatic or musical work shall be delivered at the said Public Library as aforesaid unless such work shall have been printed for sale.

19. If any person shall during the continuance of such sole liberty contrary to the intent of section eighteen of this Part or right of the author or his assignee represent or perform or cause to be represented or performed without the consent in writing of the author or other proprietor first had and obtained at any place or places in the said colony any such dramatic or musical work or any part thereof every such offender shall be liable for each and every such representation or performance to the payment of an amount of not less than forty shillings or to the full amount of the benefit or advantage arising from such representation or performance or the injury or loss sustained by the plaintiff therefrom whichever shall be the greater damages to the author or proprietor of such work so represented or performed contrary to the true intent and meaning of this part of this Act to be recovered with full costs of suit as between attorney and client by such author or other proprietor in any Court of competent jurisdiction in that part of the said colony in which the offence shall be committed and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid it shall be sufficient for the plaintiff to state that he has such sole liberty without stating the same to be subject to such right or authority or otherwise mentioning the same.

20. The author of any lecture or lectures first delivered in this colony or the person to whom he hath sold or otherwise conveyed or transferred the copy thereof in order to deliver the same in any school seminary institution or other place or for any other purpose whatever shall

Property in dramatic and musical productions.  
3 & 4 Wm. IV. c. 15 s. 2.  
5 & 6 Vic. c. 45 s. 20.

Penalty on persons performing dramatic or musical pieces contrary to last section.  
3 and 4 Wm. IV. c. 15 s. 2.  
5 and 6 Vic. c. 45 s. 21.

Authors of lectures or their assigns to have the sole right publishing same.  
5 and 6 Wm. IV. c. 65 s. 1.



*Copyright.*

shall have the sole right and liberty of printing and publishing such lecture or lectures and that if any person shall by taking down the same in short-hand or otherwise in writing or in any other way obtain or make a copy of such lecture or lectures and shall print or lithograph or otherwise copy and publish the same or cause the same to be printed lithographed or otherwise copied and published without leave of the author thereof or of the person to whom the author thereof hath sold or otherwise conveyed or transferred the same and every person who knowing the same to have been printed or copied without and published without such consent shall sell publish or expose to sale or cause to be sold published or exposed to sale any such lecture or lectures shall forfeit all such printed or otherwise copied lecture or lectures or parts thereof together with one penny for every sheet thereof which shall be found in his custody either printed lithographed or copied or printing lithographing or copying published or exposed to sale contrary to the true intent and meaning of sections numbered twenty twenty-one twenty-two twenty-three and twenty-four of this Part of this Act to be recovered before two or more Justices in a summary manner by the proprietor of the copyright in such lectures or his assigns.

Penalty on printers or publishers of newspapers publishing lectures without leave.  
6 and 7 Wm. IV. c. 65 s. 2.

21. Any printer or publisher of any newspaper who shall without such leave as aforesaid print and publish in such newspaper any such lecture or lectures shall be deemed and taken to be a person printing and publishing without leave within the provisions of the last immediately preceding section numbered twenty and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

Persons having leave to attend lectures not entitled to publish them.  
6 and 7 Wm. IV. c. 65 s. 3.

22. No person allowed for certain fee and reward or otherwise to attend and be present at any lecture delivered in any place shall be deemed and taken to be licensed or to have leave to print copy and publish such lectures only because of having leave to attend to such lecture or lectures.

The sections not to prohibit publication of lectures after expiration of copyright.

23. Nothing in sections numbered twenty twenty-one and twenty-two shall extend to prohibit any person from printing copying and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assigns and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by the Act or to any lectures which have been printed or published before the passing of this Act.

Notice not to print lithograph copy and publish lectures to be given by public advertisement.

24. Nothing in the sections numbered twenty twenty-one and twenty-two shall extend to any lecture or lectures or to the printing copying or publishing of any lecture or lectures or parts thereof of which notice not to print lithograph or otherwise copy and publish the same shall not have been published twice at least in some paper generally circulating in the place where such lecture or lectures shall be delivered two days at least before delivering the same or to any lecture or lectures delivered in any university public school or college or on any public foundation or by any individual by virtue of or according to any gift endowment or foundation.



*Copyright.*

## PART II.

*Fine Arts.*

25. The author being a British subject or resident in this Colony of every new and original painting drawing work of sculpture engraving and photograph which shall be or shall have been made in this colony and shall not have been sold or disposed of before the commencement of this Act and his assigns shall have the sole and exclusive right of copying photographing engraving reproducing and multiplying such painting drawing work of sculpture engraving and the design thereof or such photograph and the negative thereof by any means and of any size for the term of fourteen years as regards such painting drawing work of sculpture and engraving and for the term of three years as regards such photograph and the negative thereof Provided that when any painting drawing work of sculpture engraving photograph or the negative of any photograph shall for the first time after the passing of this Act be sold or disposed of or shall be made or executed for or on behalf of any other person for a good or a valuable consideration the person so selling or disposing of or making or executing the same shall not retain the copyright thereof unless it be expressly reserved to him by agreement in writing signed at or before the time of such sale or disposition by the vendee or assignee of such painting drawing work of sculpture engraving photograph or of such negative of a photograph or by the person for or on whose behalf the same shall be so made or executed but the copyright shall belong to the vendee or assignee of such painting drawing work of sculpture engraving photograph or of such negative of a photograph or to the person for or on whose behalf the same shall have been made or executed nor shall the vendee or assignee thereof be entitled to any such copyright unless at or before the time of such sale or disposition an agreement in writing signed by the person so selling or disposing of the same or by his agent duly authorized in writing shall have been made to that effect.

Copyright in paintings drawings sculpture engravings photographs.

25 & 26 Vic. c. 68 s. 1.

26. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright or to represent any scene or object notwithstanding that there may be copyright in some representation of such scene or object.

Copyright not to prevent representation of subject of works.

25 & 26 Vic. c. 68 s. 2.

27. There shall be kept at the registry to be appointed under and by virtue of this Act a book or books entitled "The Register of Proprietors of Copyright in Paintings Drawings Works of Sculpture Engravings and Photographs" wherein shall be entered upon payment of the fee provided by virtue of this Act in that behalf a memorandum of every copyright to which any person shall be entitled under this Part of this Act and also of every subsequent assignment of any such copyright and such memorandum shall contain a statement of the date of such agreement or assignment and of the names of the parties thereto and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof and of the name and place of abode or place of business of the author of the work in which there shall be such copyright together with a short description of the nature and subject of such work and in addition thereto if the person registering shall so desire a sketch outline or photograph of the said work and no proprietor of any such copyright shall be entitled to the benefit of this Part of this Act until such registration and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration Provided that the omission to register any copyright under this Part of this Act shall not affect such copyright but only the right to sue or proceed in respect of the infringement thereof.

Books for registration of "Paintings" &c.

25 & 26 Vic. c. 68 s. 4.



*Copyright.*

Certain provisions of  
Part I to apply to  
books to be kept  
under this part.

25 & 26 Vic. c. 68 s. 5.

28. The provisions and enactments contained in Part I of this Act with regard to and in connection with the keeping of the register books thereby required the searches therein and the delivery of certified and stamped or sealed copies thereof the reception of such copies in evidence and the cancelling or amending entries in such register books shall apply to the book or books to be kept by virtue of this part and to the entries and assignments of copyright and proprietorship therein under this Part as fully and effectually to all intents and purposes as if such provisions and enactments were expressly enacted in this Part in relation thereto. Provided that the forms of every kind prescribed by the said Part I may be varied to meet the circumstances of each case.

Penalties on infringe-  
ment of copyright.

25 & 26 Vic. c. 68 s. 6.

29. If the author of any such painting drawing work of sculpture engraving or photograph in which there shall be subsisting copyright after having sold or disposed of such copyright or if any other person not being the proprietor for the time being of copyright in any such painting drawing work of sculpture engraving or photograph shall without the consent of such proprietor repeat copy colourably imitate or otherwise multiply for sale hire exhibition or distribution any such work or the design thereof or knowing that any such repetition copy or other imitation has been unlawfully made shall import into any part of this colony or sell publish let to hire exhibit or distribute or offer for sale hire exhibition or distribution or cause or procure to be imported sold published let to hire distributed or offered for sale hire exhibition or distribution any repetition copy or imitation of the said work or of the design thereof made without such consent as aforesaid such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds and all such repetitions copies and imitations made without such consent as aforesaid and all negatives of photographs made for the purpose of obtaining such copies shall be forfeited to the proprietor of the copyright.

Penalties on fraudu-  
lent productions and  
sales.

25 & 26 Vic. c. 68 s. 7.

30. No person shall do or cause to be done any or either of the following acts that is to say:—

- (I.) No person shall fraudulently sign or otherwise affix or fraudulently cause to be signed or otherwise affixed to or upon any such painting drawing work of sculpture engraving or photograph or the negative thereof any name initials or monogram
- (II.) No person shall fraudulently sell publish exhibit or dispose of or offer for sale exhibition or distribution any such painting drawing work of sculpture engraving or photograph or negative of a photograph having thereon the name initials or monogram of a person who did not execute or make such work
- (III.) No person shall fraudulently utter dispose of or put off or cause to be uttered or disposed of or put off any copy or colourable imitation of any such painting drawing work of sculpture engraving or photograph or negative of a photograph whether there shall be subsisting copyright therein or not as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken
- (IV.) Where the author or maker of any such painting drawing work of sculpture engraving or photograph or negative of a photograph made before or after the passing of this Act shall have sold or otherwise parted with the possession of such work if any alteration shall afterwards be made therein by any other person by addition or otherwise no person shall

be



*Copyright.*

be at liberty during the life of the author or maker of such work without his consent to make or knowingly to sell or publish or offer for sale such work or any copies of such work so altered as aforesaid or of any part thereof as or for the unaltered work of such author or maker

Every offender under this section shall upon conviction forfeit to the person aggrieved a sum not exceeding ten pounds or not exceeding double the full price (if the same amount to ten pounds at least) at which all such copies engravings imitations or altered works shall have been sold or offered for sale and all such copies engravings imitations or altered works shall be forfeited to the person or the assigns or legal representatives of the person whose name initials or monogram shall be so fraudulently signed or affixed thereto or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid Provided always that the penalties imposed by this section shall not be incurred unless the person whose name initials or monogram shall be so fraudulently signed or affixed or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid shall have been living at or within twenty years next before the time when the offence may have been committed.

31. All pecuniary penalties which shall be incurred and all such unlawful copies imitations and all other effects and things as shall have been forfeited by offenders pursuant to this part of this Act may be recovered by the proprietor against whom the offence shall have been committed or by the person hereinbefore empowered to recover the same respectively either by action against the party offending or by summary proceeding before any two Justices having jurisdiction where the party offending resides or has his place of business.

Recovery of penalties.  
25 and 26 Vict.  
c. 68 s. 8.

32. All repetitions copies or imitations of paintings drawings works of sculpture engravings or photographs wherein or in the design whereof there shall be subsisting copyright under this part of this Act and all repetitions copies and imitations of the design of any such painting drawing work of sculpture engraving photograph or of the negative of any such photograph which contrary to the provisions of this part of this Act shall have been made in this Colony or elsewhere are hereby absolutely prohibited to be imported into the said Colony except by or with the consent of the proprietor of the copyright thereof or his agent authorized in writing and if the proprietor of any such copyright or his agent shall declare that any goods imported are repetitions copies or imitations of any such painting drawing work of sculpture engraving or photograph or the negative of any such photograph and so prohibited as aforesaid then such goods may be detained by the officers of Her Majesty's Customs in the said Colony.

Importation of pirated works prohibited.  
25 and 26 Vict.  
c. 68 s. 10.

33. If the author of any such painting drawing work of sculpture engraving or photograph in which there shall be subsisting copyright after having sold or otherwise disposed of such copyright or of any other person not being the proprietor for the time being of such copyright shall without the consent of such proprietor repeat copy colourably imitate or otherwise multiply or cause or procure to be repeated copied colourably imitated or otherwise multiplied for sale hire exhibition or distribution any such work or the design thereof or the negative of any such photograph or shall import or cause to be imported into this Colony or sell publish let to hire exhibit or distribute or offer for sale hire exhibition or distribution or cause or procure to be sold published let to hire exhibited or distributed or offered for sale hire exhibition or distribution any repetition copy or imitation of such work or the design thereof or the negative of any such photograph made without such consent as aforesaid then every such proprietor in addition to the remedies hereby given for the recovery of any such penalties

Saving of right to bring action for damages.  
25 and 26 Vict.  
c. 68 s. 11.



*Copyright.*

penalties and forfeiture of any such things as aforesaid may recover damages by and in a special action on the case to be brought against the person so offending and may in such action recover and enforce the delivery to him of all unlawful repetitions copies and imitations and negatives of photographs or may recover damages for the retention or conversion thereof Provided that nothing in this section contained nor any proceeding conviction or judgment for any act in this part of this Act forbidden shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

## PART III.

*Designs.*

Copyright of designs.  
5 & 6 Vic. c. 100 s. 3.  
6 & 7 Vic. c. 67 s. 2.

34. The proprietor of any new and original design for any article or work of manufacture or art and whether such article or work be for purposes of utility ornament or otherwise and whether such design be applicable to the ornamentation only of any article or work of manufacture or art or to the pattern shape or configuration of such article or work of manufacture or art or to the pattern shape configuration or ornamentation of any substance artificial or natural or partly artificial and partly natural and whether such design be applicable to two or more of such purposes and by whatever means such design be applicable whether by printing or by painting or by embroidery or by weaving or by modelling or by casting or by embossing or by engraving or by staining or by any other means whatsoever manual mechanical or chemical separate or combined and which design has not previously been published in this colony or elsewhere shall have the sole right to apply the said design to any article or work or to any substance aforesaid and the sole right to make ornament or sell any article work or substance according to such design for the respective terms hereinafter mentioned such respective terms to be computed from the time of such design being registered according to this part of this Act (that is to say) :—

In respect of the application of any such design to the pattern shape configuration or ornamentation of any article work or substance aforesaid contained and comprehended in the first five classes following for the term of three years.

In respect of the application of any such design to the pattern shape configuration or ornamentation of any article work or substance aforesaid contained and comprehended in the sixth seventh eighth ninth tenth eleventh twelfth thirteenth and fourteenth classes following for the term of two years.

Class 1. Articles of manufacture composed wholly or chiefly of any metal or mixed metals.

Class 2. Articles of manufacture composed wholly or chiefly of wood stone cement or plaster.

Class 3. Articles of manufacture composed wholly or chiefly of glass.

Class 4. Articles of manufacture composed wholly or chiefly of earthenware.

Class 5. Articles of manufacture composed wholly or chiefly of ivory bone papier-maché and every other solid substances not already comprised in the above classes numbered 1 2 3 4.

Class 6. Paperhangings.

Class 7. Carpets tapestry floorcloths and oilcloths.

Class 8. Shawls if the design be applied solely by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics.

Class



*Copyright.*

Class 9. Shawls not comprised in class 8.

Class 10. Yarn thread or warp if the design be applied by printing or by any other process by which colors are or may hereafter be produced.

Class 11. Woven fabrics composed of linen cotton wool silk or hair or of any two or more of such materials if the design be applied by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics excepting the articles included in class 12.

Class 12. Woven fabrics composed of linen cotton wool silk or hair or of any two or more of such materials if the design be applied by printing or by any other process by which colors are or may hereafter be produced upon tissue or textile fabrics such woven fabrics being or coming within the description technically called furnitures and the repeat of the design whereof shall be more than twelve inches by eight inches.

Class 13. Woven fabrics not comprised in any preceding class.

Class 14. Lace and any article of manufacture or work of art or substance not comprised in any preceding class.

35. No person shall be entitled to the benefit of Part III of this Act with regard to any design in respect of the application thereof as aforesaid to any article work or substance or to making selling or ornamenting any article or work of manufacture or art or any such substance unless such design shall before the publication thereof have been registered according to Part III of this Act and unless the name of such person shall have been registered according to said Part III as a proprietor of such design and unless after the publication of such design every such article or work of manufacture or art or such substance to which the same shall be so applied or made by him according to such design or on which such design is used hath thereon the word registered with the name of the proprietor and the date of registration thereof.

Conditions of  
copyright.

5 & 6 Vic. c. 100 s. 4  
21 & 22 Vic. c. 70 s. 4.

Marks denoting a  
registered design.

36. The Registrar appointed by virtue of this Act shall not register any such design for making or ornamenting any articles or works of manufacture or art or substances as aforesaid unless he be furnished by the applicant for such registration in every case save where hereinafterwards provided with a model or pattern of such design and also with two copies drawings prints written or printed or partly written and printed specifications or descriptions of such design together with the name of every person who shall claim to be proprietor thereof or the style or title of the firm under which such proprietor may be trading and his place of abode or place of carrying on his business or other place of address and the number of the class in respect of which such registration is made and unless the fee appointed by virtue of this Act for such registration shall have been previously paid and the Registrar shall register all such models patterns copies drawings prints specifications or descriptions from time to time successively as they are received by him for registration and on every such model or pattern and its corresponding copy drawing print specification or description he shall mark or affix a number corresponding to the order and succession in which they are respectively received and he shall retain such model or pattern and one of such copies drawings prints specifications or descriptions in his office and the other copy drawing print specification or description he shall return to the person by whom the same shall have been forwarded to him and such Registrar shall class such design and keep a proper index of each class. Provided that on request of the applicant for registration the Attorney-General by writing under his hand may order the Registrar to dispense with the necessity of requiring such

Registration how  
effected.

5 & 6 Vic. c. 100  
s. 15.



*Copyright.*

such applicant to furnish (as herein provided) such model or pattern aforesaid in all cases in which it shall be proved to the satisfaction of the Attorney General that such model or pattern ought not to be required on the grounds of the cost and trouble to the applicant of furnishing the same and such Registrar shall obey such order and shall register such application without requiring such applicant to furnish any model or pattern as aforesaid upon his having fulfilled all the other conditions of registration.

Certificate of  
registration.  
5 & 6 Vic. c. 100  
s. 16.

37. Upon every model or pattern and every copy drawing print specification or description aforesaid being registered as aforesaid 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 or the style or title of the firm under which such proprietor may be trading with his place of abode or place of carrying on his business or other place of address and also the number of such design together with such number or letter or number and letter and in such form as shall be employed by him to denote or correspond with the date of such registration and every such certificate purporting to be signed by the Registrar and purporting to have the seal or stamp of the 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 Part of this Act and of any rule under which the certificate seems to be made having been duly complied with And any such writing purporting to be such certificate shall in the absence of evidence to the contrary be received as evidence without proof of the handwriting of the signature thereto or of the seal or stamp of the office affixed thereto or of the person signing the same being the Registrar.

Transfer of copyright  
and register thereof.  
5 & 6 Vic. c. 100 s. 6.

38. Every person purchasing or otherwise acquiring the right to the entire or partial or limited use of any such 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 or his agent duly authorised in writing in that behalf shall operate as an effectual transfer and the Registrar shall on request and on the production and verification to the satisfaction of the Registrar of such writing or in the case of acquiring such right by any other mode than the purchase thereof on the production of any evidence to the satisfaction of the Registrar and in every such case upon payment of the fee provided by this Act in that behalf insert the name of the new proprietor in the register and such transfer and request shall be respectively in the forms given in the Schedules Second and Third hereto or as near thereto as the circumstances of the case will admit but if such request to register be made by any person to or upon whom any such design shall devolve otherwise than by transfer such latter request may be in form (B) of the Second Schedule hereto or in some form of the like kind.

Inspection of  
registered designs.  
5 & 6 Vic. c. 100 s. 17.

39. Every person shall be at liberty to inspect any design whereof the copyright shall have expired paying only such fee as shall be appointed by virtue of this Act in that behalf but with regard to designs whereof the copyright shall not have expired they shall not be open to inspection except by a proprietor of such design or by some person authorized by him in writing or by some person especially authorized by the Registrar and upon the payment for every such inspection



*Copyright.*

inspection such fee as aforesaid but no person save the proprietor or some person duly authorized by him in writing in that behalf and in no case save on payment of the fee provided by virtue of this Act in that behalf shall take or be permitted to take a copy of such design or of any part thereof. Provided that it shall be lawful for the said Registrar or his deputy to give any person applying to him and producing a particular design together with the registration mark thereof or producing such registration mark only and paying the fee provided by virtue of this Act in that behalf a certificate stating whether there be any copyright existing of such design and (if there be) in respect of what particular article or work of manufacture or art or substance such copyright exists and the term of such copyright and the date of registration and also the name and address of the registered proprietor thereof.

40. During the existence of any such right to the entire or partial or limited use of any such design no person shall either do or cause to be done any of the following acts with regard to any articles or works of manufacture or art or substances in respect of which the copyright of such design shall be in force without the license or consent in writing of the registered proprietor thereof (that is to say):—

Piracy of designs.  
5 & 6 Vic. c. 100 s. 7

No person shall apply any such design or any fraudulent imitation thereof for the purpose of sale to the making or ornamenting of any article or work of manufacture or art or any substance artificial or natural or partly artificial and partly natural as described in section thirty-four of this Part.

No person shall publish sell or expose for sale any article or work of manufacture or art or any substance to which such design or any fraudulent imitation thereof shall have been so applied after having received either verbally or in writing or otherwise from any source whatever the knowledge that the proprietor's consent has not been given to such application or after having been served with or having had left at or upon his usual place of abode or business premises a written notice signed by such proprietor or his agent to the same effect.

41. If any person commit any such act he shall for every such offence forfeit a sum not less than five pounds and not exceeding fifty pounds one-half to the proprietor of the design in respect of which such offence shall have been committed and one-half to the Consolidated Revenue Fund and such proprietor can recover such penalty either by an action of debt or on the case in any Court of competent jurisdiction where the party offending resides (or has his place of business) or by summary proceeding before any two or more Justices of the Peace. Provided that in every such case no greater penalty than twenty pounds and costs shall be inflicted.

Recovery of penalties  
for piracy.  
5 & 6 Vic. c. 100 s. 8.  
21 & 22 Vic. c. 70 s. 8.

42. Notwithstanding the remedies hereby given for the recovery of any such penalty as aforesaid it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred in addition to any proceeding under this part of this Act for the recovery of such penalty to bring such action or suit as he might be entitled to for the recovery of any damages which he shall have sustained either by the application of any such design or of a fraudulent imitation thereof for the purpose of sale to any articles or works of manufacture or art or substances or by the publication sale or exposure to sale as aforesaid by any person of any article work or substance to which such design or any fraudulent imitation thereof shall have been so applied such person knowing that the proprietor of such design had not given his consent to any such application thereof.

Proviso as to action  
for damages.  
5 & 6 Vic. c. 100 s. 9.

43. In any suit in equity which may be instituted by the proprietor of any design or the person lawfully entitled thereto relative to such design if it shall appear to the satisfaction of the Court or Judge having

Registration may in  
certain cases be  
cancelled or amended.  
5 & 6 Vic. c. 100 s. 10.



*Copyright.*

having cognizance of such suit that the design has been registered in the name of a person not being the proprietor nor lawfully entitled thereto it shall be competent for such Judge in his discretion by a decree or order in such suit to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void) or that the name of the proprietor of such design or other person lawfully entitled thereto be substituted in the register for the name of such wrongful proprietor or claimant in like manner as hereinbefore directed in case of the transfer of a design and to make such order respecting the costs of such cancellation or substitution and of all proceedings to procure and effect the same as he shall think fit and the Registrar is hereby authorized and required upon being served with an official copy of such decree or order and upon payment of the proper fee to comply with the tenor of such decree or order and either to cancel such registration or substitute such new name or otherwise amend such register as such decree or order may direct.

Penalty for wrong-  
fully using marks  
denoting a registered  
design.  
5 & 6 Vic. c. 100 s. 11.

44. Unless every such design as aforesaid be so registered as aforesaid and unless such design so registered shall have been applied to making or ornamenting such article or work or substance within this colony and also unless the copyright of such design in relation to such article or work or substance shall have expired it shall be unlawful to put on any such article or work or such substance in the manner hereinbefore required with respect to articles works or substances whereto shall be applied a registered design the marks hereinbefore required to be so applied or any marks corresponding therewith or similar thereto and if any person shall so unlawfully apply any such mark or shall publish sell or expose for sale any article or work of manufacture or art or any substance with any such marks so unlawfully applied knowing that any such marks have been unlawfully applied he shall forfeit for every such offence a sum not exceeding twenty pounds which may be recovered with full costs of suit by any person proceeding for the same by any of the ways hereinbefore directed with respect to penalties for pirating any such design.

## PART IV.

*Miscellaneous Provisions.*

Registrar &c.  
receiving gratuities  
punished.  
5 and 6 Vict. s. 19.

45. If any Registrar under this Act or any other person employed under or by virtue of this Act either demand or receive any gratuity or reward in money or otherwise except the salary or remuneration authorized by the Governor he shall forfeit for every such offence fifty pounds to any person suing for the same by action of debt in the Supreme Court 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 or the public service of this Colony.

Making false entries  
declarations &c. a  
misdemeanor.

46. If any person shall wilfully and knowingly make or cause to be made any false entry in any Register under this Act or shall wilfully and knowingly produce or cause to be produced or tendered in evidence any paper or parchment falsely purporting to be a copy of any entry in any such Register he shall be guilty of an indictable misdemeanor and shall on conviction thereof be imprisoned for any term not exceeding three years with or without hard labor.

Copyright to be  
personal property  
25 and 26 Vict.  
c. 68 s. 3.

47. All proprietorship copyright and sole liberty under this Act shall be deemed personal property and be assignable at law and transmissible by bequest and in case of intestacy shall be subject to the same law of distribution as other personal property and every assignment thereof or of any part thereof and every license to use or copy by any means or process whatsoever the design article work or substance  
which



*Copyright.*

which shall be the subject of such copyright shall be made by some note or memorandum in writing to be signed by the proprietor of the copyright or his agent appointed for that purpose in writing.

48. All actions suits bills indictments or informations for any offence that shall be committed against this Act shall be brought sued laid and commenced within twelve calendar months next after such offence committed or else the same shall be void and of none effect Provided that such limitation of time shall not extend or be construed to extend to any actions suits or other proceedings which under the authority of this Act shall or may be brought sued or commenced for or in respect of any copy or copies of books to be delivered for use of the Free Public Library or Library of the University hereinbefore mentioned.

Limitation of actions proceedings &c. 5 and 6 Vic. c. 45 s. 26.

49. Every action for the infringement of copyright under any part of this Act shall be tried before a Judge of the Supreme Court And in any such action it shall be lawful for a Judge of such Court on the application of the plaintiff or defendant to make such order for an injunction inspection or account and to give such directions respecting such action injunction inspection or account and the proceedings therein respectively as to such Judge may seem fit.

Judge of Supreme Court may make injunction orders. 25 and 26 Vic. c. 68 s. 9.

50. It shall be lawful for the Registrar to amend any entry in any registry book under this Act upon application in writing in that behalf stating the amendment required by the proprietor or part or limited proprietor of the registered design copyright or sole liberty to which such entry refers and upon proof to the satisfaction of such Registrar that such entry requires the amendment so applied for and upon payment of the fee provided by virtue of this Act in that behalf Provided that upon the refusal of such Registrar to amend as aforesaid such proprietor may apply to the Supreme Court or any Judge thereof for an order that such entry be amended as required and such Court or Judge shall make such order regarding the amendment of such entry as to such Court or Judge shall seem just and the Registrar shall comply with such order according to the tenor thereof upon payment of the fee aforesaid And further if any person shall deem himself aggrieved by any entry made under colour of this Act in any book of registry it shall be lawful for such person to apply by motion on notice to the Supreme Court or to apply by summons on notice to any Judge in chambers for an order that such entry may be expunged or varied and that upon such application by motion or summons aforesaid such Court or Judge shall make such order for expunging varying confirming or otherwise dealing with such entry either with or without costs as to such Court or Judge shall seem just and the proper officer appointed under this Act for the purposes of this Act shall on production to him of any such order for expunging varying confirming or otherwise dealing with any such entry and on payment of the fee provided by this Act in that behalf comply with the requisitions of such order according to the tenor thereof.

Amending varying or expunging entries in or from registry. 5 and 6 Vic. c. 45 s. 14.

51. If it shall appear to the satisfaction of any Registrar under this Act that the design brought to be registered under Part I. of this Act is not intended to be applied to any article or work of manufacture or art or substance as aforesaid but only to some label wrapper or other covering in which such article work or substance might be exposed for sale or that any design as aforesaid or that any work whether manual mechanical chemical literary dramatic musical or artistic or of whatever kind it may be whether *ejusdem generis* or not that may be the subject of copyright and be registered under any Part of this Act is contrary to public morality or order it shall be lawful for such Registrar in his discretion wholly to refuse to register any such design or work as aforesaid Provided that the Governor may on representation made to the Attorney General by the proprietor

Discretionary power to register vested in Registrar. 6 and 7 Vic. c. 35 s. 9.



*Copyright.*

of any such design or work so wholly refused to be registered as aforesaid if he shall think fit order the said Registrar to register such design or work whereupon and in such case the said Registrar shall and is hereby required to register the same accordingly.

52. It shall be lawful for the Governor from time to time to appoint subject to removal at any time one or more Registrars and (if required) Assistant Registrars and other necessary officers and servants for the purposes and to carry into effect the provisions of this Act and also from time to time to appoint alter or remove the offices of registry in and to such place or places in this Colony as he shall think fit and also from time to time to make vary alter amend or rescind rules which shall become valid on being published in the *Government Gazette* to regulate the form and mode of each and every kind of registration under this Act and also from time to time by notice in the *Government Gazette* to fix or alter the scale of fees to be paid for the registration of every kind of design copyright sole liberty and proprietorship whether entire or limited and transfers thereof whether entire or limited under this Act and for the amendment alteration and expunging of any entry in any books of registry and for all searches inspections extracts and copies of any books of registry registered documents or other books of reference allowed and kept in the said offices of registry by virtue of this said Act and also from time to time to 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 and also from time to time to frame adopt alter vary or amend such other rules and regulations in connection herewith as will give effect to the provisions of this Act according to the true intent and meaning thereof.

53. The Registrar under this Act shall cause to be prepared the necessary stamps for carrying out the provisions of this Act and also a seal bearing the impression of the royal arms and having inscribed in the margin thereof the words "Office of Copyright Registry of New South Wales" and all certificates extracts copies of entries and other documents purporting to be impressed stamped or sealed with such stamps or seal and to be signed by any Registrar or by any Assistant Registrar under this Act shall be admissible in evidence without further proof of the same being correct or of the authenticity and genuineness of such stamp seal or signature.

54. All fees payable and all fines and penalties recoverable under this Act shall be paid to the Registrar who shall pay over the same to such persons and at such times and shall render such accounts of the same to such persons as the Governor shall from time to time by rule or regulation published in the *Government Gazette* order or direct and all such fees and penalties shall be carried to and form part of the Consolidated Revenue Fund.

55. Nothing in this Act contained shall be deemed to affect the law of copyright as applicable to this Colony by any Imperial statute now in force. Provided also that notwithstanding the provisions of this Act it shall be lawful for any person resident in this Colony to repeat imitate copy and otherwise multiply any painting drawing work of sculpture or photograph in or belonging to the Museum Academy of Art or any art gallery wholly or partly endowed from public funds or to the Free Public Library or the Library of the University of Sydney and the trustees of such museum or library and the Senate of the said University and the governing body of such academy or gallery respectively are hereby authorized and required to allow such repetitions imitations copies and multiplications to be made in such manner and at such time or times as by rule or regulation the Governor shall order and direct.

Appointment of  
officers  
Power to make  
regulations &c.

Seal of "Registry  
Office."

Fees how disposed of  
&c.

This Act not to affect  
Imperial Copyright  
Statutes applicable to  
this Colony.

Residents in this  
Colony may copy &c.  
paintings &c. in  
Museum &c.

SCHEDULES.



Copyright.

SCHEDULES.

FIRST SCHEDULE.

(A.)

Form of Concurrence of the party assigning any Book previously registered.

I A.B. of being the assignor of the copyright of the book hereunder described do hereby require you to make entry of the assignment of the copyright therein.

Title of Book.	Assignor of the Copyright.	Assignee of Copyright.
Y.Z.	A.B.	C.D.

(B.)

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assignor of Copyright.	Assignee of Copyright.
	[Set out the title of the book and refer to the page of the registry book in which the original entry of the copyright thereof is made.]	A.B.	C.D.

SECOND SCHEDULE.

Form of Transfer and Authority to Register.

I A.B. author [or proprietor] of design No. having transferred my right thereto [or if such transfer be partial] so far as regards the making or ornamenting of [describe the articles or works of manufacture or art or substances or the locality with respect to which the right is transferred] to B.C. of do hereby authorize you to insert my name on the register of designs accordingly.

THIRD SCHEDULE.

(A.)

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 as entitled [if to the entire use] to the entire use of such design [or if to the partial or limited use] to the partial or limited use of such design so far as regards the application thereof [describe the articles or works of manufacture or art or the substances or the locality in relation to which the right is transferred.]

(B.)

I C.D. in whom is vested by [state bankruptcy or otherwise] the design No. [or if such devolution be of a partial or limited right so far as regards the application thereof] to [describe the articles or works of manufacture or art or substance or the locality in relation to which the right has devolved.]

FOURTH



*Copyright.*

## FOURTH SCHEDULE.

(A.)

*Form of requiring Entry of Proprietorship.*

I *A.B.* of \_\_\_\_\_ do hereby certify that I am the proprietor of the copyright of a book intituled *Y.Z.* and I hereby require you to make entry in the register book of the \_\_\_\_\_ of my proprietorship of such copyright according to the particulars underwritten.

Title of Book.	Name of Publisher and place of Publication.	Name and place of abode of Proprietor of the Copyright.	Date of first Publication.
<i>Y.Z.</i>		<i>A.B.</i>	

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18  
 Witness—*C.D.* (Signed) *A.B.*

(B.)

*Original Entry of Proprietorship of Copyright of a Book.*

Time of making the Entry.	Title of Book.	Name of the Publisher and place of Publication.	Name and place of abode of the Proprietor of the Copyright.	Date of first Publication.
	<i>Y.Z.</i>	<i>A.B.</i>	<i>C.D.</i>	

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1879.

[1s.]