

THE
COPYRIGHT LAW

OF THE
UNITED STATES OF AMERICA

BEING THE ACT OF MARCH 4, 1909
(IN FORCE JULY 1, 1909)

AS AMENDED BY THE ACTS OF AUGUST 24, 1912
MARCH 2, 1913, MARCH 28, 1914, DECEMBER 18, 1919
JULY 3, 1926, AND MAY 23, 1928

TOGETHER WITH

RULES FOR PRACTICE AND PROCEDURE

UNDER SECTION 25

BY THE SUPREME COURT OF THE
UNITED STATES

Copyright Office Bulletin No. 14



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1928

PREFATORY NOTE.

The Act here printed passed both Houses of Congress on March 3 and was signed by the President on March 4, 1909. (Statutes at Large, vol. 35, part 1, pp. 1075-1088, U. S. Code, Title 17.) The Act went into effect on July 1, 1909.

As stated in its title, it is "An Act to Amend and Consolidate the Acts respecting Copyright," and it takes the place of the copyright enactments formerly in force, the repealing clause reading as follows:

"That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which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

Section 25 provides that "Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States." In compliance with this requirement "Rules for Practice and Procedure" were adopted and promulgated by the Supreme Court on June 1, 1909, and they are, for convenience, reprinted in this edition of the law, pages 35-37.

The first Act amendatory of the new copyright law was approved on August 24, 1912. This Act, known as the "Townsend Bill," amends section 5 by adding two new classes of copyright works, namely, "(1) Motion-picture photoplays," and "(m) Motion-pictures other than photoplays." It amends section 11 by including express directions for the deposit of the title and description and of a certain number of prints from the scenes, acts, or sections of each motion picture; and also by adding "dramatico-musical compositions" to the list of unpublished works enumerated in section 11 as subject matter of copyright. The Act further amends section 25 by providing special limited damages in the case of infringement by means of motion pictures, where the infringer shows that he was not aware that he was infringing and that such infringement could not reasonably have been foreseen.

The Act approved March 2, 1913, amends section 55 to require certain changes in the certificate of copyright registration.

The Act approved March 28, 1914, amends section 12 so as to require the deposit of one copy only, in lieu of two copies, in the case of all works by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country.

The Act approved July 3, 1926, amends section 15, so as to secure copyright protection for published books not printed from type set or produced by lithographic process or photo-engraving process. This Act will afford a much desired relief to university professors, and other teachers in higher educational institutions, as well as to many commercial book publishers who produce books and periodicals by other methods.

The Act approved May 23, 1928, amends sections 57 and 61 and increases the fees for registrations (etc.), and also the subscription price of the Catalogue of Copyright Entries.

In this issue of the law the provisions of the new amendatory Acts have been substituted and the change in text is shown by using italic type in sections 5, 11, 12, 15, 21, 25, and 55 to show the new language. The full text of the amendatory Acts is printed on pages 29-34.

This print also contains notice (pages 3940A) of the Presidential proclamations issued under provisions of law in relation to copyright in the United States for works of foreign authors, and the special proclamations under section 1 (e) of the act of March 4, 1909, securing copyright controlling the parts of instruments serving to reproduce mechanically a musical work, namely, for Australia and the territories of Papua and Norfolk Island, Austria, Belgium, Canada, Chile, Cuba, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Greece, Irish Free State, Italy, Luxemburg, Netherlands, New Zealand, Norway, Poland, Rumania, Sweden, Switzerland, and the Union of South Africa. The copyright convention with Hungary, in force October 16, 1912, also includes protection of music under section 1 (e).

The text of the Fourth Pan American Copyright Convention, proclaimed on July 13, 1914, is printed on pages 49-53. It is now in effect between the United States, Brazil, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, and Uruguay.

CLEMENT L. BOUVÉ,
Register of Copyrights.

NOTE.—According to the opinion of the Attorney General, of December 22, 1909, section 3 of the act of 1874 is still in force; see page 38.

P. S.—Of the act approved December 18, 1919, to amend sections 8 and 21 of the copyright act of March 4, 1909, section 21, all that is now in effect, is printed on page 34A.

CONTENTS.

Constitutional provision respecting copyright (art. 1, sec. 8) 6
Schedule of copyright acts in force 6

ACT OF MARCH 4, 1909.

Nature and extent of copyright (secs. 1-3) 7
Subject matter of copyright (secs. 4-7) 9
Classification of copyright works (sec. 5) 9
Who may obtain copyright (sec. 8) 10
How to secure copyright:
Publication of work with notice (sec. 9) 11
Registration of copyright work (secs. 10-11) 11
Deposit of copies of copyright work (secs. 12-14) 11
Manufacturing provisions (secs. 15-17) 12
Affidavit of American manufacture (sec. 16) 13
Notice of copyright (secs. 18-20) 14
Ad interim copyright for books published abroad in the English language (secs. 21-22) 15
Duration of copyright (sec. 23) 15
Extension of subsisting copyrights (sec. 24) 16
Protection of copyright:
Infringement; damages, etc. (secs. 25-28) 16
False notice of copyright (secs. 29-30) 19
Importation (secs. 31-33) 20
Jurisdiction and copyright suits (secs. 34-40) 21
Assignment of copyright (secs. 41-46) 22
Copyright Office administration (secs. 47-60) 23
Copyright fees (sec. 61) 27
Miscellaneous provisions:
Definitions; "date of publication," "author" (sec. 62) 28
Repealing clause (sec. 63) 25
Date of enforcement (sec. 64) 28

AMENDATORY ACTS.

Act of August 24, 1912, amending sections 5, 11, and 25, re motion pictures. . . 29
Act of March 2, 1913, amending section 55, re certificate of copyright. 32
Act of March 28, 1914, amending section 12, re deposit of foreign books. 33
Act of December 18, 1919, amending sections 8 and 21. 34A
Act of July 3, 1926, amending section 15, re manufacture of books and periodicals. 34A
Act of May 23, 1928, amending sections 57 and 61, re fees. 34c

APPENDIX:

Rules for practice and procedure under section 25, adopted and promulgated by the Supreme Court of the United States, June 1, 1909. 35
Registration of prints and labels. 38
INTERNATIONAL COPYRIGHT RELATIONS 39
List of presidential proclamations. 39
Presidential proclamation, April 9, 1910. 41
British order in council, February 3, 1915, and presidential proclamation, January 1, 1915; explanatory letter of Rt. Hon. A. Balfour 43
Copyright convention between the United States and other American Republics, signed August 11, 1910, proclaimed July 13, 1914. 49
Index 55

AN ACT TO AMEND AND CONSOLIDATE THE ACTS
RESPECTING COPYRIGHT.

CONSTITUTION, 1787.

ART. 1, SEC. 8. The Congress shall have power: . . . To promote the progress of science and useful arts, BY SECURING FOR LIMITED TIMES TO AUTHORS and inventors THE EXCLUSIVE RIGHT TO THEIR respective WRITINGS and discoveries.

SCHEDULE OF COPYRIGHT ACTS IN FORCE.

March 4, 1909. An act to amend and consolidate the acts respecting copyright. (35 Stat. L., pt. 1, pp. 1075-1088.) See pages 7-28.

August 24, 1912. An act to amend sections five, eleven, and twenty-five of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. [To protect motion pictures and motion-picture photoplays.] (37 Stat. L., pt. 1, pp. 488-490.) See page 29.

March 2, 1913. An act to amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. [To provide for additional facts in certificate of copyright registration.] (37 Stat. L., pt. 1, pp. 724-725.) See page 32.

March 28, 1914. An act to amend section twelve of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. [To require deposit of only one copy of work of foreign author published abroad.] (38 Stat. L., pt. 1, p. 311.) See page 33.

December 18, 1919. An act to amend sections eight and twenty-one of the copyright act, approved March 4, 1909. (41 Stat. L., pt. 1, pp. 368-369.) [This act is now in effect only so far as section twenty-one is concerned.] See page 34A.

July 3, 1926. An act to amend section fifteen of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. [To secure protection for published books not printed from type set or produced by lithographic or photo-engraving process.] (44 Stat. L., pt. 2, p. 818.) See page 34A.

May 23, 1928. An act to amend sections 57 and 61 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. [Increases copyright fees and the subscription price of the Catalogue of Copyright Entries.] (45 Stat. L., pt. 1, pp. 713-714.) See page 34c.

- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:
- 5 (a) To print, reprint, publish, copy, and vend the copyrighted work; Exclusive right to print, publish, and vend.
- (b) To translate the copyrighted work into other Exclusive right to translate, dramatize, arrange, and adapt, etc. languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic
10 work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;
- (c) To deliver or authorize the delivery of the copy- Exclusive right to deliver lectures, sermons, etc. righted work in public for profit if it be a lecture, sermon, address, or similar production;
- (d) To perform or represent the copyrighted work To represent dramatic works, make record, or exhibit or perform, etc. publicly if it be a drama or, if it be a dramatic work and or not reproduced in copies for sale, to vend any manuscript
20 or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, repre-
25 sent, produce, or reproduce it in any manner or by any method whatsoever;
- (e) To perform the copyrighted work publicly for To perform music and make arrangement, setting, or record. profit if it be a musical composition; and for the purpose of public performance for profit, and for the purposes
30 set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this Act not retroactive.
35 Act, so far as they secure copyright controlling the parts

¹ As printed in U. S. Code, title 17, section 1, subsection (e), lines one to three read: "To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof . . ." As printed in this bulletin the text agrees with the construction placed thereon by Mayer, J. in *Hubbell v. Royal Pastime Amusement Co.*, D. C., S. D. of N. Y., 242 Fed. Rep. 1002-1003.

of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: *And provided further, and as a condition of extending the copyright control to such mechanical reproductions,* That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: *And provided further,* That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

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

Music by foreign author.

[See page 40.1

Control of mechanical musical reproduction.

Royalty for use of music on records, etc.

Notice of use of music on records.

License to use music on records.

Failure to pay royalties.

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

Reproduction of music on coin-operated machines.

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

Right at common law or in equity.

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

Component parts of copyrightable work.

Composite works or periodicals.

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

Works protected.

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

Classification of copyright works.

- (a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;
- (b) Periodicals, including newspapers;
- (c) Lectures, sermons, addresses (prepared for oral delivery) ;
- (d) Dramatic or dramatico-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art; models or designs for works of art;
- (h) Reproductions of a work of art;
- (i) Drawings or plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations;
- (l) *Motion-picture photoplays:*
 - (m) *Motion pictures other than photoplays:*

Books, composite, cyclopædic works, directories, gazetteers, etc.

Provided, nevertheless, That the, above specifications shall not be held to limit the subject-matter of copyright

Classification does not limit copyright.

¹The changes marked, and the addition of the words printed in italics are authorized by the amendatory Act of August 24, 1912, printed in full on pages 29-32.

as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

Compilations, abridgments, dramatizations, translations, new editions.

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

Subsisting copyright not affected.

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

SEC. 7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor

Copyright to author or proprietor for terms specified in Act.

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

Foreign authors who may secure copyright protection.

Alien authors domiciled in U. S.

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

Authors when citizens of countries granting reciprocal rights.

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright pro-

tection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

International agreement.

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

Presidential proclamation.

{See page 39.1

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

Publication with notice initiates copyright.

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

Registration of copyright.

SEC. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or *dramatico-musical* composition; of a *title* and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a *title* and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; ¹ or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this Act, where the work is later reproduced in copies for sale.

Copyright certificate.

Copyright protection of unpublished works: lectures, dramas, music, etc.

Deposit of copies after publication.

SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as pro-

Two complete copies of best edition.

¹ The words printed in italics indicate the amendments authorized by the amendatory Act of August 24, 1912, printed in full on pages 29-32.

Label and print, see page 38.

vided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, *or if the work is by an author who is a citizen of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country,* which copies ⁵ *or copy,*¹ if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such ¹⁰ work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the ¹⁵ work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copy- ²⁰ right. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with.

Work by foreigner, published abroad, only ONE copy required.

Periodical contributions.

Work not reproduced in copies for sale.

No action for infringement until deposit copies.

Failure to deposit copies.

Register of copyrights may demand copies.

Failure to deposit on demand.

Fine \$100 and retail price of 2 copies, best edition. Forfeiture of copyright.

Postmaster's receipt.

Printed from type set within the United States.

SEC. 13. That should the copies called for by section ²⁵ twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the ³⁰ deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred ³⁵ dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

SEC. 14. That the postmaster to whom are delivered the articles deposited as provided in sections eleven and ⁴⁰ twelve of this act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

SEC. 15. That of the printed book or periodical specified in section five, subsections (a) and (b) of this act, ⁴⁵

1 The words printed in italics in sec. 12 are inserted by the amendatory Act of Mar. 28, 1914, which also provides "That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed." For full text of Act see page 33.

except the original text of a book of foreign origin in a ⁵ language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of ¹⁰ the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the ¹⁵ limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of ²⁰ printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of ²⁵ art: *Provided, however,* That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the ³⁰ English language seeking ad interim protection under this act, or to works printed or produced in the United States by any other process than those above specified in this section.¹

Book in foreign language excepted.

Lithographic or photo-engraving process.

Printing and binding of the book.

Illustrations in a book.

Separate lithographs and photo-engravings.

Books for blind excepted.

Books in foreign languages excepted.

Affidavit of American manufacture.

Printing and binding of the book.

Establishment where printing was done.

Date of publication.

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

SEC. 16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the ³⁵ official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who ⁴⁰ has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits ⁴⁵ of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

SEC. 17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied right.

¹ Sec. 15 as amended by the Act of July 3, 1926. For full text see page 34A.

with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.

Notice of copy-right.

SEC. 18. That the notice of copyright required by section nine of this act shall consist either of the word "Copyright" or the abbreviation "Copr.," accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section five of this act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting on July 1, -1909, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the act of June eighteenth, eighteen hundred and seventy-four.

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

Notice on accessible portion.

Notice on existing copyright works. [See note on page 23.]

Notice of copy-right on book.

On periodical.

One notice in each volume or periodical.

Omission of notice by accident or mistake.

Innocent infringement.

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

SEC. 20. That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor

6

10

15

20

25

35

40

45

shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

SEC. 21. That in the case of a book first published 5 abroad in the English language the deposit in the copy-right office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of four months after such deposit in 15 the copyright office.¹

Book published abroad in the English language.

Ad interim copyright term.

SEC. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section 20 fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided 25 in this Act.

Extension to full term.

Deposit of copies, filing of affidavit.

SEC. 23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopædic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided* further, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopædic or other compos-

Duration of copyright: First term, 28 years.

Posthumous works, periodicals, cyclopædic or composite works.

Renewal term, 28 years.

Other copyrighted works, first term 28 years.

¹ Sec. 21 as amended by the Act of Dec. 18, 1919.

ite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright : **And provided further**, That in & fault of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

SEC. 24. That the copyright subsisting in any work on July 1, 1909, may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: **Provided, however**, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: **Provided**, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

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

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to

Renewal term, 28 years; to author, widow, children, heirs, or next of kin.

Notice that renewal term is desired.

Copyright ends in 28 years unless renewed.

Extension of subsisting copyrights.

Proprietor entitled to renewal for composite work.

Renewal application.

Infringement of copyright.

Injunction. Damages.

Proving sales.

be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in¹ case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, **and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars**, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. **But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.**²

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

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

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

Newspaper reproduction of photograph; recovery, \$50-\$200.

Infringement by motion pictures. Undramatized or non-dramatic work, maximum damages, \$100.

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

Maximum recovery, \$5,000. Minimum recovery, \$250.

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

Other works, \$1 for every infringing copy.

Lectures, \$50 for every infringing delivery.

¹ The word "the" before the words "case of a newspaper reproduction," etc., was struck out by the amendatory Act of August 24, 1912.

² The words printed in italics indicate the amendments authorized by the amendatory Act of August 24, 1912, printed in full on pages 29-32.

Dramatic or musical works, \$100 for first and \$50 for subsequent infringing performance. Other musical compositions, \$10 for every infringing performance.

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

5

Delivering up infringing articles.

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

10

Destruction of infringing copies, etc.

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

Infringement by mechanical instruments.

(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled

15

20

25

Injunction may be granted.

Recovery of royalty.

of to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided* also, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice

30

35

40

Notice to proprietor of intention to use.

of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Damages, three times amount provided.

Temporary injunction.

Rules for practice and procedure. For rules see page 35.

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

45

SEC. 26. That any court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

Judgment enforcing remedies.

SEC. 27. That the proceedings for an injunction, damages, and profits, and those for the seizuro of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

Proceedings, injunction, etc., may be united in one action.

SEC. 28. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court: *Provided, however,* That nothing in this Act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

Penalty for willful infringement.

Oratorios, cantatas, etc., may be performed.

SEC. 29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

False notice of copyright (penalty for).

Fraudulent removal of notice, fine, \$100-\$1,000.

Issuing, selling, or importing article bearing false notice; fine \$100.

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

Importation prohibited of articles bearing false notice and piratical copies.

Prohibition of importation of books.

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

Exceptions to prohibition of importation:

Works for the blind.

Provided, however, That, except as regards piratical copies, such prohibition shall not apply:

Foreign newspapers or magazines.

(a) To works in raised characters for the use of the blind ;
(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted' without such authorization;

Books in foreign languages of which only translations are copyrighted.

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

Importation of authorized foreign books permitted.

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

For individual use and not for sale.

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

For the use of the United States.

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

For the use of societies, libraries, etc.

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

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

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

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

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

SEC. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the district court of the District of Columbia, the district courts of

Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

District in which suit may be brought. SEC. 35. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found. 5

Injunctions may be granted. SEC. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants. 10 15 20

Certified copy of papers filed. SEC. 37. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office. 25

Judgments, etc., may be reviewed on appeal or writ of error. SEC. 38. That the orders, judgments, or decrees of any writ court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively. 30

No criminal proceedings shall be maintained after three years. SEC. 39. That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose. 35

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

Copyright distinct from property in material object. SEC. 41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright,

nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the 5 possession of which has been lawfully obtained.

Transfer of any copy of copyrighted work permitted.

SEC. 42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will. 10

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

SEC. 43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument. 15

Assignment executed in foreign country to be acknowledged.

SEC. 44. That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment 25 has been duly recorded.

Assignments to be recorded.

SEC. 45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal. 30

Register of copyrights to record assignments.

SEC. 46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act. 85

Assignee's name may be substituted in copyright notice.

SEC. 47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights. 90

Copyright records.

Register of Copyrights and assistant register of copyrights.

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

Register of copyrights to deposit and account for fees.

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

Shall make monthly report of fees.

Bond of register of copyrights.

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

Annual report of register of copyrights.

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

Seal of copyright office.

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

Rules for the registration of copyrights.

SEC. 53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized

to make rules and regulations for the registration of claims to copyright as provided by this Act.

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

Record books.

Entry of copyright.

SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, *the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, in and his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit.*

Certificate of registration.

Nationality of author.

Certificate for book to state receipt of affidavit.

The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for *in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts,*¹ which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

Certificate may be given to any person.

Receipt for copies deposited.

SEC. 56. That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together

Index to copyright registrations.

Catalogue of copyright entries.

¹ The words printed in italics indicate the amendments authorized by the amendatory Act of March 2, 1913, printed in full on pages 32-33.

with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copy-
 right entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

Catalogue cards.

Catalogues and indexes prima facie evidence.

Distribution of catalogue of copyright entries.

Subscription price.

Superintendent of Documents to receive subscriptions.

Record books, etc., open to inspection.

Copies may be taken of entries in record books.

Disposition of copyright deposits.

Preservation of copyright deposits.

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

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

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

¹ Words printed in italics indicate amendments authorized by the amendatory act of May 23, 1928, printed in full at page 34c.

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

SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, \$2, which sum is to include a certificate of registration under seal: *Provided*, That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be \$1, and in the case of a published photograph the fee shall be \$1 where a certificate is not desired. For every additional certificate of registration made, \$1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, subsection (e), or for any copy of such assignment or license, duly certified, \$2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section one, subsection (e), \$1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, \$2. For recording the renewal of copyright provided for in sections twenty-three and twenty-four, \$1. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of

Disposal of copyright deposits.

Manuscript copies to be preserved.

Fees.

Fee for registration.

Fee for certificate.

Fee for recording assignment.

Fee for copy of assignment.

Fee for recording notice of user upon mechanical musical instruments.

Fee for comparing copy of assignment.

Fee for recording renewal of copyright.

Fee for recording transfer of proprietorship.

¹ Words printed in italics indicate amendments authorized by the amendatory act of May 23, 1928, printed in full at page 34c.

Fee for search, assignment. For any requested search of copyright office records, indexes, or deposits, \$1 for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time. 5

Only one registration required for work in several volumes.

Definitions: "Date of publication." SEC. 62. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly 10 distributed by the proprietor of the copyright, or under his authority, and the word "author" shall include an employer in the case of works made for hire.

"Author."

Repealing clause. SEC. 63. That all laws or parts of laws in conflict, with 15 the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion 20 in the manner heretofore provided by law.

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

Approved, March 4, 1909.
[60th Congress, 2d session.]

25

NOTE TO SECTION 18, PROVISIO.

(See page 14: 20.)

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

"Entered according to Act of Congress, in the year 30
— by A. B., in the office of the Librarian of Congress, at Washington"; or, . . . the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out, thus: "Copyright, 18—, by A. B."

*See page 38 infra.

ACTS AMENDATORY OF THE COPYRIGHT ACT,
APPROVED MARCH 4, 1909.

[NOTE.—The new matter in these amendatory Acts is printed in italics.]

AN ACT To amend sections five, eleven, and twenty-five of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives, ^{Act of August 24, 1912.} of the United States of America in Congress assembled, That, sections five, eleven, and twenty-five of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs: ^{Classification of copyright works.}

" (a) **Books**, including composite and cyclopedic works, directories, gazetteers, and other compilations; ^{Books, composite, cyclopedic works; directories, gazetteers, etc.}

" (b) Periodicals, including newspapers;

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

" (d) Dramatic or dramatico-musical compositions;

" (e) Musical compositions;

" (f) Maps;

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

" (h) Reproductions of a work of art,;

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

" (j) Photographs;

" (k) Prints and pictorial illustrations;

" (l) *Motion-picture photoplays*;

" (m) *Motion pictures other than photoplays*;

" *Provided, nevertheless*, That the above specifications shall not be held to limit the subject matter of copyright ^{Motion-picture photoplays; motion pictures not photoplays. Classification does not limit copyright.} as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act."

" SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one com- ^{Copyright protection of unpublished works: lectures, dramas, music, etc.}

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

Deposit of copies a ter publication.

Infringement of copyright.

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

Injunction.

"(a) To an injunction restraining such infringement;

Damages.

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the

Newspaper reproduction of photograph; recovery, \$50-\$200.

Infringement by motion pictures:

Undramatized or non-dramatic work, maximum damages, \$11.

sum of fifty dollars, and **in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such in**

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

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

Maximum recovery, \$5,000. Minimum recovery, \$250.

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

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

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

Other works, \$1 for every infringing copy.

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

Lectures, \$50 for every infringing delivery.

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

Dramatic or musical works, \$100 for first and \$50 for subsequent infringing performance. Other musical compositions, \$10 for every infringing performance.

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

Delivering up infringing articles.

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

Destruction of infringing copies, etc.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted

Infringement by mechanical musical instruments.

Injunction may be granted. music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also,* That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Notice to proprietor of intention to use "Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

Approved, August 24, 1912.
[62d Congress, 2d session]

In "The Statutes at Large." Vol. 37, part 1. 8". Washington, 1913, pp. 488-490.

AN ACT To amend section fifty-five of "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Act of March 2 1913. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-five of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

Certificate of registration. "SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said regis-

Nationality of author.

tration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

Approved, March 2, 1913.
[62d Congress, 3d session]

In "The Statutes at Large." Vol. 37, part 1. 8°. Washington, 1913, pp. 724-725.

AN ACT To amend section twelve of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine, be, and the same is hereby, amended so as to read as follows:

"SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as

Certificate for book to state receipt of affidavit.

Certificate may be given to any person.

Receipt for copies deposited.

Act of March 28, 1914.

Deposit of two copies required.

provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, *or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have*

Work by foreigner, published abroad, only one copy required.

Manufacturing requirement.

been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with."

Copies not reproduced for sale, one copy required.

Infringements.

SEC. 2. That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repeal of conflicting laws.

Approved, March 28, 1914.

[63d Congress, 2d session]

In "The Statutes at Large." Vol. 38, part 1. 8°. Washington, 1915, p. 311.

AN ACT To amend sections eight and twenty-one of the Copyright Act, approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 1919. Act of Dec. 18, 1919.
That sections 8 and 21 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, be amended to read as follows:

[Sec. 8 is omitted as no longer in effect.]

"SEC. 21. That in the case of a book first published abroad in the English language on or after the date of the President's proclamation of peace, the deposit in the copyright office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of four months after such deposit in the copyright office."

Approved, December 18, 1919.

[66th Congress, 2d session]

AN ACT To amend section 15 of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," [approved] March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 1926. Act of July 3, 1926.
That section 15 of an Act entitled "An Act to amend and consolidate the acts respecting copyright," [approved] March 4, 1909, be amended to read as follows:

"SEC. 15. That of the printed book or periodical specified in section 5, subsections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of

the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act, or to works printed or produced in the United States by any other process than those above specified in this section.*

Approved, July 3, 1926.

[69th Congress, 1st session]

AN ACT To amend sections 57 and 61 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 57 and 61 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (section 57 and section 61, title 17, United States Code), be, and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue not exceeding \$10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, \$2, which sum is to include a certificate of registration under seal: *Provided,* That in the case of any unpublished work registered under the provisions of **section 11, the fee for registration with certificate shall be \$1, and in the case of a published photograph the fee shall be \$1 where a certificate is not desired.** For every additional certificate of registration made, **\$1.** For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section

1, subsection (e), or for any copy of such assignment or license, duly certified, \$2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), \$1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, \$2. For recording the renewal of copyright provided for in sections 23 and 24, \$1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, \$1 for each hour of time consumed in making such search: **Provided**, That only **one** registration at one fee shall be required in the case of several volumes of the **same** book deposited at the same time."

SEC. 2. This Act shall go into effect on July 1, 1928.

Approved, May 23, 1928.

[70th Congress, 1st session.]

RULES ADOPTED BY THE SUPREME COURT OF THE UNITED STATES FOR PRACTICE AND PROCEDURE UNDER SECTION 26 OF AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT, APPROVED MARCH 4, 1909. TO GO INTO EFFECT JULY 1, 1909.

1.

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

2.

A copy of the alleged infringement of copyright, if actually made, and a copy of the work alleged to be infringed, should accompany the petition, or its absence be explained; except in cases of alleged infringement by the public performance of dramatic and dramatico-musical compositions, the delivery of lectures, sermons, addresses, and so forth, the infringement of copyright upon sculptures and other similar works and in any case where it is not feasible.

3.

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

4.

Such bond shall bind the sureties in a specified sum, to be fixed by the court, but not less than twice the reasonable value of such infringing copies, plates, records, molds, matrices, or other means for making such infringing copies, and be conditioned for the prompt prosecution of the action, suit or proceeding; for the return of said articles to the defendant, if they or any of them are adjudged not to

be infringements, or if the action abates, or is discontinued before they are returned to the defendant; and for the payment to the defendant of any damages which the court may award to him against the plaintiff or complainant. Upon the filing of said affidavit and bond, and the approval of said bond, the clerk shall issue a writ directed to the marshal of the district where the said infringing copies, plates, records, molds, matrices, etc., or other means of making such infringing copies shall be stated in said affidavit to be located, and generally to any marshal of the United States, directing the said marshal to forthwith seize and hold the same subject to the order of the court issuing said writ, or of the court of the district in which the seizure shall be made.

5.

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

6.

A marshal who has seized alleged infringing articles, shall retain them in his possession, keeping them in a secure place, subject to the order of the court.

7.

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

8.

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

9.

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

10.

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

11.

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

12.

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

13.

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

INTERNATIONAL COPYRIGHT RELATIONS.

PRESIDENTIAL PROCLAMATIONS.

[See sec. 8. Page 11 : 5.]

The following proclamations have been issued by the President, by which copyright protection is granted in the United States to works of authors who are citizens or subjects of the countries named. It is to be noted that this protection does not include "copyright controlling the parts of instruments serving to reproduce mechanically the musical work" provided in Sec. 1 (e) of the Act of March 4, 1909, except in the case of the countries named in the second part of this list.

July 1, 1891—Belgium, France, Great Britain and the British possessions, and Switzerland. (Stat. L., vol. 27, pp. 981-982.)

April 15, 1892—Germany. (Stat. L., vol. 27, pp. 1021-1022.)

October 31, 1892—Italy. (Stat. L., vol. 27, p. 1043.)

May 8, 1893—Denmark. (Stat. L., vol. 28, p. 1219.)

July 20, 1893—Portugal. (Stat. L., vol. 28, p. 1222.)

July 10, 1895—Spain. (Stat. L., vol. 29, p. 871.)

February 27, 1896—Mexico. (Stat. L., vol. 29, p. 877.)

May 25, 1896—Chile. (Stat. L., vol. 29, p. 880.)

April 11, 1899—Spain. (Treaty of peace, Art. XIII.) (Stat. L., vol. 30, pp. 1754, 1760-1761, 1762.)

October 19, 1899—Costa Rica. (Stat. L., vol. 31, pp. 1955-1956.)

November 20, 1899—Netherlands and possessions. (Stat. L., vol. 31, p. 1961.)

November 17, 1903—Cuba. (Stat. L., vol. 33, pt. 2, p. 2324.)

January 13, 1904—China. (Treaty of October 8, 1903, Art. XI.) (Stat. L., vol. 33, pt. 2, pp. 2208, 2213-2214.)

July 1, 1905—Norway. (Stat. L., vol. 34, pt. 3, pp. 3111-3112.)

May 17, 1906—Japan. (Treaty of November 10, 1905.) (Stat. L., vol. 34, pt. 3, pp. 2890-2891.)

September 20, 1907—Austria. (Stat. L., vol. 35, pt. 2, p. 2155.)

April 9, 1908—Convention between the United States and other powers on literary and artistic copyrights, signed at the City of Mexico, January 27, 1902. (This treaty had previously been ratified and the ratifications deposited by the following countries: Guatemala, Salvador, Costa Rica, Honduras, and Nicaragua.) (Stat. L., vol. 35, pt. 2, pp. 1934-1946. English, French, and Spanish texts.)

August 11, 1908—Japan. (Treaty of May 19, 1908, for protection in China.) (Stat. L., vol. 35, pt. 2, pp. 2044-2046.)

August 11, 1908—Japan. (Treaty of May 19, 1908, for protection in Korea.) (Stat. L., vol. 35, pt. 2, pp. 2041-2043.)

April 9, 1910—Austria, Belgium, Chide, Costa Rica, Cuba, Denmark, France, Germany, Great Britain and her possessions, Italy,

COPYRIGHT OF LABELS AND PRINTS DESIGNED TO BE USED FOR ARTICLES OF MANUFACTURE.

The copyright act of March 4, 1909, did not repeal Sec. 3 of the copyright act of June 18, 1874. Labels or prints designed to be used for articles of manufacture should therefore be registered in the Patent Office.

Section 3 of the act of June 18, 1874, reads as follows:

SEC. 3. That in the construction of this act the words "engraving, cut, and print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label, not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, to the party entering the same.

This provision has been incorporated in title 17, U. S. Code, as section 63, sections 63 and 64 as enacted being omitted.

Mexico, the Netherlands and possessions, Norway, Portugal, Spain, and Switzerland. (Stat. L., vol. 36, pt. 2, pp. 2685-2686.)

June 29, 1910—Luxemburg. (Stat. L., vol. 36, pt. 2, p. 2716.)

May 26, 1911—Sweden. (Effective June 1, 1911.) Stat. L., vol. 37, pt. 2, pp. 1682-1683.)

October 4, 1912—Tunis. (Stat. L., vol. 37, pt. 2, p. 1765.)

October 15, 1912—Hungary. (Copyright convention between the United States and Hungary, effective October 16, 1912, including protection under Sec. 1 (e).) (Stat. L., vol. 37, pt. 2, pp. 1631-1633.)

July 13, 1914—Copyright convention between the United States and other American Republics, signed at Buenos Aires, August 11, 1910. (This convention is understood to be in effect as between the United States, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, and Uruguay.) (Stat. L., vol. 38, pt. 2, pp. 1785-1798. Spanish, English, Portuguese, and French texts.)

October 12, 1921—Siam. (Treaty of December 16, 1920, Art. XII.)

February 14, 1927—Poland. (Effective Feb. 16, 1927, including protection under Sec. 1 (e).)

April 27, 1927—Czechoslovakia. (Effective Mar. 1, 1927, including protection under Sec. 1 (e).)

May 14, 1928—Rumania.

Dec. 15, 1928—Finland. (Effective Jan. 1, 1929, including protection under Sec. 1 (e).)

Sept. 28, 1929—Irish Free State (effective Oct. 1, 1929, including protection under Sec. 1 (e).)

Feb. 23, 1932—Greece (effective Mar. 1, 1932, including protection under Sec. 1 (e).)

Sept. 29, 1933—Palestine (excluding Trans-Jordan) (effective Oct. 1, 1933, including protection under Sec. 1 (e).)

Apr. 7, 1934—Danzig (Free City of) (including protection under Sec. 1 (e).)

Aug. 23, 1934—Argentina (including protection under Sec. 1 (e)).

PRESIDENTIAL PROCLAMATIONS UNDER SECTION 1 (e).

December 8, 1910—Germany. (Stat. L., vol. 36, pt. 2, pp. 2761-2762.)

June 14, 1911—Belgium (effective July 1, 1909), Luxemburg (effective June 29, 1910), and Norway (effective Sept. 9, 1910). (Stat. L., vol. 37, pt. 2, pp. 1687-1690.)

November 27, 1911—Cuba. (Stat. L., vol. 37, pt. 2, pp. 1721-1722.)

October 15, 1912—Hungary. (See above.)

January 1, 1915—Great Britain. (British order in council issued Feb. 3, 1915, effective Jan. 1, 1915.) (Stat. L., vol. 38, pt. 2, pp. 2044-2045.)

May 1, 1915—Italy. (Stat. L., vol. 39, pt. 2, pp. 1725-1726.)

February 9, 1917—New Zealand (effective Dec. 1, 1916). (Stat. L., vol. 39, pt. 2, pp. 1815-1816.)

April 3, 1918—Australia, and the territories of Papua and Norfolk Island (effective Mar. 15, 1918). (Stat. L., vol. 40, pt. 2, pp. 1764-1766.)

May 24, 1918—France. (Stat. L., vol. 40, pt. 2, pp. 1784-1785.)

February 27, 1920—Sweden (effective Feb. 1, 1920). (Stat. L., vol. 41, pt. 2, pp. 1787-1788.)

December 9, 1920—Denmark. (Stat. L., vol. 41, pt. 2, pp. 1810-1812.)

February 26, 1923—The Netherlands. (Effective Oct. 2, 1922.)

December 27, 1923—Canada. (Effective Jan. 1, 1924.)

June 26, 1924—The Union of South Africa. (Effective July 1, 1924.)

November 22, 1924—Switzerland.

March 11, 1925—Austria. (Effective Aug. 1, 1920.)

November 18, 1925—Chile. (Effective July 1, 1925.)

February 14, 1927—Poland. (See above.)

April 27, 1927—Czechoslovakia. (See above.)

May 14, 1928—Rumania. (See above.)

Dec. 15, 1928—Finland. (See above.)

Sept. 28, 1929—Irish Free State. (See above.)

Feb. 23, 1932—Greece. (Effective Mar. 1, 1932.)

Sept. 29, 1933—Palestine (excluding Trans-Jordan) (effective Oct. 1, 1933.)

Apr. 7, 1934—Danzig (Free City of).

Aug. 23, 1934—Argentina.

Oct. 10, 1934—Spain.