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H. R. 8211.

A BILL

To provide for the commissioner of copyrights
and to revise the copyright law.

By Mr. TRELOAR.

APRIL 15, 1896.—Referred to the Committee on Patents
and ordered to be printed.

IN THE HOUSE OF REPRESENTATIVES.

APRIL 15, 1896.

Mr. TRELOAR introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

A BILL

To provide for the commissioner of copyrights, and to revise the copyright law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all records and other things relating to copyrights
4 and required by law to be preserved in the Library of Con-
5 gress, which have heretofore been under the control of the
6 Librarian of Congress, shall, from the date of this Act, be
7 under the control of an officer to be known and designated as
8 commissioner of copyrights, to be appointed by the President
9 and confirmed by the Senate, who shall, within the Library
10 of Congress and under the supervision of the Joint Committee
11 on the Library, perform all the duties relating to copyrights
12 which have heretofore by law been imposed upon the Libra-
13 rian of Congress.

1 SEC. 2. That the commissioner of copyrights shall receive

2 an annual compensation of four thousand dollars, and shall
3 give a bond, with sureties, to the Treasurer of the United
4 States, in the sum of ten thousand dollars, for the faithful dis-
5 charge of his duties, and with the condition that he will
6 render annually to the proper officers of the Treasury a true
7 account of all moneys received by virtue of his office.

1 **SEC. 3.** That, in addition to the commissioner of copy-
2 rights, there shall be in the copyright office one assist-
3 ant commissioner of copyrights, one bookkeeper, one chief
4 clerk in the administration division, one chief clerk in
5 the division of correspondence, one chief clerk in the
6 division of records, one chief clerk in the division of files, one
7 chief clerk in the index division, one chief clerk in the divi-
8 sion of publication, twenty-five clerks and two messengers,
9 who shall be appointed by the commissioner of copyrights.

1 **SEC. 4.** That the annual salaries of the officers, clerks,
2 and messengers named in section three shall be as follows:
3 The assistant commissioner of copyrights, two thousand five
4 hundred dollars; the bookkeeper and six chief clerks of
5 division, each, one thousand eight hundred dollars; three
6 clerks, each, one thousand four hundred dollars; ten clerks,
7 each, one thousand two hundred dollars; six clerks, each,
8 one thousand dollars; six clerks, each, nine hundred dollars;
9 one messenger, seven hundred and twenty dollars; one mes-
10 senger, six hundred dollars; and for the expenditure herein

11 proposed the sum of forty-eight thousand and twenty
12 dollars is hereby appropriated, out of any money in the
13 Treasury not otherwise appropriated.

1 SEC. 5. That the commissioner of copyrights shall
2 deposit in the Treasury of the United States all moneys
3 received for copyrights, or from other sources, as often as the
4 Secretary of the Treasury shall direct.

1 SEC. 6. That the commissioner of copyrights shall
2 make an annual report to Congress of the number and descrip-
3 tion of copyright publications for which entries have been
4 made and certificates of copyright granted since his last report.

1 SEC. 7. That the official seal of the copyright depart-
2 ment shall be of such pattern and design as the commissioner
3 shall designate, and shall contain the following words, namely:
4 "Commissioner of copyrights, United States of America;"
5 and by this seal all records and papers issued from the office
6 of the commissioner of copyrights shall be authenticated.

1 SEC. 8. That the commissioner of copyrights shall, from
2 time to time, make such rules and regulations, not inconsistent
3 with law, as may be necessary for the performance of the
4 duties with which he is charged.

1 SEC. 9. That the author or owner of any book, periodical,
2 map, chart, dramatic or musical composition, engraving, cut,
3 print, lithograph, photograph, or negative thereof, or of a
4 painting, drawing, chromo, statue, statuary, and models or

5 designs, intended to be perfected as works of the fine arts,
6 and the executors, administrators, or assigns of any such per-
7 son, shall, upon complying with the provisions of this Act,
8 have the sole liberty of printing, reprinting, publishing, com-
9 pleting, copying, exhibiting, using, leasing, and vending the
10 same, and of abridging, adapting, dramatizing, translating,
11 and of publicly exhibiting, performing, or representing it,
12 or causing it to be exhibited, performed, or represented by
13 others.

1 SEC. 10. That copyrights granted hereafter shall be for
2 a term of fifty years from the time of registering the title
3 thereof, in the manner hereinafter directed.

1 SEC. 11. That copyrights shall be assignable in law by
2 an instrument of writing, signed by the assignor and acknowl-
3 edged in the presence of two witnesses before a notary public
4 or some officer authorized to take acknowledgments of deeds,
5 and such assignment shall be recorded in a book, to be kept
6 for that purpose in the office of the commissioner of copy-
7 rights, within sixty days after its execution; in default of
8 which it shall be void as against any subsequent purchaser or
9 mortgagee for a valuable consideration, without notice.

1 SEC. 12. That no person shall be entitled to a copyright
2 unless he shall, upon the day of first publication thereof, in
3 this or any foreign country, deliver at the office of the com-
4 missioner of copyrights, or deposit in the mail within the

5 United States, addressed to the commissioner of copyrights,
6 at Washington, District of Columbia, a printed or typewritten
7 copy of the title of the book, periodical, map, chart, dra-
8 matic or musical composition, engraving, cut, print, photo-
9 graph, chromo, or lithograph, or a description of the paint-
10 ing, drawing, statue, statuary, or a model or design for a work
11 of the fine arts, for which he desires a copyright; nor unless
12 he shall also, not later than the day of first publication thereof,
13 deliver at the office of the commissioner of copyrights, or
14 deposit in the mail within the United States, addressed to the
15 commissioner of copyrights at Washington, District of Co-
16 lumbia, two complete copies of such copyright book, periodi-
17 cal, map, chart, dramatic or musical composition, engraving,
18 cut, print, photograph, chromo, or lithograph, or in case of a
19 painting, drawing, statue, statuary, model or design for a
20 work of the fine arts, two mounted photographs of the same:
21 *Provided, That in the case of a dramatic composition or play,*
22 the two copies deposited as above may be typewritten, and
23 public performance thereof shall be deemed equivalent to the
24 publication thereof.

1 SEC. 13. That in the case of a book, periodical, map, chart,
2 dramatic or musical composition, engraving, cut, or print, the
3 two copies of the same required to be delivered or deposited
4 shall be printed from type set within the United States or from
5 plates made therefrom, or from engraved plates made within the

6 United States or from transfers made therefrom; and in the
7 case of a chromo or lithograph the two copies of the same
8 required to be delivered or deposited shall be printed from
9 drawings on stone made within the United States or from
10 transfers made therefrom; and in the case of a photograph
11 the two copies of the same required to be delivered or depos-
12 ited shall be printed from negatives or from transfers there-
13 from made within the United States.

1 **SEC. 14.** That any person who, during the existence of
2 the copyright thereon, shall knowingly import into the United
3 States, lease, sell or expose for sale, buy, bargain for or bar-
4 ter, any copyright article or copy thereof not made within
5 the United States, as heretofore provided, shall be guilty of
6 a misdemeanor, and upon conviction shall be fined not less
7 than fifty nor more than one hundred dollars for each offense,
8 to be paid to the Treasury of the United States of America;
9 ~~and shall further be fined not less than one nor more than one~~
10 hundred dollars for each and every such copy of such copy-
11 right article found in his possession, to be paid to the Treasury
12 of the United States of America, except in the cases specified
13 in paragraphs five hundred and twelve to five hundred and
14 sixteen, inclusive, in section two of the Act entitled "An Act
15 to reduce the revenue and equalize the duties on imports, and
16 for other purposes," approved October first, eighteen hundred
17 and ninety; and except in the case of persons purchasing for

18 use and not for sale, who import, subject to the duty thereon,
19 not more than two copies of such book at any one time;
20 and except in the case of newspapers and magazines not
21 containing in whole or in part matter copyrighted under the
22 provisions of this Act, unauthorized by the author, which
23 are hereby exempted from prohibition of importation: *Pro-*
24 *vided, nevertheless, That in the case of books in foreign*
25 *languages of which only translations in English are copy-*
26 *righted the prohibition of importation shall apply only to the*
27 *translations of the same, and the importation of the books in*
28 *the original language shall be permitted.*

1 SEC. 15. That any copy of any copyrighted article that
2 shall, during the existence of the copyright thereon, be found
3 by the postal or custom-house officials while being imported
4 into the United States in violation of this Act, shall be seized
5 by them and immediately forwarded to the commissioner of
6 copyrights at Washington, District of Columbia, who shall
7 cause it to be destroyed.

1 SEC. 16. That it shall be unlawful for any person, with-
2 out the consent of the owner of any copyrighted literary
3 composition, including any musical composition, to make any
4 reproduction of the same or the notation thereof in any form
5 or device whatever, whereby the said composition may be
6 mechanically reproduced, expressed, or performed, or to lease,
7 sell, or offer for sale any such reproduction or device; and

8 such making, leasing, selling, or offering for sale shall be
9 deemed to be a violation of the copyright, and shall subject
10 the person so offending to the actions and penalties herein
11 provided for other violations of the copyright.

1 SEC. 17. That every application for a copyright shall be
2 accompanied by the fee herein provided and by an affidavit
3 (one affidavit to be sufficient for as many titles as shall be
4 deposited by the same party, on the same day, and in the
5 same package), which affidavit shall be subscribed and sworn
6 to before a notary public or other officer authorized to take
7 acknowledgments of deeds, and shall be in the following
8 words, to wit: "On the day of , 189 ,
9 being the day of first publication thereof, in this or any
10 foreign country, [here insert name] a citizen of ,
11 residing at , hath deposited in [here insert place
12 of deposit], the title of a [book, periodical, musical
13 composition or other article, as the case may be], the title or
14 description of which is in the following words, to wit: [here
15 insert name of the title, including the name of the author,
16 and, if possible, the name of the publisher or manufacturer,
17 and the place of publication and manufacture] the right of
18 which he claims as [author, owner, executor, and so forth, as
19 the case may be], and also two complete copies of the same
20 made within the United States according to the provisions
21 of this Act."

22 The commissioner, upon receipt thereof, shall make a
 23 record of the same and shall issue to the person entitled
 24 thereto a certificate of copyright in the following words:

25 Certificate of copyright.

26 Number .

27 Office of the commissioner of copyrights,

28 Washington, D. C.,

29 Be it remembered that on the day of ,
 30 anno Domini 189 , being the day of first publication
 31 thereof [here insert name], a citizen of , residing at ,
 32 has complied with the law relating to copy-
 33 rights by depositing in this office the title and
 34 two complete copies of a [book, periodical, musical composi-
 35 tion, or otherwise, as the case may be, or the description of
 36 the article], the title or description of which is in the follow-
 37 ing words, to wit: [insert the title or description, which must
 38 include the name of the author, owner, executor, and so forth,
 39 as the case may be, and also the name of the publisher or
 40 manufacturer], the right whereof [he, she, or they, as the case
 41 may be] claim as [author, owner, executor, or otherwise, as
 42 the case may be], in conformity with the laws of the United
 43 States of America respecting copyrights.

44 [Seal.]

[Commissioner sign here.]

45

Commissioner of Copyrights.

1 SEC. 18. That the commissioner of copyrights shall
2 receive from the person to whom the services designated are
3 rendered the following fees: For making a record of and
4 issuing a certificate of copyright, for each article, one dollar;
5 for every copy of such record under seal, fifty cents;
6 for recording and certifying any instrument of writing for the
7 assignment of a copyright, one dollar for each five hundred
8 words or fraction thereof, and twenty cents for each hundred
9 words or fraction thereof above five hundred, and a similar
10 fee for every copy of such assignment.

1 SEC. 19. That it shall be the duty of the commissioner
2 of copyrights to prepare, print, and publish on Wednesday
3 of each week, alphabetical catalogues of all articles for which
4 certificates of copyright have been issued up to the close of
5 the Saturday preceding, to be furnished to the Secretary of
6 the Treasury, for the use of the collectors of customs of the
7 United States, and to the Postmaster-General, for the use of
8 postmasters of all post-offices receiving foreign mails; and in
9 like manner he shall prepare and print semiannual indexes
10 thereof; and such weekly lists and semiannual indexes shall
11 be furnished to any person desiring them at a sum not
12 exceeding their net cost.

1 SEC. 20. That the owner of every copyright article shall
2 deliver at the office of the commissioner of copyrights, or
3 deposit in the mail addressed to the commissioner of copy-

4 rights, at Washington, District of Columbia, a copy of every
5 subsequent edition wherein any substantial changes shall be
6 made.

1 SEC. 21. That the postmaster to whom any title, affi-
2 davit, or other article for copyright is delivered in accordance
3 with this Act shall give a receipt therefor, in such form as
4 the Postmaster-General shall provide, and shall forthwith
5 mail said article to its destination.

1 SEC. 22. That no person shall maintain an action for the
2 infringement of a copyright unless he shall give notice thereof
3 by inserting in the several copies of every edition published,
4 on the title page or the page immediately following, if it
5 be a book, periodical, dramatic or musical composition, or if
6 it be a map, chart, print, cut, engraving, photograph, paint-
7 ing, drawing, lithograph, chromo, statue, statuary, or model,
8 or design intended to be perfected and completed as a work
9 of the fine arts, by inscribing upon some visible portion of the
10 original and upon every copy or on the substance on which
11 the same shall be mounted the following, namely: Copyright
12 [insert the year] by [insert name].

1 SEC. 23. That every person who shall insert or impress
2 a copyright notice or words of the same purport in or upon
3 any article, whether such article be subject to copyright or
4 otherwise, which has not been duly copyrighted, shall be

5 liable to a penalty of one hundred dollars, recoverable for the
6 use of the Treasury of the United States.

1 SEC. 24. That every person who after the copyrighting
2 of any article as provided by this Act, contrary to the pro-
3 visions of this Act, within the term limited, and without the
4 consent of the owner of the copyright therefor first obtained
5 in writing, signed in the presence of two witnesses and ac-
6 knowledged before a notary public or other officer authorized
7 to take acknowledgments of deeds, shall violate any of the
8 exclusive rights secured by such copyright, shall forfeit every
9 copy thereof in his possession or control, and also the plates
10 or other devices by which the same was made, to such owner,
11 and shall also forfeit and pay such damages as may be
12 recovered in a civil action by such owner in any court of
13 competent jurisdiction, or, at the election of said owner,
14 shall forfeit ten dollars for every copy of the same in his
15 possession or by him sold or exposed for sale, one-half thereof
16 to the said owner, and the other half to the use of the United
17 States: *Provided, however,* That the total sum to be received
18 as such forfeiture in any action hereafter brought under the
19 provisions of this section shall not in any case be less than
20 one hundred dollars nor more than five thousand dollars, ex-
21 cepting that in cases of paintings or statuary it shall not be
22 less than two hundred and fifty dollars nor more than ten
23 thousand dollars.

1 SEC. 25. Any person publicly performing or represent-
2 ing any dramatic or musical composition for which a copy-
3 right has been obtained, without the consent of the proprietor
4 of said dramatic or musical composition, or his heirs or assigns,
5 shall be liable for damages therefor, such damages in all
6 cases to be assessed at such sum, not less than one hundred
7 dollars for the first and fifty dollars for every subsequent
8 performance, as to the court shall appear to be just; and
9 if it be determined that such unlawful performing and rep-
10 resentation was willful and for profit, in addition thereto
11 such person or persons shall be guilty of a misdemeanor
12 and liable to imprisonment for a period not exceeding one
13 year. Any injunction that may be granted by any circuit
14 court of the United States, or by any judge thereof, restraining
15 and enjoining the performance or representation of any such
16 dramatic or operatic composition may be served on the parties
17 against whom such injunction may be granted anywhere in the
18 United States, and shall be operative and may be enforced by
19 proceedings to punish for contempt or otherwise by any other
20 circuit court or judge in the United States; but the defend-
21 ants in said action, or any or either of them, may make a
22 motion in any other circuit in which he or they may be en-
23 gaged in performing or representing said dramatic or musical
24 composition to dissolve or set aside the said injunction
25 upon such reasonable notice to the plaintiff as the circuit

26 court or the judge before whom said motion shall be made shall
27 deem proper; service of said motion shall be made on the
28 plaintiff in person or on his attorneys in the action. The
29 circuit courts or judges thereof shall have jurisdiction to en-
30 force said injunction and to hear and determine a motion to
31 dissolve the same, as herein provided, as fully as if the action
32 were pending or brought in the circuit in which said motion
33 is made. The clerk of the court, or judge granting the injunc-
34 tion, shall, when required so to do by the court hearing the
35 application to dissolve or enforce said injunction, transmit
36 without delay to said court a certified copy of all the papers
37 on which the said injunction was granted that are on file in
38 his office.

1 SEC. 26. That every person who shall print or publish
2 any manuscript or other unpublished article that is a lawful
3 subject of copyright within the meaning of this Act, without
4 the consent of the owner first obtained in writing, shall be
5 liable to him for all damages occasioned thereby.

1 SEC. 27. That in all actions arising under the laws
2 respecting copyrights, the defendant may plead the general
3 issue and give the special matter in evidence.

1 SEC. 28. That the circuit courts, and district courts hav-
2 ing the jurisdiction of circuit courts, shall have power, upon
3 bill in equity filed by any party aggrieved, to grant injunc-
4 tions to prevent the violation of any rights secured by the

5 laws respecting copyrights, according to the course and prin-
6 ciples of courts of equity, on such terms as the court may deem
7 reasonable, and also to ascertain and decree the payment of
8 the profits unlawfully derived therefrom.

1 SEC. 29. That in the construction of this Act the words
2 "engraving," "cut," and "print" shall be applied only to
3 pictorial illustrations or works connected with the fine arts,
4 and no engravings, cuts, prints, or labels designed to be used
5 for any articles of manufacture shall be entered under the
6 copyright law, but may be registered in the Patent Office.
7 And the Commissioner of Patents is hereby charged
8 with the supervision and control of the entry or reg-
9 istry of such engraving, cuts, prints, and labels in con-
10 formity with the regulation provided by law as
11 to copyrights of prints, except there shall be paid for
12 recording the title of any print or label, not a trade-mark,
13 six dollars, which shall cover the expense of furnishing a copy
14 of the record, under the seal of the Commissioner of Patents,
15 to the party entering the same.

1 SEC. 30. That for the purpose of this Act each volume
2 of a book in two or more volumes, when such volumes are
3 published separately, and the first one shall not have been
4 issued before this Act shall take effect, and each number of a
5 periodical shall be considered an independent publication, sub-
6 ject to the form of copyrighting as above.

1 SEC. 31. That section forty-nine hundred and sixty-eight
2 of the Revised Statutes be, and the same is hereby, repealed.

1 SEC. 32. That this Act shall only apply to a citizen or
2 subject of a foreign state or nation when such foreign state or
3 nation permits to citizens of the United States of America the
4 benefit of copyright on substantially the same basis as its own
5 citizens; or when such foreign state or nation is a party to an
6 international agreement which provides reciprocity in the
7 granting of copyrights, by the terms of which agreement the
8 United States of America may at its pleasure become a party
9 to such agreement. The existence of either of the conditions
10 aforesaid shall be determined by the President of the United
11 States by proclamation made or to be made from time to time
12 as the purpose of this Act may require.

1 SEC. 33. That this Act shall go into effect on the first
2 day of January, anno Domini eighteen hundred and ninety-
3 seven.

1 SEC. 34. That all acts and parts of acts inconsistent with
2 the provisions of this Act be, and the same are hereby,
3 repealed.