

**REPORT FROM THE SELECT
COMMITTEE OF THE HOUSE OF
LORDS ON THE COPYRIGHT BILL [H.
L.] AND THE COPYRIGHT (ARTISTIC)
BILL [H. L.], SESSION 1899**

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Report from the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright (Artistic) Bill [H. L.], Session 1899 by Parliament House of Lords

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PARLIAMENT HOUSE OF LORDS

REPORT FROM THE SELECT COMMITTEE OF THE HOUSE OF LORDS ON THE COPYRIGHT BILL [H. L.] AND THE COPYRIGHT (ARTISTIC) BILL [H. L.], SESSION 1899

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LORDS PRESENT, AND MINUTES OF THE PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Lunæ, 1^o Maii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Hobhouse.
Lord Monkswell.		Lord Thring.

The Orders of Reference are read.

It is moved, That the Lord MONKSWELL do take the Chair:—The same is *agreed to*.

The Course of Proceeding is considered.

Ordered, That the Committee be adjourned to Friday next, at Twelve o'clock.

Die Veneris, 5^o Maii 1899.

LORDS PRESENT:

Earl of Dudley.		Lord Hobhouse.
Earl of Selborne.		Lord Thring.
Viscount Knutsford.		Lord Welby.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

It is moved that the Committee be an open one:—The same is *agreed to*.

The Copyright Bill [H.L.] is considered.

The following witnesses are called in, and examined, viz., Mr. *Thomas Edward Scrutton* and Mr. *Frederic Richard Daldy*.

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 8^o Maii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Thring.
Lord Hobhouse.		Lord Welby.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Mr. *Anthony Hope Hawkins*, Mr. *Frederic Richard Daldy*, and Mr. *Edward Cutler*, Q.C.

Ordered, That the Committee be adjourned to Friday next, at Twelve o'clock.

Die Veneris, 12^o Maii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Thring.
Lord Hobhouse.		

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Rev. Canon Newbolt, Mr. Frederic Richard Daldy, Mr. Edward Cutler, q.c., and Mr. Edwin Ashdown.

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 15^o Maii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Welby.
Lord Thring.		

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Mr. J. Slater Lewis, Mr. David G. Day, Mr. James M. Glover, Mr. Edward Cutler, q.c., and Mr. Morton W. Smith.

Ordered, That the Committee be adjourned to Friday, the 9th of June, at Twelve o'clock.

Die Veneris, 9^o Junii 1899.

LORDS PRESENT:

Earl of Selborne.		Lord Thring.
Viscount Knutsford.		Lord Welby.
Lord Hatherton.		

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday, the 15th of May last, are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Professor James Mavor, Mr. Alfred Moul, and Mr. Edward Cutler, q.c.

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 12^o Junii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Thring.
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The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Mr. John Frederick Iselin, Mr. Franz Groenings, and Mr. Henry Whorlow.

Ordered, That the Committee be adjourned to Friday next, at Twelve o'clock.

Die Veneris, 18^o Junii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Thring.
Lord Hatherton.		Lord Welby.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Course of Proceeding is considered.

The Copyright Bill [H.L.] is further considered.

The following witness is again called in, and examined, viz., Professor *James Mavor*.*Ordered*, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 19^o Junii 1899.

LORDS PRESENT:

Viscount Knutsford.		Lord Welby.
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The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright (Artistic) Bill [H.L.] is considered.

The following witnesses are called in, and examined, viz., Mr. *Gerald Robinson*, Mr. *Bulmer Howell*, and Mr. *Edward Cutler*, q.c.*Ordered*, That the Committee be adjourned to Friday next, at Half-past Eleven o'clock.

Die Veneris, 23^o Junii 1899.

* LORDS PRESENT:

Viscount Knutsford.		Lord Thring.
Lord Hatherton.		Lord Welby.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Copyright Bill [H.L.] is further considered.

The following witness is called in, and examined, viz., Mr. *John Murray*.*Ordered*, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 26^o Junii 1899.

LORDS PRESENT:

Lord Hatherton.		Lord Thring.
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The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright (Artistic) Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Mr. *Edward Cutler*, q.c., and Mr. *Frank Dicksee*, B.A.*Ordered*, That the Committee be adjourned to Friday next, at Twelve o'clock.

Die Veneris, 30^o Junii 1899.

LORDS PRESENT:

Earl of Selborne.
Viscount Knutsford.

Lord Hatherton.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Copyright (Artistic) Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Colonel *James Waterhouse*, Mr. *Gambier Bolton*, F.Z.S., Mr. *Joseph J. Elliott*, Mr. *John L. Mitchell*, Mr. *Eustace Frith*, and Mr. *Bulmer Howell*.

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 3^o Julii 1899.

LORDS PRESENT:

Viscount Knutsford.

Lord Thring.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright Bill [H.L.] is further considered.

Ordered, That the Committee be adjourned to Friday next, at Half-past Eleven o'clock.

Die Veneris, 7^o Julii 1899.

LORDS PRESENT:

Lord Hatherton.
Lord Thring.

Lord Welby.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Copyright Bill [H.L.] is further considered.

The following witnesses are called in, and examined, viz., Mr. *John Murray* and Mr. *Henry Whorlow*.

Ordered, That the Committee be adjourned to Monday next, at Half-past Twelve o'clock.

Die Lunæ, 10^o Julii 1899.

LORDS PRESENT:

Viscount Knutsford.

Lord Hatherton.

The Lord MONKSWELL in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The Copyright Bill [H.L.] is further considered.

The Preamble is *postponed*.

Clauses 1 and 2 are read, and *agreed to*.

Clause 3 is read, and *agreed to*, with Amendments.

Clause 4 is read, and Amendments made.

The following new Sub-section is inserted after Sub-section (4):—

(5.) Copyright shall not be infringed by a person making a copy, abridgment, or translation of a book for his private use, or by a person making fair extracts from or otherwise fairly dealing with the contents of a book for the purpose of a new work, or for the purposes of criticism, review, or refutation.

Clause 4, as amended, is *agreed to*.

Clause 5 is read, and *agreed to*, with Amendments.

Clause 6 is read, and Amendments made.

The following new Sub-section is inserted after Sub-section (6):—

(7.) The lecturing right shall not subsist in any lecture containing profane, indecent, seditious, or libellous matter.

The following new Sub-section is inserted after Sub-section (7):—

(9.) The report of a lecture in a newspaper may not without the consent of the owner of the lecturing right be published in any other shape, and such report shall not authorise any other person without such consent to deliver the lecture in public.

Sub-section (10) is struck out.

Clause 6, as amended, is *agreed to*.

Clause 7 is read, and *agreed to*, with Amendments.

Clause 8 is read, and *agreed to*.

Clause 9 is read, and *agreed to*, with Amendments.

Clause 10 is read, and *disagreed to*.

Clause 11 is read, and *agreed to*, with Amendments.

The following new Clause is inserted after Clause 11:—

Any second or subsequent edition of a book containing any alterations or additions shall be deemed to be a new book in so far as such alterations or additions are concerned, but shall not prejudice the right of any person to reproduce a former edition of such book or any part thereof after the expiration of the term of copyright in such former edition.

Clause 12 is read, and *agreed to*, with Amendments.

The following new Clauses are inserted after Clause 12:—

ASSIGNMENT OF LITERARY RIGHTS.

The owner of a copyright in a book, or performing right in a dramatic or musical work or a lecturing right in a lecture, may assign his whole right. He may also grant a partial interest in such copyright, performing right, or lecturing right by licensing the publication of the book, the performance of the dramatic or musical work or the delivery of the lecture in a particular country only, or for a limited time, or by otherwise annexing conditions or limitations to the exercise of any such right, and any such conditions or limitations shall be deemed to form a contract between the licensor and licensee. An assignment or licence under this Act shall not be valid unless it is in writing signed by the owner of the right in respect of which it is granted.

Where the owner of a book subject to British copyright has licensed its publication in the United Kingdom only, or in some British possession only, he shall, at or before the time of such publication, give notice in manner provided in this Act of the extent of such licence, and if he fail to give such notice, any subsequent licence to publish such book shall be void.

Notice under this Act of the extent of a licence shall be given in the United Kingdom by registering such notice in the prescribed manner at Stationers' Hall, and in any British possession by registering such notice in the prescribed office or prescribed gazette. If the owner of the copyright, having failed to give the required notice, applies within two months from the date at which he was required to give the same in the United Kingdom to the High Court of Justice, and elsewhere to any competent court having a like jurisdiction, and satisfies such court that his omission to publish the notice was caused by inadvertence or other reason which in the opinion of the court justifies it in making an order, the court may make an order allowing the publication of such notice at a time therein named, and any notice so published shall have the same effect as if it had been published at or before the time of the publication of the book.

"Prescribed" means in the United Kingdom prescribed by the Board of Trade, and that Board is by this Act empowered to make regulations for the registry of notices of licences at Stationers' Hall and for the fees to be charged in respect thereof. In any British possession "prescribed" means "prescribed by the legislature of such possession."

INFRINGEMENT OF LITERARY RIGHTS.

If any person infringes any right conferred by this Act in respect of the copyright in books, the performing right in dramatic works or musical works, or the lecturing right in lectures, the owner of such right may maintain an action or other proceeding allowed by the law of the place where the wrong is committed for damages, and for an injunction, or for either of such remedies.

In assessing the damages in respect of the infringement of the performing right in dramatic or musical works or the lecturing right in lectures, the court shall have regard to the amount of profit made by the infringer by such infringement, and to the amount of actual damage incurred by the owner of the performing or lecturing right, and may award to the owner such amount of damages, or nominal damages only, as the court may think fit, and in all cases the costs shall be in the discretion of the court.

The lessee or other person in occupation of a theatre or other place in which a dramatic or musical work is performed in contravention of the performing right of the owner of such right, shall, unless he proves to the satisfaction of the court that he did not know, and could not with reasonable care have ascertained that such work was performed in contravention of the performing right of the owner, be deemed to have infringed such performing right; and the court may award to the owner of such right in respect of any such infringement a sum by way of damages to the amount of ten pounds, or to such amount as the court may deem equal to the profits made by the performance of the work, whichever sum may be the greater.

The plaintiff in any action or proceeding for infringement of a right conferred by this Act shall be presumed to be the owner of the right which he claims, unless the defendant in his pleadings in defence states that the defendant disputes the title of the plaintiff, with the addition of a statement of the ground of such objection, and the name of the person, if any, whom the defendant alleges to be the owner of the right so disputed.

All actions or other proceedings for any infringement of copyright, performing right, or lecturing right under this Act shall be commenced within twelve calendar months next after the offence is committed, or else the same shall not be maintainable.

SUMMARY REMEDIES.

If any person commits any of the following offences—

- (1.) Sells or lets for hire, or exposes, offers, or keeps for sale or hire any pirated book;
- (2.) Distributes or exhibits in public any pirated book;
- (3.) Imports into, or exports from any part of Her Majesty's dominions or from or between any part of Her Majesty's dominions any pirated book;

he shall, unless he proves to the satisfaction of the court that he did not know and could not with reasonable care have ascertained that the book was pirated, be liable to a penalty not exceeding five pounds for every copy dealt with in contravention of this section, and also to forfeit the copies so pirated to the owner of the copyright, provided that the whole penalties inflicted on any one offender at the same time shall not exceed fifty pounds.

If any person imports into the United Kingdom any book first published in the United Kingdom without the written consent of the owner of the copyright in such book, the book so imported shall be deemed to be a pirated copy, and be dealt with accordingly.

A court of summary jurisdiction upon the application of the owner of the copyright in any book may act as follows:—

- (1.) If satisfied by evidence that there is reasonable ground for believing that pirated copies of such book are being hawked, carried about, sold, or offered for sale, may by order authorise a constable to seize such copies without warrant and to bring them before the court, and the court on proof that the copies are pirated may order them to be destroyed or to be delivered up to the owner of the copyright if he makes application for that delivery.
- (2.) If satisfied that there is reasonable ground for believing that pirated copies of any book are to be found in any house, shop, or other place within its jurisdiction, may by order authorise any constable to search for such copies in such shop, house, or place between sunrise and sunset, and to seize and bring before the court any books reasonably suspected of being such copies as aforesaid, and the court on proof that such copies are pirated may order the same to be destroyed or to be delivered up to the owner of the copyright if he makes application for their delivery.

If any person shall hawk, carry about, sell or offer for sale any unlawful copy of any work the subject of copyright under this Act, every such unlawful copy may be seized by any constable, without warrant, on the request in writing of the apparent owner of the copyright in such work, or of his agent thereto authorised in writing, and at his risk.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and, on proof that they are infringements of copyright, shall be forfeited or destroyed or otherwise dealt with as the court may think fit.