

**ON COPYRIGHT IN
DESIGN IN ART AND
MANUFACTURES**

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On Copyright in Design in Art and Manufactures by T. Turner

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T. TURNER

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COPYRIGHT
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DESIGN
IN ART AND MANUFACTURES.

BY
T. TURNER,
OF THE MIDDLE TEMPLE.



LONDON:
F. ELSWORTH, 19, CHANCERY LANE.
1849.

PREFACE.

PROPERTY in form, distinct from that of the material substance or article in which it was exhibited, was, till within a few centuries, quite unknown. It has of late years attracted much notice, various arts having facilitated the multiplication of copies, and Government has paid attention not merely to the legal protection of Design, but to its encouragement by schools of art, museums, &c. while it is not only patronized but practised by Royalty itself.

Legally the subject has generally been treated of as an appendix to or variation of literary copyright, or of patents. It has, however, an independent character distinct from either of these. 1. In literature ideas are expressed by letters representing vocal sounds; the shape of the black marks, dots or strokes on the paper being immaterial. But in an engraving or a pattern, these are the language of the author, and subject of the right. 2. A patent, again, is properly a right to an art or trade, a process, method or operation, and the forms of machines and vessels are described by the patentee not as the

invention, but to show "the manner in which it is to be performed." An equivalent apparatus might be substituted without altering the principle of the invention, but it might be a different form and configuration.

As further legislation is anticipated, while the existing laws are likely to obtain judicial development, the Author contemplates a return to the subject, and will esteem as a favour the communication through the publisher of additional information.

Postscript.—The report of Lowndes' case has not reached London. An imperfect account in the *Mechanic's Magazine* seems to show that a design to be first lithographed, and then executed by the needle, *was* duly registered under Class 10, and even if the class were a wrong one, that the right was not affected by such error.

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Hogg v. Kirby, 8 Ves.
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Jerdine v. —, 2 Esp.
Lowndes v. Moore, Queen's Bench, Ireland, May, 1846
Margetson v. Wright, V. C. K. Bruce, July, 1846; Queen's Bench,
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Swaisland v. Willey, V. C. K. Bruce, 1845
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Wilkins v. Aikin, 17 Ves.
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POLICE, &c. CASES (DESIGNS).

Name.	Article registered.	Court.	Reported.
Roswell v. Deaton	Paperhanging	Guildhall	Mechanics' Magazine, Vol. xliii, p. 222.
Broadhead v. Wrensholme	Ditto	Dublin	Journal Design, No. 3.
Brown v. Haynes	Candlestick	Sheffield	Patent Journal, No. 92.
Evans v. Harlow	Wandhus	(1843).
For v. Evans	Laborator	Patent Journal, 1847.
Fushbham v. Camidge	Dial	Stockport	Mechanics' Magazine, Vol. xiv, p. 189.
Gibbs v. Sparway	Collar	Guildhall	Ditto (1847).
Grant v. Welch	Expanding	Liverpool	Ditto
Grausley v. Overborne	Stock	London	Patent Journal, Vol. ii, p. 331.
Hughes v. Ford	Flough	Wareington	Ditto
Kennedy v. Coombis	Thumping	London	Patent Journal, Vol. ii, p. 778.
Kipling v. Johnson	Lumber Box	Ditto	Newman's London Journal, 1846.
Magleton v. Wright	Carpet	Guildhall	Mechanics' Magazine, Vol. xxxvi, p. 211.
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Webb v. Williams	Loop	Guildhall	Mechanics' Magazine, Vol. xii, p. 314.
Webb v. Williams	Recess Tray	Ditto	Vol. xii, p. 315.
Wells v. May	Acappanato	Ditto	Vol. xiv, p. 393.
Yates v. Finch	Shirt	Leicester	Vol. xxv, p. 495.
.....	Funder	Guildhall	Vol. xii, p. 240.
.....	Dudley	Vol. xxxvi, p. 94.

NOTE.—Of the above cases fourteen were sustained, nine failed.

STATUTES.

8 Geo. II. c. 13. Prints	77
7 Geo. III. c. 38. Do.	79
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