

DRAMATIC COPYRIGHT.

THE object of the Bill is to endeavour to put a stop to the "pirating" of authors' plays.

As the law at present stands, the only remedy an author has against a person, or persons, pirating his works is by a civil action claiming damages or by asking for an injunction to restrain the parties from performing the piece. This remedy is very cumbersome and expensive, and often has little effect in securing the desired end. When an injunction is applied for, the party against whom it is granted withdraws his name from the piece, but some other member of the pirating company may run it in his own name, and the whole proceedings must be commenced *de novo* against this person. If a verdict for damages is obtained, nothing can, in many instances, be recovered, for the reason that the class of people that pirate another's work are generally without means, and it is only throwing good money after bad to try and recover from them, and the author, or his representative, is saddled with the costs of an action taken to protect his own property.

The Bill embodies a law already in force in America, and which has had good effect in preventing pirating of plays in that country. It provides (in lieu of payment of a fine) for imprisonment, with or without hard labour, at the discretion of the Magistrate. The fear of imprisonment acts as a deterrent, for the people in question, though they do not fear a civil suit for damages, hesitate at running the risk of undergoing imprisonment.

Mr. Field.

DRAMATIC COPYRIGHT.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Penalty for "pirating" plays.
3. Proceedings to be heard by a Magistrate.

A BILL INTITULED

AN ACT to amend the Law relating to the Copyright of Dramatic Works. Title.

New preamble.

5 WHEREAS by an Act passed in the third and fourth years of the reign of William IV., intituled "An Act to amend the Laws relating to Dramatic Literary Property," it was provided that any person who represented, or caused to be represented, without the consent in writing of the author or other proprietor of the sole right of representation of any unprinted dramatic work during the period for which copyright therein existed was liable to certain damages to such author or other proprietor: And whereas by an Act passed in the fifth and sixth years of the reign of Victoria, intituled "An Act to amend the Law of Copyright," the above-recited provision was extended to printed dramatic works, but in neither Act was any provision made for recovery of payment on default, or any other than a civil remedy provided, and it is expedient that the rights of authors and other proprietors of dramatic copyright should be further protected:

20 BE IT *therefore* ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows:—

1. The Short Title of this Act is "The Dramatic Copyright Act, 1903." Short Title.

25 2. Every person who *for personal gain* commits ~~an offence against a breach of~~ section two of the ~~Imperial said~~ Act of 3 and 4 William IV., intituled "~~An Act to amend the Laws relating to Dramatic Literary Property,~~" or a breach of sections twenty or twenty-one of the said Act of 5 and 6 Victoria, is liable, in addition to any other liabilities under ~~that~~ such first-mentioned Act, to a fine not exceeding one hundred pounds; and, in default of payment of such fine within twenty-one days after judgment, ~~shall~~ *may* be imprisoned for a term ~~of~~ *not exceeding three months,* with or without hard labour, at the discretion of the Stipendiary Magistrate:

No. 75—2.

Provided that proceedings for the recovery of such fine shall be taken not later than ~~twelve~~ *three* months after the commission of the offence.

New proviso.

Provided further that no offence shall be deemed to have been 5 committed unless the copyright has been registered in New Zealand.

Proceedings to be heard by a Magistrate. [2870] 1908

3. All proceedings under this Act shall be heard or determined by a Stipendiary Magistrate only, under the provisions of "The Justices of the Peace Act, 1882."

By Authority: JOHN MACKAY, Government Printer, Wellington.—1908.