

Hon. Mr. Sheehan.

# Fine Arts Copyright Act 1877 Amendment.

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## A BILL INTITULED

AN ACT to amend "The Fine Arts Copyright Act, 1877."

WHEREAS it is expedient to amend "The Fine Arts Copyright Act, 1877," and to make provision in respect of dramatic copyright:

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 shall be "The Fine Arts Copyright Act 1877 Amendment Act, 1878."

2. This Act shall be deemed to be incorporated with and form part of "The Fine Arts Copyright Act, 1877" (hereinafter called "the said Act").

3. In the construction of and for the purposes of this Act the words "dramatic piece" shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment. The word "proprietor" shall mean and include the author of any dramatic piece and his assigns. "Copyright" and "assigns" shall have the same meaning as that given by section two of the 5 and 6 Vict., cap. 45 of the Imperial Parliament.

4. That unless any work of art be registered as provided by the said Act, it shall be unlawful to put thereon any mark or other note signifying registration, and if any person shall so unlawfully affix or place any such mark, or shall publish, sell, exhibit, or expose for sale

or exhibition, any such work of art with any such marks so unlawfully affixed or placed, knowing the same to be so unlawfully affixed or placed, he shall forfeit for every such offence a sum not exceeding *twenty* pounds, which may be recovered by any person proceeding for the same in a summary way in the manner prescribed by "The 5 Justices of the Peace Act, 1866," and in any Act amending the same or passed for a like purpose: Provided that no action for any offence under this Act shall be brought after the expiration of *twelve* calendar months from the commission of the offence: And in every such action the party who shall prevail shall recover his full costs of suit 10 or proceeding.

Proprietor of dramatic piece entitled under 4 Wm. IV., cap. 15, and 5 and 6 Vict., cap. 45 Imperial Parliament may register.

5. Any person entitled as proprietor under the provisions of 3 and 4 Wm. IV., cap. 15, and 5 and 6 Vict., cap. 45, of the Imperial Parliament, to the copyright in any dramatic piece, may, subject to the provisions of such Acts, be registered as such proprietor by the 15 Registrar of Copyrights at Wellington. The application for registration shall be in the form in the First Schedule to this Act, shall be signed by the proprietor, or his duly authorized agent appointed in writing, and shall be accompanied by a copy of the dramatic piece. The proprietor may, by notice in writing, appoint some person to be 20 his agent in the colony, authorized to issue licenses for the representation of such dramatic piece, and to sue for and recover the penalties and damages provided by the hereinbefore mentioned Acts of the Imperial Parliament for unlicensed representation. The appointment of an agent may from time to time be altered and revoked by notice 25 in writing, addressed to the Registrar aforesaid, under the hand of the proprietor of the copyright aforesaid.

Registrar to receive proof of proprietorship.

6. The Registrar aforesaid upon being furnished with reasonable evidence that the person applying to be registered is the proprietor of the copyright in the dramatic piece, or of the appointment of such 30 agent as aforesaid, shall enter in the Register-Book the name of the proprietor and such other particulars of the dramatic piece as may be sufficient to identify the same, and the name of the agent if one is appointed. A copy of the entry in the Register-Book (signed and certified by the Registrar as a true copy) of the name of any 35 person as proprietor or agent, shall be *prima facie* evidence that such person is such proprietor or agent, and that such agent is duly authorized to sue for penalties and damages under the said Imperial Acts for any unlicensed representation of the dramatic piece, and that such agent is authorized to grant licenses to represent the dramatic piece. 40

Register, how rectified.

7. If the name of any person is, without sufficient cause, entered as the proprietor of the copyright in any dramatic piece, or as his agent, in the register kept by the Registrar aforesaid, any person interested may apply to the Supreme Court, on motion for an order that the register may be rectified, and the Court may either refuse or 45 grant such application with or without costs.

Penalty for fraud.

8. If any person fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any entry on the register of the name of any person as the proprietor of the copyright in any dramatic piece or as the agent of such proprietor, the 50 person so offending shall be guilty of a misdemeanour and liable to be imprisoned with or without hard labour for not exceeding three years.

Fees.

9. The fees in the Second Schedule to this Act shall be payable in respect of the matters and things therein mentioned.

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**SCHEDULES.**

Schedules.

**FIRST SCHEDULE.**

**FORM OF REQUIRING ENTRY OF REGISTRATION.**

I, A.B., the proprietor of the copyright of a dramatic piece intituled \_\_\_\_\_, hereby require you to make entry in the Register-Book of the proprietorship of such copyright, according to the particulars undermentioned.

Title of Dramatic Piece.	Date of First Representation.	Name and Place of Abode of Proprietor of Copyright.	Name of Agent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
(Signed)

*Signature of Proprietor or his Agent.*

**SECOND SCHEDULE.**

**SCHEDULE OF FEES.**

	s.	d.
Form of application to register any dramatic piece ... ..	1	0
Every entry in register ... ..	2	6
But if the dramatic piece has been previously registered at Stationers' Hall, then the charge for entry on the register shall be only ... ..	0	6
Certificate of Registrar in any case ... ..	5	0
Every registration of proprietor or agent ... ..	5	0
Any search ... ..	2	6