

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 53

An Act for the protection of Copy Rights. (25th February, 1832.)

Whereas it is expedient to secure to the authors of literary publications and to Engravers the property of their respective works, and to make certain provisions on the said subjects: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Québec, in North America,' and to make further provision for the Government of the said Province," and it is hereby enacted by the authority aforesaid, that from and after the passing of this Act any person or persons resident in this Province, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed or published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave or cause to be engraved, etched or made from his own design, any print or engraving, and the executors, administrators or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof in the manner hereinafter directed.

II. And be it further enacted by the authority aforesaid, that if at the expiration of the aforesaid term, such author, inventor, designer, engraver, or any of them (where the work had been originally composed and made by more than one person) be still living, and residing in this Province, or being dead, shall have left a widow or child or children, either or all then living, the same exclusive right shall be continued to such author, designer or engraver, or if dead, then to such widow and child or children for the further time of fourteen years: Provided always that the title of the work secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copy rights, be complied with in respect to such renewed copy right, and that within six months after the expiration of the first term.

III. And be it further enacted by the authority aforesaid, that in all cases of renewal of copy right under this Act, such author or proprietor shall within two months from the date of such renewal, cause a copy of the record thereof to be published in one or more of the newspapers printed in each of the Cities of Québec and Montreal for the space of four weeks.

IV. And be it further enacted by the authority aforesaid, that no person shall be entitled to the benefit of this Act, unless he shall before publication, deposit a printed copy of the title of such book or books, map, chart, musical composition, print, cut or engraving, in the Clerk's office of the Superior Court of Original Jurisdiction of the District in which the author or proprietor shall reside, and the Clerk of such Court is hereby directed and required to record the same forthwith in a book to be kept for that purpose, in the words following, (giving a copy of the title under the seal of the Court to the said author or proprietor whenever he shall require the same):—

District of _____

“Be it remembered that on the _____ day of _____ in the year _____ A. B. of the said District hath deposited in this office the title of a book, (map, chart, or otherwise as the case may be) the title of which is in the words following, that is to say (insert the title) the right whereof he claims as: author (or as proprietor as the case may be.)”

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for which record the Clerk shall be entitled to receive from the person claiming such right as aforesaid five shillings currency; and the like sum for every copy actually given to such person or his assigns: and the author or proprietor of any such book, map, chart, musical composition, print, cut or engraving shall within three months from the publication of the said book, map, chart, musical composition, print cut or engraving, deliver or cause to be delivered a copy of the same to the Clerk of the said Court: and it shall be the duty of the Clerk of each Court at least once in every year to transmit a certified list of all such records of copy rights, including the titles so recorded and the dates of record, and also all the several copies of books or other works deposited in his office according to this Act, to the Secretary of the Province to be preserved in his office.

V. And be it further enacted by the authority aforesaid, that no person shall be entitled to the benefit of this Act, unless he shall give information of copy right being secured, by causing to be inserted in the several copies of each and every edition published during the term secured on the title page or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say, “Entered according to Act of the Provincial Legislature, in the year _____ by A. B. in the Clerk's office of the Court of _____ (as the case may be.)”

VI. And be it further enacted by the authority aforesaid, that if any other person or persons from and after the recording of the title of any book or books according to this Act, shall within the term or terms herein limited, print, publish or import, or cause to be printed, published or imported, any copy of such book or books, without the consent of the person legally entitled to the copy right thereof, first had and obtained by deed passed before a Notary Public, or shall, knowing the same to be so printed or imposed, publish, sell or expose to sale, or cause to be published, sold or exposed to sale, any copy of such book without

such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the copy right thereof; and shall also forfeit and pay ten shillings currency, for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act, and one moiety of such penalty shall to the use of His Majesty, and the other to the legal owner of such copy right, to be recovered in any Court of Competent Jurisdiction.

VII. And be it further enacted by the authority aforesaid, that if any person or persons, after the recording of the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this Act, shall, within the term or terms limited by this Act, engrave, etch or work, sell or copy, or cause to be engraved, etched or copied, made or sold, either on the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical-composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copy right thereof, first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, shall publish, sell or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut or print, without such consent as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut or print, shall be copied, and also all and every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the copy right thereof, and shall further forfeit ten shillings currency, for every sheet of such map, chart, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act, one moiety whereof to the proprietor or proprietors, and the other moiety to the use of His Majesty, to be recovered in any Court of Competent Jurisdiction.

VIII. And be it further enacted by the authority aforesaid, that nothing herein contained shall extend to prohibit the importation or vending, printing or publishing of any map, chart, book, musical composition, print or engraving, written, composed or made by any person residing in this Province.

IX. And be it further enacted by the authority aforesaid, that if any person or persons who shall print or publish any manuscript whatever, or who the same being printed or published else where shall offer it or cause it to be offered for sale in this Province, without the consent of the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be resident in this Province,) shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of Competent Jurisdiction.

X. And be it further enacted by the authority aforesaid, that if any person or persons shall print or publish any book, map, chart, musical composition, print, cut or engraving, not having legally acquired the copy right thereof, or shall insist or impress that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding fifteen pounds currency, (one moiety thereof

to the person who shall sue for the same, and the other to the use of His Majesty,) to be recovered in any Court of Competent Jurisdiction.

XI. And be it further enacted by the authority aforesaid, that no action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action shall have arisen.

XII. And be it further enacted by the authority aforesaid, that the provisions of this Act intended for the protection and security of copy rights and providing remedies, penalties and forfeitures, in case of violation thereof, shall be held and construed to extend to the benefit of the legal proprietor or proprietors of each and every work as aforesaid heretofore published in this Province during the aforesaid term, provided the said proprietor or proprietors do comply with the provisions of this Act, in the same manner as if the said work had never been published.

XIII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty, and no longer. Provided always, that any copy right obtained in conformity to the provisions of the same, shall continue during the term for which it shall have been obtained as aforesaid, although this Act may have ceased to be in force before the expiration of such term.