

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 61

An Act for the protection of Copy Rights in this Province. 18th September, 1841.

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; and whereas it is expedient to repeal the laws now in force in that part of this Province formerly called Lower Canada relating thereto, and to make general provision for the whole Province; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the Act intituled *An Act for the protection of Copy Rights*, passed in that part of the Province formerly called Lower Canada, in the second year of the Reign of His late Majesty, be and the same is hereby repealed.

II. And be it enacted, that 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.

III. And be it enacted, 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 them 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 Rights, and that within, six months after the expiration of the first term.

IV. And be it enacted, 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 the Official Gazette of the Province of Canada, for the space of four weeks.

V. And be it enacted, that no person shall be entitled to the benefited this Act, unless he shall, before publication, deposite a printed copy of such book or books, map, chart,, musical composition, print, cut, or engraving, in the Office of the Registrar of the Province, which Officer 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 his signature, to the said author or proprietor whenever he shall require the same.)

Province of Canada:—

“Be it Remembered, that on the _____ day of _____ in the year _____ A. B., of the District of _____ hath deposited in this Office, a printed 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.”) C. D. For which record the Officer 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 shall also deposit a copy of the work, for which a Copy Right is obtained in the Library of the Legislative Assembly of this Province.

VI. And be it enacted, 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 Office of the Registrar of the Province of Canada.”

VII. And be it enacted, 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 duly executed, or shall, knowing the same to be so printed or imported, 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 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 be to the use of Her Majesty, and the other to the legal owner of such Copy Right, to be recovered in any Court of competent jurisdiction.

VIII. And be it enacted, 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, musical composition, print, cut or engraving, which may be found in his or them possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

IX. And be it enacted, 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 not residing in this Province.

X. And be it enacted, that if any person or persons who shall print or publish any manuscript whatever, or who, the same being printed or published elsewhere, 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 many Court of competent jurisdiction.

XI. And be it enacted, 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, and shall insert therein, or impress thereon, 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 moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

XII. And be it enacted, 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.

XIII. And be it enacted, 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 author or authors, or legal proprietor or proprietors of each and every work, as aforesaid, heretofore published in this Province, dining the aforesaid term; provided the said author or authors, proprietor or proprietors, do comply with the provisions of this Act, in the same manner as if the work had never been published.