

ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture. [2d *August* 1858.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*, herein-after called "The Copyright of Designs Act, 1842," there was granted to the Proprietor of any new and original Design in respect of the Application of any such Design to ornamenting any Article of Manufacture contained in the Tenth Class therein mentioned, with the Exceptions therein mentioned, the sole Right to apply the same to any Articles of Manufacture, or any such Substances as therein mentioned, for the Term of Nine Calendar Months, to be computed from the Time of such Design being registered according to the said Act: And whereas it is expedient that the Term of Copyright, in respect of the Application of Designs to the ornamenting of

5 & 6 Vict. c. 100.

Articles of Manufacture comprised in the said Tenth Class, should be extended, and that some of the Provisions of the said Act should be altered, and that further Provision should be made for the Prevention of Piracy, and for the Protection of Copyright in Designs under the Acts in the Schedule hereto annexed, and herein-after called "The Copyright of Designs Acts:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The Copyright of Designs Act, 1858."

Copyright of Designs Acts and this Act to be as One.

II. The said Copyright of Designs Acts and this Act shall be construed together as One Act.

Extension of Term of Copyright as to the Tenth Class mentioned in 5 & 6 Vict. c. 100.

III. In respect of the Application of any new and original Design for ornamenting any Article of Manufacture contained in the Tenth Class mentioned in "The Copyright of Designs Act, 1842," the Term of Copyright shall be Three Years, to be computed from the Time of such Design being registered, in pursuance of the Provisions of "The Copyright of Designs Acts," and of this Act: Provided nevertheless, that the Term of such Copyright shall expire on the Thirty-first of *December* in the Second Year after the Year in which such Design was registered, whatever may be the Day of such Registration.

Copyright not to be prejudiced if Articles marked.

IV. Nothing in the Fourth Section of "The Copyright of Designs Act, 1842," shall extend or be construed to extend to deprive the Proprietor of any new and original Design applied to ornamenting any Article of Manufacture contained in the said Tenth Class of the Benefits of "The Copyright of Designs Acts," or of this Act: Provided there shall have been printed on such Articles at each End of the original Piece thereof the Name and Address of such Proprietor, and the Word "Registered," together with the Years for which such Design was registered.

Pattern may be registered.

V. And be it declared, That the Registration of any Pattern or Portion of an Article of Manufacture to which a Design is applied, instead or in lieu of a Copy, Drawing, Print, Specification, or Description in Writing, shall be as valid and effectual to all Intents and Purposes as if such Copy, Drawing, Print, Specification, or Description in Writing had been furnished to the Registrar under "The Copyright of Designs Acts."

VI. The

Proprietor to give the Number and Date of Registration.

VI. The Proprietor of such extended Copyright shall, on Application by or on behalf of any Person producing or vending any Article of Manufacture so marked, give the Number and the Date of the Registration of any Article of Manufacture so marked; and any Proprietor so applied to who shall not give the Number and Date of such Registration shall be subject to a Penalty of Ten Pounds, to be recovered by the Applicant, with full Costs of Suit, in any Court of competent Jurisdiction.

Penalty on issuing Articles not so marked.

VII. Any Person who shall wilfully apply any Mark of Registration to any Article of Manufacture in respect whereof the Application of the Design thereto shall not have been registered, or after the Term of Copyright shall have expired, or who shall, during the Term of Copyright, without the Authority of the Proprietor of any registered Design, wilfully apply the Mark printed on the Piece of any Article of Manufacture, or who shall knowingly sell or issue any Article of Manufacture to which such Mark has been wilfully and without due Authority applied, shall be subject to a Penalty of Ten Pounds, to be recovered by the Proprietor of such Design, with full Costs of Suit, in any Court of competent Jurisdiction.

Proceedings for Prevention of Piracy may be instituted in the County Courts.

VIII. Notwithstanding anything in "The Copyright of Designs Acts," it shall be lawful for the Proprietor of Copyright in any Design under "The Copyright of Designs Acts," or this Act, to institute Proceedings in the County Court of the District within which the Piracy is alleged to have been committed, for the Recovery of Damages which he may have sustained by reason of such Piracy: Provided always, that in any such Proceedings the Plaintiff shall deliver with his Plaint a Statement of Particulars as to the Date and Title or other Description of the Registration whereof the Copyright is alleged to be pirated, and as to the alleged Piracy; and the Defendant, if he intends at the Trial to rely as a Defence on any Objection to such Copyright, or to the Title of the Proprietor therein, shall give Notice in the Manner provided in the Seventy-sixth Section of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, of his Intention to rely on such special Defence, and shall state in such Notice the Date of Publication and other Particulars of any Designs whereof prior Publication is alleged, or of any Objection to such Copyright, or to the Title of the Proprietor to such Copyright; and it shall be lawful for the Judge of the County Court, at the Instance of the Defendant or Plaintiff respectively, to require any Statement or Notice so delivered by the Plaintiff or of the Defendant respectively to be amended in such Manner as the said Judge may think fit.

IX. The

The Proceedings of County Courts Acts applicable to Proceedings for Piracy of Designs.

IX. The Provisions of an Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, and of the Twelfth and Thirteenth *Victoria*, Chapter One hundred, as to Proceedings in any Plaint, and as to Appeal, and as to Writs of Prohibition, shall, so far as they are not inconsistent with or repugnant to the Provisions of this Act, be applicable to any Proceedings for Piracy of Copyright of Designs under the said Copyright of Designs Acts or this Act.

SCHEDULE referred to in the foregoing Act.

5 & 6 Vict. c. 100. [10 Aug. 1842.]	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. [22 Aug. 1843.]	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104. [14 Aug. 1850.]	An Act to extend and amend the Acts relating to the Copyright of Designs.
14 Vict. c. 3. [11 April 1851.]	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

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