

CLUBS FOR ARTISTS AND WRITERS

ATHENÆUM, THE, Pall Mall, London, S.W.1.

A club for members of all liberal professions (the Bar, music, fine arts and literature) together with persons of official positions such as bishops, judges, the Speaker of the House and high commissioners of self-governing colonies. The entrance fee at present is 30 guineas and the annual subscription 15 guineas.

The very extensive library of 70,000 volumes makes this club of special interest to writers.

AUTHORS' CLUB, 2, Whitehall Court, London, S.W.1.

Founded by Sir Walter Besant in 1891 for men engaged in literary work, whether as writers of books, dramatists, critics, reviewers, men of science, or scholars who seek to advance the cause of letters. The entrance fees are 3½, 2½, 1 guineas. The annual subscriptions, 6, 4 or 3 guineas (overseas, £1 5s.).

The club library contains about 5,000 volumes.

BURLINGTON FINE ARTS CLUB, 17, Savile Row, London, W.1.

This club was founded in 1866 for amateurs, artists and collectors, and for the holding of bi-annual exhibitions of works of art. The entrance fee is 5 guineas and the annual subscription 7 guineas. The power of selection is vested in the committee and is by ballot. Candidates must be proposed and seconded by members of the club.

CRITICS' CIRCLE, THE, Hall of the Institute of Journalists, 2 and 4, Tudor Street, London, E.C.4.

The objects of the Critics' Circle are to promote the art of criticism, to foster and safeguard the professional interests of members, and to provide opportunities for social intercourse among them.

FORUM CLUB, 6, Grosvenor Place, Hyde Park Corner, London, S.W.1.

A social and professional club for women in which sections are run for the different interests of members (among these are the art, drama and writers' sections). The entrance fee is at present 2 guineas. The annual subscription varies; social town members pay 8 guineas, country members 6 guineas, while professional members pay 5 guineas. There is also a junior membership scheme whereby girls between eighteen and twenty-three pay half the ordinary subscription.

GARRICK CLUB, Garrick Street, London, W.C.2.

A dramatic and literary club which was established in 1831 and now has 700 members. The entrance fee is 20 guineas, the annual subscription 15 guineas.

LONDON LYCEUM CLUB, 9, Chesterfield Gardens, London, W.1.

A club for women connected with the arts and professions. The section system for different interests is in service here as at the Forum. The annual subscriptions are 7 guineas and 6 guineas for social town and country members respectively; 5 and 4 guineas for professional town and country members and 3 and 2 guineas for overseas social and professional members respectively.

LONDON WRITER CIRCLE, "St. Breoc," Arundel Avenue, Sanderstead, Surrey.

The aim of this Circle is to provide help to writers of all grades and capacities. Fortnightly lectures on aspects of literature and journalism are arranged and members' manuscripts are circulated for criticism. For London members the annual subscription is 10s. 6d., the entrance fee 2s. 6d.; for country members the subscription is 5s. and the entrance fee 1s.

P.E.N., THE, 101a, Wigmore Street, London, W.1.

A club founded in 1921 by Mrs. Dawson Scott for men and women writers and having more than fifty centres throughout the world. The President is H. G. Wells. The entrance fee is 1 guinea, the annual subscription 26s. Writers of recognised position desiring to become members of the club must be proposed by two existing members for ballot by the committee.

PIONEER CLUB, THE, 12, Cavendish Place, Cavendish Square, London, W.1.

A club founded in 1892 to "promote social intercourse and the advantageous discussion of social, literary and scientific subjects among women of the educated classes. The entrance fee (which was suspended in 1933-34) is 3 guineas and the annual subscription varies from 2 to 5 guineas according to the type of member.

ROYAL SOCIETIES CLUB, 63, St. James's Street, London, S.W.1.

This club was founded in 1894 for the association of Fellows and Members of the principal learned societies, academies, universities, literary, scientific and art institutions of the British Empire. The entrance fee is 5 guineas and the annual subscription 10 guineas for town and 6 guineas for country members. In addition there is a library donation (payable once only) of 1 guinea.

This club has one of the finest club libraries in London.

SAVAGE CLUB, 6, Adelphi Terrace, London, W.C.2.

A club for those connected professionally with literature, art, music, drama and science. The entrance fee is 7 guineas and the annual subscription 7 guineas for town and 4 guineas for country members.

SCOTTISH ARTS CLUB, THE, 24, Rutland Square, Edinburgh.

The entrance fee for this club is 3 guineas, the annual subscription 3 guineas for resident and £1 11s. 6d. for non-resident members.

STUDIO CLUB, THE, 11, Regent Street, London, S.W.1.

A club for artists, authors and those interested in the arts. The entrance fee for all classes of members is 5s. and the annual subscription is 2 guineas for gentlemen and 1 guinea for ladies, country members, foreign members and students.

THREE ARTS CLUB, 19a, Marylebone Road, London, N.W.1.

This club was founded in 1911 for women engaged in the professions of painting, the fine arts and crafts, music, drama and literature; membership has recently been extended to women of other professions. The entrance fee is 1 guinea and the annual subscription 3 guineas for town members, 2 guineas for country members.

BENEVOLENT FUNDS FOR AUTHORS AND JOURNALISTS

AUTHORS, PLAYWRIGHTS & COMPOSERS, INCORPORATED SOCIETY OF, 11, Gower Street, London, W.C.1.

The Society maintains a pension fund which is available to members of the Society only.

GERTRUDE PAGE BEQUEST. Administered by the Incorporated Society of Authors, Playwrights and Composers, 11, Gower Street, London, W.C.1.

The fund is intended for the assistance of *bona fide* authors and journalists who are in temporary difficulties occasioned primarily by illness. The maximum grant made is £30. All applications should be made in writing.

JOURNALISTS, THE INSTITUTE OF, 2 and 4, Tudor Street, London, E.C.4.

The Institute maintains various funds for the benefit of journalists and their dependants, such as an unemployed benefit scheme, a benevolent fund, an employment register and orphan provident, convalescent and pension funds.

JOURNALISTS, NATIONAL UNION OF, 7, John Street, Bedford Row, London, W.C.1.

Promotes funds for: unemployment benefit, special unemployment fund, benevolent fund, victimisation pay, war distress fund, widow and orphan fund.

JOURNALISTS, SOCIETY OF WOMEN, Stationers' Hall, London, E.C.4.

Promotes a benevolent fund for the assistance of members in distress.

NEWSPAPER PRESS FUND, 11, Garrick Street, London, W.C.2.

Assistance is given to members, and the dependants of members, in distressed circumstances. Pensions are granted to members, and widows of members, after the age of sixty, in cases of financial difficulty. Small grants only are available for non-members.

PROFESSIONAL CLASSES AID COUNCIL,
251, Brompton Road, London, S.W.3.

Immediate pecuniary help is given when needed to professional men and women, but the endeavour is to set them on their feet. A great part of the Council's work is to bridge over temporary difficulties while helping to find permanent work. Financial assistance is most often given in the form of help with education and the training of young people, or with the expenses of illness or convalescence.

ROYAL BOUNTY FUND.

Civil List Pensions are granted from this Fund which is under the control of the First Lord of the Treasury (The Prime Minister) to whose office application should be made for a copy of the official form for completion.

THE ROYAL LITERARY FUND, Stationers' Hall,
Stationers' Hall Court, E.C.4.

Grants are made to authors of published books of merit. A single grant can also in certain circumstances be made to the dependants of deceased authors whose literary work reached the standard set by the Administrative Committee of the Fund.

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PROOF CORRECTING—
PROOF SHOWING CORRECTIONS

stet It is not possible even were I competent to attempt
l such a task, to give in a chapter anything approaching
del. a complete account of the numerous and highly tech-
sq. nical processes such as paper-making, block-making,
new par. printing and binding, which are employed in the mak-
wp. ing of a book. Nor is it necessary, because there exist
s. cap. popular handbooks and learned treatises on all these
h. subjects from which the reader can get more expert
cap. and detailed information than I could impart. All that
is no will be attempted here is to put authors in a position
run on to follow intelligently those parts of the processes with
h. which they are likely to come in contact. [It will
h. probably simplify matters if we take each process
h. separately though in practice several of them are com-
h. often being dealt with concurrently.
h. Printing. In an earlier chapter we discussed the
h. process known as "casting off" a manuscript, i.e.
h. counting the number of words in it and calculating,
h. after due making allowance for such variable factors as
h. "small type," etc., how many pages the book will
h. make if printed in such and such a style. But we did
h. not stop to consider a question which arises still earlier,
h. viz. the choice of a printer. To the uninitiated, any
h. printer is a potential book printer, but this more
h. the case than that any tailor is competent to make a
h. lady's costume.
h. Either a printer is a book printer or he is not a
h. book printer the commercial printer who has
h. occasionally printed a book (probably a local directory

PROOF CORRECTING—
THE OPPOSITE PAGE CORRECTED

It is not possible, even were I competent to attempt such a task, to give in a chapter anything approaching a complete account of the numerous and highly technical processes, such as paper-making, block-making, printing, and binding, which are employed in the making of a book. Nor is it *necessary*, because there exist popular handbooks and learned treatises on all these subjects from which the reader can get more expert and detailed information than I could impart. All that will be attempted here is to put authors in a position to follow intelligently those parts of the processes with which they are likely to come in contact.

It will probably simplify matters if we take each process separately, though in practice several of them are often being dealt with concurrently.

PRINTING.—In an earlier chapter we discussed the process known as “casting off” a manuscript, i.e. counting the number of words in it and calculating, after making due allowance for such variable factors as “small type,” etc., how many pages the book will make if printed in such and such a style. But we did not stop to consider a question which arises still earlier, viz. the choice of a printer. To the uninitiated, any printer is a potential book printer, but this is no more the case than that any tailor is competent to make a lady’s costume. Either a printer is a book printer or he is not a book printer; the commercial printer who has occasionally printed a book (probably a local directory or a glorified catalogue) is a person to be

These examples of proof correction have been reprinted, by kind permission of the author, from *The Truth About Publishing* by Stanley Unwin (Geo. Allen & Unwin Ltd.).

MAXIMS FOR AUTHORS AND COMPOSERS

Don't submit work to publishers, managers, editors or agents unless you know as a definite fact that they are to be trusted.

Don't sign any agreement until you have had expert advice on it from the Society of Authors, or from one of the two or three firms of solicitors who really understand authors' contracts.

Remember that an agreement may be effected by a series of letters and that an agreement so made is just as binding as a formal contract.

Remember to have any agreement, once it is signed by the other party, stamped at Somerset House within fourteen days of its date, unless it is signed across a sixpenny stamp, in which case make sure that a sixpenny stamp was adequate in the particular circumstances. An unstamped or insufficiently stamped agreement cannot be produced as evidence in the event of legal action, and to have it stamped after the period of grace has expired entails payment of a penalty.

Don't try to economise in the typing of your MSS. if it means having them typed badly. Many a good book has been rejected because it was presented unattractively. Don't on the other hand, overdo it. Publishers, editors and managers dislike work on coloured paper fastened together with pink ribbon and pretty bows.

Don't take your work round by hand to editors and publishers in the hope that a personal interview will make them more likely to accept it. Ninety-nine times out of a hundred they wouldn't see you even if they had the necessary minutes to spare, and in the hundredth it will probably prejudice your chances rather than help them. In

the case of a publisher, write to him and explain briefly what your book is about, its length in thousand words, and how you treat your subject, and say that if he is interested you will be pleased to submit the typescript. When submitting the typescript enclose a stamped addressed post card for acknowledgment of its safe receipt, and sufficient stamps to cover its return postage if unsuitable. In the case of an editor, don't bother about a preliminary letter unless you know he prefers one. Just send the typescript and enclose sufficient stamps to cover return postage.

Remember in all cases and circumstances to keep one copy of your typescript safely in a drawer at home. Some publishers and most editors and managers are casual, untidy people who mislay and lose things, especially authors' typescripts; and although, provided you have evidence that your work was received, you can sue for the cost of typing a new copy if the original copy is lost, it isn't generally worth the worry and trouble.

Don't go about with the idea that agents, publishers, editors and managers are fairy-godmothers. You will soon be disillusioned. But don't go to the other extreme and treat them as if they were ogres. They are for the most part ordinary human beings who are earning their living in an honest straightforward way. They can't afford to be quixotically generous but it wouldn't pay them to swindle you even if they wanted to. Publishers of standing can't risk getting into ill-repute. They will try to get as good a bargain as they fairly can, and it's up to you to try to do the same.

Don't fall a victim to "persecution mania." A lot of authors get the impression that everyone is trying to pick their brains and steal their ideas and do them out of their rightful inheritance. As long as you deal only with reputable firms and individuals you needn't be afraid that they will do any of these things.

Don't keep chopping and changing your agent and publisher. If you have real cause for dissatisfaction a move is justified, but many authors jump from a perfectly good frying-pan into a fiery furnace in a mere fit of pique. Also an author who keeps changing his publishers soon gets a bad name. Get a good publisher and stick to him; and if you want an agent, get a good one and stick to him, too.

Don't pay to have your work published or performed, however flattering a letter you may receive from the individual prepared to publish or perform it. If a work is worth publishing or performing you will, if you go on trying long enough, find someone ready to undertake the risk at his own expense. The only exception to this rule has been dealt with in the chapter on Publishers' Contracts.

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COPYRIGHT ACT, 1911.

COPYRIGHT.

1.—(1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term hereinafter mentioned in every original literary dramatic musical and artistic work, if—

(a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and

(b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

(a) to produce, reproduce, perform, or publish any translation of the work;

(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise.

(d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise any such acts as aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

INFRINGEMENT OF COPYRIGHT.

2.—(1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does any—

thing the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:—

- (i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary:
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work:
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art:
- (iv) The publication in a collection, mainly composed of non-copyright matter, bonâ fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries:
- (vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or
- (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (c) by way of trade exhibits in public; or
- (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

TERM OF COPYRIGHT.

3.—The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death:

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent. on the price at which he publishes the work; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

OWNERSHIP OF COPYRIGHT, ETC.

5.—(1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and
- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

CIVIL REMEDIES FOR INFRINGEMENT OF COPYRIGHT.

6.—(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise in-

indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

RIGHTS OF OWNERS AGAINST PERSONS POSSESSING OR DEALING WITH INFRINGING COPIES, ETC.

7.—All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

EXEMPTION OF INNOCENT INFRINGER FROM LIABILITY TO PAY DAMAGES, ETC.

8.—Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

RESTRICTION ON REMEDIES IN THE CASE OF ARCHITECTURE.

9.—(1) Where the construction of a building or other structure which infringes or which, if completed would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

LIMITATION OF ACTIONS.

10.—An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

PENALTIES FOR DEALING WITH INFRINGING COPIES, ETC.

11.—(1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or

- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work:

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

EXTENT OF PROVISIONS AS TO SUMMARY REMEDIES.

13.—The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

IMPORTATION OF COPIES.

14.—(1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

DELIVERY OF COPIES TO BRITISH MUSEUM AND OTHER LIBRARIES.

15.—(1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

WORKS OF JOINT AUTHORS.

16.—(1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be con-

strued as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last, shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

POSTHUMOUS WORKS.

17.—(1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author, or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *primâ facie* proof of the copyright being with the owner of the manuscript.

PROVISIONS AS TO GOVERNMENT PUBLICATIONS.

18.—Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.



Illustration by Evan Macdonald from 'Britannia Waives the Rules.'

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PROVISIONS AS TO MECHANICAL INSTRUMENTS.

19.—(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned:

Provided that—

- (i) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and
 - (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.
- (3) The rate at which such royalties as aforesaid are to be calculated shall—
- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent.; and
 - (b) in the case of contrivances sold as aforesaid after the expiration of that period five per cent.

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing:

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Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:—

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply:

(b) The rate of two and one-half per cent.* shall be substituted for the rate of five per cent.* as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten:

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making of

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contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives:

- (d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section:
- (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

- (i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and
- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

PROVISIONS AS TO POLITICAL SPEECHES.

20.—Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

PROVISIONS AS TO PHOTOGRAPHS.

21.—The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.



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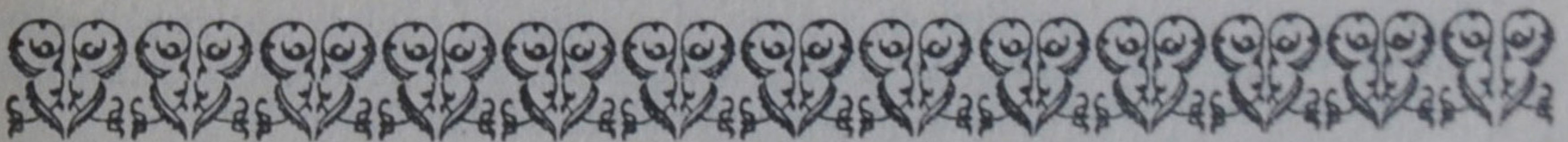
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22.—(1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

ABROGATION OF COMMON LAW RIGHTS.

31.—No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

INTERPRETATION.

35.—(1) In this Act, unless the context otherwise requires,—

“Literary work” includes maps, charts, plans, tables, and compilations;
 “Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

“Artistic work” includes works of painting, drawing, sculpture, and artistic craftsmanship, and architectural works of art and engravings and photographs;

“Work of sculpture” includes casts and models;

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

“Photographs” includes photo-lithograph and any work produced by any process analogous to photography;

“Cinematograph” includes any work produced by any process analogous to cinematography;

“Collective work” means—

(a) an encyclopædia, dictionary, year book, or similar work;

(b) a newspaper, review, magazine, or similar periodical; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

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“Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

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“Lecture” includes address, speech, and sermon;

“Self-governing dominion” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty’s dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty’s dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty’s dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty’s dominions to which this Act extends if he is domiciled within any such part.

SHORT TITLE AND COMMENCEMENT.

37.—(1) This Act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation—

(a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council.

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