

Fine Arts Copyright Act 1877 Amendment Act 1879

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An Act to amend "The Fine Arts Copyright Act, 1877."

Preamble.

WHEREAS it is expedient to amend “The Fine Arts Copyright Act, 1877,” and to make provision in respect of the registration 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 Short Title.

The Short Title of this Act is “The Fine Arts Copyright Act 1877 Amendment Act, 1879.”

2 Interpretation.

In this Act, if not inconsistent with the context—

“Dramatic work” means and includes every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment.

“Proprietor” means and includes the author of any dramatic work and his assigns.

“Copyright” and “assigns” shall have the same meaning as that given by the Act of the Imperial Parliament of the fifth and sixth years of the reign of Her present Majesty Queen Victoria, cap. 45, sec. 2,

3 Proprietor of dramatic work, entitled under 3 and 4 Wm. IV., cap. 15, and 5 and 6 Vict., cap. 45 Imperial Parliament, may register.

Any person, entitled as proprietor under the provisions of 3 and 4 Will. IV., cap. 15, and 5 and 6 Vict., cap. 45, to the copyright in any dramatic work, may, subject to the provisions of such Acts, be registered as such proprietor by the Registrar of Copyrights at Wellington.

4 Mode of applying for registration.

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 work, or such particulars as may be sufficient to identify it.

5 Dramatic work may be registered.

Any dramatic work produced or published within the colony may be registered by the proprietor thereof, under the provisions of this Act, in the same manner as if such proprietor were a person entitled to register under the provisions of section three of this Act: Provided always that whenever any dramatic work, registered under this Act, shall have been printed by the authority of the proprietor thereof, a copy of the said work shall be deposited in the library of the General Assembly of New Zealand.

6 Agent may be appointed.

The proprietor may, by notice in writing, appoint some person resident in New Zealand to be his agent in the colony, with authority to issue licenses for the representation of such dramatic work, 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 in writing, addressed to the Registrar aforesaid, under the hand of the proprietor of the copyright aforesaid.

7 Registrar to receive proof of proprietorship.

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 work, or of the appointment of such 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.

8 Copies of entries to be evidence.

A copy of the entry in the register-book (signed and certified by the Registrar as a true copy) of the name of any 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 work, and that such agent is authorized to grant licenses to represent the dramatic work, and to prohibit the unlicensed representation, thereof.

9 Register, how rectified.

If the name of any person is, without sufficient cause, entered as the proprietor of the copyright in any dramatic work, 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 grant such application with or without costs.

10 Penalty for fraud.

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 work, or as the agent of such proprietor, the person so offending shall be guilty of a misdemeanour and liable to be imprisoned with or without hard labour for a period not exceeding three years.

11 If work of art not registered it is unlawful to affix mark signifying registration.

Unless any work of art be registered, as provided by “The Fine Arts Copyright Act, 1877,” 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 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 or proceeding.

12 Fees.

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

13 Act incorporated with Act of 1877.

This Act shall be read with and construed as part of the said “Fine Arts Copyright Act, 1877.”

SCHEDULES

FIRST SCHEDULE

Form of Requiring Entry of Registration

I, A.B., the proprietor of the copyright of a dramatic work intituled _____, hereby require you to make entry in the Register-Book of the proprietorship of such copy-right, according to the particulars undermentioned.

Title of Dramatic Work.	Name of Author and Description of Piece.	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 or Fees

	s.	d.
Form of application to register any dramatic work or works of the same proprietor	1	0
Every entry in register	0	6
Certificate of Registrar in any case	5	0
Every registration of proprietor or agent	2	6
Any search	5	0