

HR 505

A Bill supplementary to  
the Act to amend the several  
Acts respecting Copyright

Jan 6, 1864 Read twice and referred  
to the Committee on Patents

Mr. Jenckes in his  
introduced the following  
Bill

1 Janckes R  
Patents

224122  
Library of Congress

An additional Act supplementary  
to the Act to amend the several acts  
respecting Copy rights.

Sect I Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act any person or persons being a citizen or citizens of the United States or resident therein, who shall be the author or authors of any photograph, which shall not have been disposed of before the commencement of this act, and his or their assigns shall have the sole and exclusive right of copying reproducing and multiplying such photograph and the negative thereof by any means and of any size, for the term of twenty eight years from the time of depositing in the clerk's office of the District Court the memorandum herein after mentioned

Sec. 2. And be it further enacted that if at the expiration of the aforesaid term of years, such author or any of such authors, if there be more than one, be still living and a citizen or citizens of the United States or resident therein, or being dead shall have left a widow or descendant, either or all of them still living, the same exclusive

right shall be continued to such author, or if dead then to such widow and descendants for the further term of fourteen years -

Provided that within six months before the expiration of the first term the said memorandum shall be a second time recorded in the Clerks office of the said District Court -

Sec. 3. And be it further enacted, that nothing herein contained shall prejudice the right of any person to copy or use any work of Fine Art in which there shall be no Copyright, or to represent any scene or object notwithstanding that there may be a copyright in a copy or imitation previously made of such work or in some representation of such scene or object.

Sec 4. And be it further enacted, that no person shall be entitled to the benefit of this Act unless he shall before offering for sale any copies of such Photograph, deposit in the Clerks office of the District Court of the United States of the District wherein the author or his assignee shall reside, a memorandum, specifying the name of such author, assignee and the place of his abode and a brief description of the nature and subject of such photograph

Sec. 5. And be it further enacted that it shall be the duty of the Clerk of such Court to file such memorandum and to copy the same in a book to be kept in his office for such purpose and to be entitled "Register of Proprietors of Copy right in Photographs"; and such Clerk shall be entitled to receive for the performance of the said duty a sum of

Sec. 6. And be it further enacted. That if the author of any photograph in which there shall be a subsisting Copy right, after having sold or disposed of such Copy right, or if any other person, not being the proprietor for the time being of such Copyright shall, for sale, hire, exhibition or distribution, without the consent of such proprietor, in writing, repeat, copy, multiply or colorably imitate by photographing, sketching, painting, lithographing, engraving, drawing, sculpturing, or by any other means or in any other way, such photograph, or shall cause the same to be done, or shall import from any other Country any such repetition, copy or imitation, or knowing the same to be such repetition copy or imitation, shall sell or expose the same to sale or cause the same to be so sold or exposed to sale, such person for every such offence shall forfeit to the proprietor of the Copyrights

for the time being, the sum of One hundred Dollars, and all such repetitions, copies and imitations made without such consent as aforesaid and all negatives of photographs made for the purpose of obtaining such copies shall be forfeited to the proprietor of the Copyright.

Sec. 7. And be it further enacted that the persons so offending shall also be liable to pay to such proprietor all damages occasioned by such injury to be recovered by a special action on the case in any Court having cognizance thereof, and the several Courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors shall have jurisdiction in such cases and are hereby also empowered to grant injunctions, according to the principles of equity to restrain such repetition, copying and imitation and shall also have power, upon a bill in equity, to order and compel the delivery to such proprietor of all such unlawful repetitions, copies and imitations and negatives of photographs and to award and decree damages for the retention or conversion thereof and to enforce the collection and recovery of such damages by attachment or execution.

Sec 8. And be it further enacted that if any person shall attempt to evade the provisions of this law by altering any Copyrighted photograph in any manner by changing its size, details or back ground by retouching, painting or other means, he shall be deemed to have copied or imitated such photograph within the provisions of this act.

Sec 9. And be it further enacted that such copyrights may be assigned and such assignments be proved or acknowledged and be recorded in the same manner as Copyrights of books can be assigned, and the assignments <sup>thereof</sup> be proved or acknowledged and recorded.

~~And be it further enacted that~~

Sec 10. The proprietor of any negative or photograph therefrom, shall have the sole and exclusive right to the use of any title, initial, name, imprint or monogram that he may adopt and use as designating his authorship or ownership.

~~And be it further enacted that~~

Sec 11. If any person, not being such proprietor, shall fraudulently make or cause to be made any imitation or altered facsimile of any such title, initial, name, imprint or monogram, and shall place the same on any negative or photograph, he shall be deemed to have copied or imitated such photograph within the provisions of this act.