

# THE PHOTOGRAPHIC NEWS.

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## COPYRIGHT IN WORKS OF FINE ART.

We congratulate our readers on the probability that before the present session of parliament shall be brought to a close, the productions of our common art will, for the first time, we believe, receive legislative recognition as works of fine art.

We have already notified our readers that a Bill was recently introduced into the House of Commons by the Attorney-General, entitled "A Bill for amending the law relating to Copyright in Works of the Fine Arts, and for repressing the commission of fraud in the production and sale of such works." From the section devoted to the interpretation or construction of terms we find that the word "picture" shall include "every drawing, painting, PHOTOGRAPH, or other work (except engraving as hereinafter explained) which on a flat surface embodies any design, or represents any scene or object, by means of any process or material." From another clause of the same section we find that the word "engraving" shall be understood to mean "the embodiment of any design, or the representation of any work of fine art by any means or process upon metal, stone, wood, glass, or any other material whereby copies may be multiplied on flat surfaces." And finally a further clause declares that the term "work of fine art" shall include "every picture, work of sculpture, engraving, and architectural work."

The terms here employed, it will be seen, are most comprehensive, and in a variety of ways include photographs by every possible process within the provisions which follow. These provisions, are, we think, of a most satisfactory nature, and give the most complete and lasting protection to property in ideas and works of skill.

First, then, as to works embodying original ideas; the provisions of the Bill are as follows:—

"The author of every picture, work of sculpture, and engraving, which shall be made, or for the first time sold or disposed of, after the commencement of this Act, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such work, and the designs thereof, by any means, of any size, and for any purpose, for the term of the natural life of such author, and *thirty* years after his death."

The intention of the Bill as regards Reproductions is stated as follows:—

"Every person who, after the commencement of this Act, shall lawfully make or cause to be made any picture, work of sculpture, or engraving, from or after any work of fine art, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such picture, work of sculpture, or engraving, by any means, of any size, and for any purpose, during the term of his natural life, and *thirty* years after his death."

In order to bring any picture under the protection of the intended law a very simple expedient is necessary, and since this is very important, we call special attention to it. It is thus stated:—

"No copyright shall be acquired in any work of fine art, or in the design thereof, until the name or monogram of the author or maker thereof shall be legibly signed, painted, engraved, printed, stamped, or otherwise marked upon the face, or some other conspicuous part of such work."

The fourth section defines the extent and limits of the intended law as regards reproductions:—

"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, notwith-

standing that there may be copyright in a copy or imitation previously made of such work, or in some representation of such scene or object, as fully and amply as if this Act had not passed."

Other sections have reference to matters of detail, such as the mode of transfer of property in copyrights, the extent of retrospective action intended, &c.; but some of the most important clauses are devoted to the penalties incurred by an infringement of the copyright to be conferred by the Act. It is here provided that

"If the author of any work of fine art in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person not being the proprietor for the time being of copyright in any work of fine art, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, or distribution, or cause, or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, or distribution, any such work, or the design thereof, or any part of such work or design, or after having received, either verbally, or in writing, or otherwise, from any source other than the proprietor of such copyright, knowledge that any such repetition, copy, or other imitation of such work or design, or any part thereof respectively, has been unlawfully made, or after having been served with, or had left at his premises, a written notice signed by such proprietor or his agent to the same effect, or by any or other means knowing or having reasonable or probable cause to believe that any such repetition, copy, or other imitation has been unlawfully made, shall import into any part of the British dominions, or sell, publish, or let to hire, distribute, or offer for sale, hire, or distribution, or cause, or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, or distribution, or shall have in his possession for any or either of these purposes, any repetition, copy, or imitation of the said work, or of the design thereof, or of any part thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding *one hundred pounds*; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all plates, blocks, moulds, dies, negatives, and other things which shall be exclusively applicable for obtaining such copies, shall be forfeited to and be the property of the proprietor of the copyright."

In the following section it is provided that the imitation or forgery of the name, initials, or monogram of any artist upon a picture, with intent to defraud, shall be regarded as a misdemeanor, and punishable with imprisonment for two years, with or without hard labour. The penalties incurred for the infringement of copyright under these provisions are recoverable either by action or by summary proceeding before two or more Justices of the Peace having jurisdiction where the offender resides. It is provided, however, that no action or proceeding of any kind shall be commenced without notice in writing to the offender of at least one calendar month; and within three months of the commission of the offence constituting the ground of proceeding.

From the extracts and the rough outline of the Bill we have given, it will be seen that the amplest protection is intended to be given to every form of property produced by the inventive brain, or skilful hand of the artist, whether he be sculptor, painter, photographer, or engraver. The Bill appears, in all respects, so far as we can judge, an admirable one. We must not, however, be too hasty with our pæans. It is, at present, only a Bill, not an Act: a "project of law," not an accomplished fact; and a score of proverbs rush on our memory to warn us of the slips that may yet occur. The end of the session is not yet; and the "slaughter of the innocents," so fatal to embryo laws, is not yet over. Of one of