

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1909.

Enclosures

Spare copies

G.O., No. 245, 27th April 1909.

Registration of Copyright.

Communicating to the Registrar of Books the opinion of the Advocate-General regarding the registration of the proprietorship of copyright in respect of one and the same book in the name of more applicants than one.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

G.O., No. 111, Educational, dated 25th February 1909.

ABSTRACT.—Communicating to the Registrar of Books the opinion of the Advocate-General on certain points connected with the registration of copyright in books under the Indian Copyright Act XX of 1847.

II

Letter—from Rao Bahadur M. RANGACHARYA, M.A., Registrar of Books, Madras.
To—the Secretary to Government, Educational Department (through the Director of Public Instruction).
Dated—the 10th March 1909.
No.—289.

I have the honour to request that you will be so good as to inform me whether it should be inferred from paragraph 1 in the opinion of the Advocate-General communicated to me with G.O., No. 111, Educational, dated 25th February 1909, that the Registrar of Books may receive any number of applications for the registration of the proprietorship of copyright in respect of one and the same book, and register it in the name of all such applicants.

N. Ref. on Cur. No. 1688/09, dated 16th March 1909.

Submitted.

A. G. BOURNE, D.Sc., F.R.S., C.I.E.,
Director of Public Instruction.

III

Memorandum No. 574-1, Educational, dated 26th March 1909.

The letter from the Registrar of Books, No. 289, dated 10th March 1909, will be forwarded to the Honourable the Advocate-General with the request that he will favour Government with his opinion on the point raised by the Registrar.

(By Order.)

C. A. SOUTER,
Ag. Under Secretary to Government.

To the Government Solicitor.

IV

Letter—from W. O. DAVID, Esq., Government Solicitor, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 6th April 1909.
No.—280.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 5th April 1909 :—

OPINION.

The Registrar of Books has under section 9 of Act 25 of 1867 no option to refuse to accept delivery of any book that may be delivered by the printer.

No application is necessary for the registration of copyright. The registration under section 18 of the Act of 1867 of a book delivered under section 9, coupled with the payment of Rs. 2 to the officer keeping the catalogue, amounts to an entry in the book of registry under the Copyright Act (1847). The registration of the copyright of the same work in the names of several persons is no doubt an absurdity but it is unavoidable under the existing law. The rectification of the register is left by the Copyright Act (section 6) to the initiative of the real proprietor of the copyright who must go to the Supreme Court of Calcutta for redress.

P. S. SIVASWAMI AIYAR,
Advocate-General.

Order—No. 245, Educational, dated 27th April 1909.

The Advocate-General's opinion will be communicated to the Registrar of Books with reference to his letter No. 289, dated 10th March 1909.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Registrar of Books (through the Director of Public Instruction).

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 245, EDUCATIONAL,
DATED 27TH APRIL 1909.

[SUBJECT.—Registration of copyright under Act XX of 1847.]

Previous paper.

G.O., No. 111, Educational, dated 25th February 1909.

From the Registrar of Books, dated 16th March 1909, No. 1688.

The Registrar of Books enquires whether it should be inferred from paragraph 1 of the Advocate-General's opinion communicated with G.O., No. 111, Educational, dated 25th February 1909, that he (Registrar) may receive any number of applications for the registration of the proprietorship of copyright in respect of one and the same book and register it in the name of all such applicants.

2. In paragraph 1 of his opinion in the Government Order above quoted, the Advocate-General stated as follows, with regard to the right of the Registrar of Books to refuse to register any book delivered to him under section 9 of Act XXV of 1867 :—

“ I am of opinion that the Registrar of Books has no right to refuse to register any book delivered to him under section 9 of Act XXV of 1867. On payment of Rs. 2 to the Registrar, registration under this Act has the same effect as an entry in the book of registry kept under the Copyright Act, 1847. (See the last paragraph of section 18 of Act XXV of 1867.) There is no provision in either of these Acts enabling the Registrar of Books to enquire into any objection to registration. The remedy of any person aggrieved by an entry made under colour of the Copyright Act is to apply by motion to the Supreme Court of Calcutta to vary or expunge the wrongful entry in the register.”

3. It is submitted that the point raised by the Registrar of Books appears to be beyond doubt and that it is the duty of the Registrar to register every book that is presented to him for registration, notwithstanding the fact that the same book may be registered in the names of more persons than one.

4. If the above view is concurred in, it is submitted that the Registrar of Books may be informed accordingly.

C.S.—24-3-09.

K. RANGASWAMI AIYANGAR—24-3-09.

Better ask Advocate-General.

C. A. SOUTER—25-3-09.

The draft memorandum placed below is for approval.

C.S.—25-3-09.

K. RANGASWAMI AIYANGAR—26-3-09.

C. A. SOUTER—26-3-09.

[Memorandum No. 574-1, Educational, dated 26th March 1909.]

No. 245, EDUCATIONAL, 27TH APRIL 1909.

From the Government Solicitor, dated 6th April 1909, No. 280.

The Advocate-General's opinion may be communicated to the Registrar of Books. The draft placed below is for approval.

T. KANAKASUNDARAM PILLAI—23-4-09.

For perusal.

C. A. SOUTER—26-4-09.

Issue.

A. BUTTERWORTH-26-4-09.

[G.O., No. 245, Educational, dated 27th April 1909.]

READ AGAIN G.O., No. 111 Edl, dated 25 - 2 - 1909. } heavy
 " " " " " 190 .

READ ALSO:—

C. No. 574, From the DPS, No. 1688, dated 16-3-1909.

„ „ 762 „ „ Govt. Solicitor „ 280 „ „ 6 - 4 - 1909.

[illegible]

ORDER.

P. S.

No. 245, dated 27-4-1909.

The Advocate-General's opinion will be communicated to the Registrar of Books with reference to his letter no. 289 dated 10th March 1909.

7. K.
23-4-09

Obs
9.6.4.9.

Ans
26 pm

Despatch in Ref &
then print
7/6
27/4

To The Regis~~ter~~ of Books Thro' the D. P. I. ✓ ~~Sept 22/49~~

ORDINARY.

PREFERENCE.

URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Current No. 574, dated 18-3-1907.

G.O., No. 1245, dated 27-4-1907.

Number of MS. pages sent { Correspondence including order or orders (b)
Notes (b¹)

Docket. Registration of Copyright -
Communicating to the Registrar of
Books the opinion of the Advocate General
regarding the registration of the copyright
of copyright in respect of and the same
book in the name of more applicants than
one

Number (c) of copies required when struck off (not including
copies for volumes and editors' table which are retained
in the Press).

Complete
Correspondence
and orders.

Notes

FOR RECORD.*

Madras Records	...	30	15
Ooty Records	...	3	3
For filing with original	...		1
Total	...	34	19

FOR ISSUE.†

	Letter only.	Complete G.O.	Special issue copies (b) of G.O.		Notes.
			No.	Papers.	
Signature copies.					
India Office					
Govt. of India					
Public Department					
Judicial Department					
Financial Department					
Revenue Department					
Public Works Department					
Local and Municipal Department					
Dept.					
Total					
Spare copies.					
The Director of Public Instruction					
The Comr. for Govt. Examinations					
The Superintendent, Govt. Museum					
The Surgeon-General					
The Accountant-General					
The Collector of					
The P. D. B.					
The Registrar of Books					
The					
The					
The					
The					
The					
The					
Total					

INSTRUCTIONS FOR THE
SECRETARIAT.

(a) If a paper is marked to be printed
urgently, the Superintendent of the section
concerned should sign the Press slip. The
Superintendent should exercise a careful discre-
tion in the matter.

(b) Each letter, memorandum, or order, or set
of orders, in the file of correspondence should be
headed in succession with the Roman numeral I,
II, III, etc., the number being written in red ink
blue chalk above the item. The particular
papers to be printed in the special issue-copies
should be indicated by the Roman numeral (I,
II, etc.) by which that item has been headed in
the correspondence file. All matter, including
marginal remarks or references, to be printed
should be written in ink and matter which should
not be printed should be encircled. Initials and
signatures that are not quite legible should be
re-written distinctly.

(b¹) For rules regarding printing of notes,
see the rules in G.O., No. 1220, Public, dated
30th November 1900.

(c) The number of copies and the details of
distribution should be filled in by the Superin-
tendent or Referencer concerned.

(d) In the absence of special instructions to
the Press to keep matter standing for a specified
period, ordinary papers of 8 pages and under
will be kept standing for one week, and larger
papers for two weeks only. The type of notes
and of all confidential papers is distributed
immediately after striking.

(e) This slip, properly and completely
filled in, should accompany every paper sent to
Press; it will be returned by the Press when
proofs are furnished; it should be sent to the
Press when a call is made for revised proofs or
when a corrected proof is sent for striking.
When finally returned by Press it should be
filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of
the Press, a paper has been marked urgent
unnecessarily, he should send the Press slip to
the Deputy Registrar with a remark to that
effect.

(b) Unless a note to the contrary is made
against the matter, pencil entries should not
be printed. The Superintendent of the Press
may bring to the notice of the Deputy Registrar
any instance of incomplete or careless editing.

(c) Signature copies of letters to the
Secretary of State or to the Government of
India should be printed on hand-made paper.

(d) This slip should be returned by the Press
to the Secretariat when proofs are furnished; it
will be sent back to the Press when proofs
are returned corrected and should be finally
returned to the Secretariat when struck-off
copies are supplied.

(e) The names of the Secretary and Members
should be printed in full when they occur on
the right hand side, but only the first time when
they appear on the left side, the initials alone
being printed later.

* Copies distributed on..... (Press Clerk.)

† Copies distributed on..... (Despatcher.)

* To be initialed and dated.

TO PRESS, MADRAS.
OOTY.

A	B	C
Please send proof in triplicate. The papers have been carefully edited.	Proof returned corrected. Please strike off and send number of copies as indicated.	As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.
	Type may be released <u>after usual interval</u> at once.	Type may be released after usual interval.
.....Clerk.	Clerk.	<i>Op. Proof required</i> <i>Notes Not required</i>Clerk.
.....Supdt.	Supdt.	<i>Chas. H.</i>Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....	<i>20/4/09</i> <i>Lb.</i>
First proof furnished on.....	<i>14/5/09</i> <i>Lb.</i>
Call for revised proof received on.....	
Revised proof furnished on.....	
Corrected proof received for striking on.....	<i>10/5/09</i> <i>Lb.</i>
Final copies supplied on.....	<i>16/8/09</i> <i>Lb.</i>

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	<i>24</i>	<i>19</i>	
" " " Issue.....			
For Volumes.....	<i>16</i>		
For E. T.....			
Total ...	<i>35</i>	<i>19</i>	