

Educational (1909) Department.

ORDINARY MS.

G.O., No. 388

DATED 1-7-'09

(15)

[Despatch Abstract.]

Books and publications

Recording papers relating to a
Complaint from Messrs T. Nelson and Sons,
Publishers, London, on the subject of the pirat-
ing of illustrations from their readers by
native publishers in the Madras Presidency.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
<i>Memo -</i>	978-1	17-5-09	1 to 2
<i>[1211] D.P.I.</i>	3848	20-6-09	344

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed —for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
369	12-6-07	sc		
269	7-5-07	sc		
190	2-4-07	sc		
129	11-3-07	sc		
464	8-8-02	sc		
593/5	23-11-00	sc		
445/6	10-1-00	sc		
94	1-3-00	sc		

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

Educational department.

3

MEMORANDUM: W.P. 978-1d/17-5-09

Messrs. Thomas Nelson and Sons, Publishers, London, complain that the illustrations in the Tamil Readers, 1 to 7, by T.V. Chellappa Sastri published by T.V. Chellappa Sastri and Co. and in the Telugu Readers, 1 to 4, published by S. Murthy and Co. have all been pirated from other books, mainly from their (T.Nelson and Sons) Readers and occasionally from books published by MacMillan and Longmans. They observe

(1) that these two sets of Readers appear to be by the same author and to be published by the same firm under different names, as the lessons in them are the same and the pictures are identical;

(2) that they have been sanctioned by this Government for use in schools;

(3) that a Government should not encourage the use of ~~such~~ dishonestly compiled educational works; and

(4) that, ~~the~~ reproduction of the pictures in these books ~~is so~~ ^{is so} grotesquely absurd, ^{that} it is not in the interests of education that they should be recognised by the Department.

They

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 They therefore
 and request that the books in question
 may be removed from the list of books
 sanctioned for use in public schools.

2. Messrs. Nelson and Sons have
 also sent some specimen copies in
 which their original illustration has
 been pasted alongside the pirated re-
 production, and these are forwarded to
 the D.P.I. who is requested to submit
 a report in the matter.

7H.
 13.5.09

Cad
 13.5.09

AD
 13.5.09

Unk
 14.5.09

To the D.P.I. ✓ Despo with a
 with a packet of books.
 (The returned)
 17-5-09

3
Educational

LOCAL AND MUNICIPAL DEPARTMENT.

Received  CURRENT No. 1211 190 , Registered 21-6-1909

Subject.

Replying to Government Memorandum No. 978-1/09 dated 17th May 1909 regarding certain readers of Messrs. T.V. Chellappa Sastri and Co and S. Murthy & Co. ^{Edl.} *in which the illustrations were* stated to have been pirated from the books of English publishers.

ENCLOSURES.

No.

Spare copies

Ref on Cur No. 3848/09

Station Madras, Dated the 20th June 1909

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc.F.R.S.C.I.E.

(Designation) Director of Public Instruction,

Madras.

To The Secretary to the Government of Madras,
Educational Local and Municipal Department.

Sir,

With reference to your Memorandum No. 978 -1 dated 17th May 1909, regarding certain readers of Messrs. T.V. Chellappa Sastri & Co and S. Murthy & Co. in which the illustrations were stated to have been pirated from the books of English publishers, I have the honour to state that the proper redress for the English publishers would be under the Copyright Act but that, if the existing act does not cover these matters, and I think it does not, there is nothing to prevent the illustrations being copied. The books have been approved by the Text Book Committee and I hardly think that Government could undertake to protect the interests of the English publishers

by

4
by ordering the removal of the books in question from the
approved
list. b
Q /Herewith returned/

I have the honour to be,
S i r ,
Your most obedient servant,

A. G. Baines
Director of Public Instruction.

H.

N.V.S.

[E. & L.]

1,000-25-2-10

EDUCATIONAL DEPARTMENT.

NOTES.

Col. C. W. 978
11-5-9.



GOVERNMENT HOUSE,
OOTACAMUND.
10th May 1909.

No. 628

My dear Wynch,

I am desired by His Excellency to send you the enclosed letter from Mr. Buchan regarding certain Tamil and Telugu Readers. His Excellency thinks it will be as well to ascertain what the Director of Public Instruction has to say in the matter. He would like to see the papers before final disposal.

Yours sincerely,

W. C. Campbell

The Honb'le

Mr. L.M. Wynch, C.I.E.,

Ag. Secretary to Government,

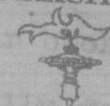
Educational Department.

*Draft memo to the
DPI please*

*TR
11/5/09*

W.C. 11/5/09

Thomas Nelson and Sons PUBLISHERS



AND AT EDINBURGH
DUBLIN & NEW YORK

35 & 36 PATERNOSTER ROW,

LONDON, E.C.

23rd April, 1909.

ALL COMMUNICATIONS
TO BE ADDRESSED
TO THE FIRM

TELEGRAMS:-
"NELSONS, PUBLISHERS, LONDON"

(CODE A.B.C. FIFTH EDITION)

TELEPHONE
1313 P.O. CENTRAL

IN REPLYING REFER
TO DEPARTMENT

His Excellency,
The Hon. Sir Arthur Lawley, G.C.I.E., K.C.M.G.,
Government House,
MADRAS.

My dear Lawley,

May I make our old South African acquaintance, and
the fact that I married your cousin, the excuse for asking
your assistance in a small business matter?

I am a partner in a firm of publishers which, among
other things, does a large educational business in India. Our
Readers have been in use for over thirty years, and consequent-
ly we are apt to suffer from the piratical instincts of native
publishers.

The Government of Madras have sanctioned for use in
schools two sets of Readers, viz., "Tamil" Readers, 1 - 7, by
T. V. Chellappa Sastry, published by T. V. Chellappa Sastry &
Co., and "Telugu" Readers, 1 - 4, no author named, published
by S. Murthy & Co. These two sets of books appear to be by
the same author, and to be published by the same firm under
different names; for the lessons are the same, and the pictures

are identical. The illustrations in these Readers have nearly all been pirated from other books, mainly from our Readers; but I understand occasionally from books published by Macmillan and Longmans.

I am sending you some specimens in which our original is pasted alongside the pirated reproduction.

This seems to us a very unscrupulous proceeding, and we think that the Education Department of the Madras Government should move in the matter, and delete the books from the list of those sanctioned for use in public schools.

Indian copyright law, so far as I understand it, is a little vague as to illustrations, though by English copyright law, which is used as ^{the} a canon of interpretation, there is no doubt as to our rights.

It does not seem to me wise that a Government Department should encourage the use of Educational works which are dishonestly compiled. Apart from the question of piracy the reproduction of the pictures is so grotesquely absurd that I cannot think it is in the interests of education that such books should be recognised by the Department.

Please forgive me if I have broken ~~in~~ the etiquette of the Service by addressing you direct instead of appealing to some departmental official. My excuse must be my ignorance of the Madras official hierarchy. It will be very kind if you will pass this letter to the proper department.

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8.

I hope you are very well and flourishing, and enjoying your work.

With kindest regards,

Yours very sincerely,

John Buchan

are identical. The illustrations in these books have nearly all been derived from other books, mainly from our own. But I understand occasionally from books published by Hamilton and Bonfante.

I am sending you some specimens in which our original is placed alongside the pirated reproduction.

This seems to me a very unbecoming proceeding, and we think that the Education Department of the Indian Government should move in the matter, and delete the books from the list of those sanctioned for use in public schools.

Indian copyright law, so far as I understand it, is a little vague as to illustrations, though by English copyright law, which is used as a canon of interpretation, there is no doubt as to our rights.

It does not seem to me wise that a Government Department should encourage the use of educational works which are dishonestly copied. Apart from the question of giving the reproduction of the picture is so grossly against the interest of the Government that it is in the interest of education that even books should be recognized by the Department.

Please forgive me if I have broken the etiquette of the service by addressing you direct instead of sending to some departmental official. My excuse must be my ignorance of the Indian official hierarchy. It will be very kind if you will pass this letter to the proper department.

Draft Memorandum to the D.P.I. please.

L.M.W.
11-5-09.

A draft Memorandum is submitted for approval

74.
13.5.09
RD
13.5.09

See.

For approval. H.M.

may perhaps see before issue.

Col
13.5.9.

CIRCULATED IN EDL.
AND LEG. DEPT.

Box Ordinary No. 34
Box Confidential No. 14.5.9

HM.

Unk
14.5.09.

8774

Issue

Unk
17.5.09

(Memo. No.978-1, dated 17th May 1909).

From the D.P.I., R.C.No.3848, d/20th June 1909.

In Memo.No.978-1, dated 17th May 1909, the
D.P.I. was asked to submit a report

(1) on the complaint preferred by Messrs.Thomas
Nelson and Sons that the illustrations in the Tamil
Readers published by T.V. Chellappa Sastri and Co.
and in the Telugu Readers published by S. Murthy and
Co. had nearly all been pirated, mainly from their
(Nelson and Sons') Readers and occasionally from

Page 1 of C.F.

Page 1 of C.F.

Page 3 of C.F.

Page 3 of C.F.

Page 1 supra

books published by MacMillan and Longmans and

(2) on the suggestion that the Government should not encourage the use of such dishonestly compiled educational works.

2. (1) Pirated reproduction of illustrations
The D.P.I. states that the proper redress for the English publishers in this case would be under the copyright Act but that if the existing Act does not cover these matters (and the D.P.I. thinks that it does not) there is nothing to prevent the illustrations being copied.

3. (2) Use in schools of books containing pirated illustrations. With regard to this the D.P.I. states that the Readers published by T.V. Chellappa Sastri and Co. and S. Murthy and Co. have been approved by the Text Book Committee and that he hardly thinks that Government could undertake to protect the interests of the English publishers by ordering the removal of the books from the approved list.

4. The Director's report was called for under the orders of His Excellency.

724.
22-6-09

~~The~~ Sec.

The D.P.I.'s view is, I submit, the correct one. There is the Copyright Act of 1847 which governs the copyright law in India. It may be possible that S. 21 covers illustrations in a copyright book but it seems very doubtful. If it does not

then the Indian publishers are quite within their rights in copying Nelson & Sons pictures. Nelson & Sons may, if they desire, take civil ~~or~~ action against the Indian publishers.

2. As to removing the books from the list of text books it is ~~is~~ that this should be done only if Nelson & Sons obtain a decision in a Court of law that their copyright has been infringed.

Obs
23.6.9.

CIRCULATED IN EDL.
AND LEG. DEPT..

Box Ordinary No. 22
Bag Confidential 24.6.9

J.M.

J.R. the Governor.

I do not think Govt. can help Nelson & Sons & taking any executive action in this matter.

Unto:
24/6/9.

Laffey
J. M.

10
6
12
No. 869

30th June, 1909

My dear Tychan,

With reference to your letter dated the 23rd April 1909 on the subject of the pirating of illustrations from your Readers by native publishers, I have consulted the head of the Educational Department in this Presidency on the matter and he is of opinion that the proper redress for English publishers would be under the Copyright Act, but it is doubtful whether the existing Act would cover the present case and if so there is nothing to prevent your illustrations being copied as they have been. It appears to me that unless you can obtain a decision in a Court of Law that your copyright has been infringed, this Government would hardly be justified in removing these books from the list of Text-books which have been approved by the Committee appointed for their selection.

Yours sincerely,

J. Tychan Esqr,
Messrs Thomas Nelson & Sons,
35 & 36, Paternoster Row,
LONDON.E.C.

30.6.09

H. E. has replied to Mr. Buehau. The papers
may now be recorded.

2- Draft placed below for approval.

TH
1-7-09

Issue

Chas ✓

1-7-9

12

14

READ AGAIN G.O., No., dated 190 .
 " " " " , " 190 .

READ ALSO:—

C. No. 1211, From the D.P.I., No. 3848, dated 20 - 6 - 1907.

” ” ” ” ” ” ” 190 .

” ” ” ” ” ” ” ” 190 .

ORDER.

mis

No. 388, dated 1-7-1909.

Recorded.

Obs
1.7.9.

74
1-7-09

When given for copying

When copied

When examined

When signed

190

READ AGAIN G.O., No.
190

DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.