

issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized.

Attendance at meetings, etc.
Restriction on payments for, modified.
Ante, p. 184.

Written authority required for incurring expense.

Statement to Congress.

Sums for salaries to be in full.

SEC. 10. That section eight of the District of Columbia appropriation Act, approved June twenty-sixth, nineteen hundred and twelve, shall not take effect or be operative during the fiscal year nineteen hundred and thirteen except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year nineteen hundred and thirteen expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the Government of the District of Columbia; and a detailed statement of all such expenses incurred from June thirtieth until December first, nineteen hundred and twelve, shall be submitted to Congress on or before January first, nineteen hundred and thirteen.

SEC. 11. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and thirteen, and all laws or parts of laws in conflict with the provisions of this Act are repealed.

Approved, August 24, 1912.

August 24, 1912.
[H. R. 24224.]

[Public, No. 303.]

Copyrights.
Vol. 35, pp. 1076,
1078, 1081.

Classification of applications.
Vol. 35, p. 1076,
amended.

Motion pictures,
etc., added.

Proviso.
Subject matter not
limited, etc.

Works not reproduced for sale.
Vol. 35, p. 1078,
amended.

Motion pictures,
etc., added.

CHAP. 356.—An Act To amend sections five, eleven, and twenty-five of an Act entitled "An Act to amend and consolidate the Acts respecting copyrights," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five, eleven, and twenty-five of the Act entitled "An Act to amend and consolidate the Acts respecting copyrights," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

- "(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;
- "(b) Periodicals, including newspapers;
- "(c) Lectures, sermons, addresses (prepared for oral delivery);
- "(d) Dramatic or dramatico-musical compositions;
- "(e) Musical compositions;
- "(f) Maps;
- "(g) Works of art; models or designs for works of art;
- "(h) Reproductions of a work of art;
- "(i) Drawings or plastic works of a scientific or technical character;
- "(j) Photographs;
- "(k) Prints and pictorial illustrations;
- "(l) Motion-picture photoplays;
- "(m) Motion pictures other than photoplays:

Provided, nevertheless, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and

description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this Act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

"(a) To an injunction restraining such infringement;

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

Infringements.
Vol. 35, p. 1081,
amended.

Injunctions.

Damages.

Newspaper reproductions of photographs, limit.

Motion pictures of dramatic works.

Other remedies.

Paintings, statuary, etc.

Books, maps, etc.
Vol. 35, p. 1076.

Lectures, sermons, etc.

Dramatic, etc., compositions.

Delivery of infringing article.

Destruction of plates, etc.

Use of mechanical reproduction of musical works.

Royalty.
Vol. 35, p. 1075.
Proviso.
Notice of intention to use.

Rules, etc., of procedure.

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

Approved, August 24, 1912.

August 24, 1912.
[S. 2904.]

[Public, No. 304.]

District of Columbia.
Metropolitan Coach Company.
Authority of Commissioners.

License for operation, etc.

Service required.

Schedules.

CHAP. 357.—An Act To confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Company, and to provide for transfers between said company and the Capital Traction Company and the Washington Railway and Electric Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby empowered to regulate and control the character of the vehicles and equipment to be used by the Metropolitan Coach Company of the District of Columbia and the operation of said vehicles by said company.

SEC. 2. That said commissioners are hereby given authority to issue such permits or licenses for the operation of said vehicles as may be necessary to carry this Act into effect, and for cause shown to revoke the same, and further to make, alter, or amend from time to time, reasonable rules, regulations, and orders for the equipment and operation of said vehicles, which rules and regulations and orders when so made shall be valid and binding on the said Metropolitan Coach Company and upon all persons.

SEC. 3. That said company shall provide and furnish at all times such service and facilities as shall be reasonably safe and adequate; and it shall at all times maintain its vehicles in good and proper repair, neat and clean, free from offensive smoke, noise, and odors, in a sanitary condition, sufficient in number, and reasonably comfortable and convenient. The company shall operate its vehicles so as to give expeditious passage to all persons desiring to use the same, and