

**74.** Every design to be protected must be registered before publication, and, at the time of the registration, applied to some article in the above mentioned classes, by specifying the number of the class. The name of the person registering must be registered as the proprietor of the design; and after publication, the name of the proprietor shall appear upon the article to which his design applies: if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge, or upon any convenient parts, the letters R<sup>d</sup> with the number or letter, or number and letter, corresponding with the date of the registration. The mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

*Design must be registered before publication and now.*  
*Registered design to be marked.*

**75.** The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, then such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired; for, it may be, he has not the exclusive right, but a right of application in conjunction with another person.

*Who shall own the copy right.*

**76.** The Commissioner of Patents shall keep at the Patent Bureau, a book or books to be called the "Register of Designs," and another or others to be called the "Register of Proprietors," to be kept in a manner similar to those provided for the "Register of Patents," and the "Register of Proprietors," in sections 10 and 11 of this Act.

*Registers to be kept.*

**77.** Every design shall be assignable in the same manner as Letters Patent of Invention, and subject to the same conditions.

*Assignment of copyright.*

**78.** During the existence of the right, (whether it be of the entire or partial use of such design) no person shall, without the license in writing of the registered proprietor, apply such design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, &c., for the purposes of sale, or publish, sell, or expose for sale or use any article of manufacture, &c., to which such design, or fraudulent imitation thereof, shall have been applied, under penalty of a sum of not less than twenty dollars, and not exceeding one hundred and twenty dollars to the proprietor of the design, and costs. The penalty may be recovered as follows:—

*Penalty for infringing copyright.*

By a summary proceeding before two justices having jurisdiction in the district or county wherein the offender resides, or by an action of debt.

*How recovered.*

Any Justice or Superintendent of Police acting for the county, district, city or town wherein the offender resides, may act, but he must not be concerned in the sale or manufacture of the article, or in the property of the design. Every offender shall be summoned to answer the *demande* or complaint by a summons appointing a time and place; which time must not be less than one clear day from the date of the summons, and service thereof shall be made on the person, or at the residence of the offender, and one clear day additional shall be allowed for every fifteen miles additional from the place of trial.

*Mode of proceeding for penalty.*

**79.** Whether the party appear or make default, two justices, as above, may hear the complaint, and on proof by the confession of the offender,

*Conviction of offender.*