

[CHAPTER 273]

AN ACT

To repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936.

May 28, 1937
[H. R. 148]
[Public, No. 119]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso appearing in the fourteenth paragraph under the subheading "Miscellaneous" under the heading "Public Schools" in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism", is hereby repealed: *Provided, however,* That nothing herein shall be construed as permitting the advocating of communism.

District of Columbia public schools. Proviso in existing law relating to teaching, etc., communism repealed.
49 Stat. 356.

Proviso. Permission to advocate not given.

Approved, May 28, 1937.

[CHAPTER 274]

AN ACT

To amend the Act entitled "An Act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

May 28, 1937
[H. R. 5416]
[Public, No. 120]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, is amended by inserting before the words "said act" where they first occur in the proviso at the end of section 2 the following: "amendment of".

Hawaii, bond issues. Legislature may alter list of authorized improvements.
49 Stat. 517.

Approved, May 28, 1937.

[CHAPTER 275]

JOINT RESOLUTION

To extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936.

May 28, 1937
[H. J. Res. 251]
[Pub. Res., No. 34]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for loans made necessary by floods or other catastrophes of the year 1937", approved February 11, 1937, is hereby amended as follows:

Disaster Loan Corporation. Lending authority extended.
Ante, p. 19.

By striking out of the second paragraph thereof "year 1937" and inserting in lieu thereof "years 1936 or 1937".

Approved, May 28, 1937.

[CHAPTER 276]

JOINT RESOLUTION

To protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, California, in 1939.

May 28, 1937
[H. J. Res. 292]
[Pub. Res., No. 35]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress and the Commissioner of Patents are hereby authorized and directed to establish branch offices under the direction of the Register of Copyrights and the Commissioner of Patents, respectively, in suitable quarters on the grounds of the Golden Gate International Exposition, to be held at San Francisco, California, under the direction of the San Francisco Bay Exposition, a California corporation, said

Golden Gate International Exposition. Protection of copyrights and patents of foreign exhibitors. Branch copyright, etc., offices at Exposition.

Certificates of proprietorship to be issued.

Registers to be kept.

Deposit at close of exposition.

Certified copies of certificates.

Infringement of rights protected, unlawful.

Liabilities.

Injunction.

Pecuniary damages.

Delivery of articles that infringe.

quarters to be furnished free of charge by said corporation, said offices to be established at such time as may, upon sixty days' advance notice, in writing, to the Register of Copyrights and the Commissioner of Patents, respectively, be requested by said San Francisco Bay Exposition, but not earlier than January 1, 1939, and to be maintained until the close to the general public of said exposition; and the proprietor of any foreign copyright, or any certificate of trade-mark registration, or letters patent of invention, design, or utility model issued by any foreign government protecting any trade mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition and exhibited at said exposition may upon presentation of proof of such proprietorship, satisfactory to the Register of Copyrights or the Commissioner of Patents, as the case may be, obtain without charge and without prior examination as to novelty, a certificate from such branch office, which shall be prima facie evidence in the Federal courts of such proprietorship, the novelty of the subject matter covered by any such certificate to be determined by a Federal court in case an action or suit is brought based thereon; and said branch offices shall keep registers of all such certificates issued by them, which shall be open to public inspection.

At the close of said Golden Gate International Exposition the register of certificates of the copyright registrations aforesaid shall be deposited in the Copyright Office in the Library of Congress at Washington, District of Columbia, and the register of all other certificates of registration aforesaid shall be deposited in the United States Patent Office at Washington, District of Columbia, and there preserved for future reference. Certified copies of any such certificates shall, upon request, be furnished by the Register of Copyrights or the Commissioner of Patents, as the case may be, either during or after said exposition, and at the rates charged by such officials for certified copies of other matter; and any such certified copies shall be admissible in evidence in lieu of the original certificates in any Federal court.

SEC. 2. It shall be unlawful for any person without authority of the proprietor thereof to copy, republish, imitate, reproduce, or practice at any time during the period specified in section 6 hereof any subject matter protected by registration as aforesaid at either of the branch offices at said exposition which shall be imported for exhibition at said exposition, and there exhibited and which is substantially different in a copyright, trade-mark, or patent sense, as the case may be, from anything publicly used, described in a printed publication or otherwise known in the United States of America prior to such registration at either of said branch offices as aforesaid; and any person who shall infringe upon the rights thus protected under this Act shall be liable—

(a) To an injunction restraining such infringement issued by any Federal court having jurisdiction of the defendant;

(b) To pay to the proprietor such damages as the proprietor may have suffered due to such infringement, as well as all the profits which the infringer may have made by reason of 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;

(c) To deliver upon an oath, to be impounded during the pendency of the Act, upon such terms and conditions as the court may prescribe, all articles found by the court after a preliminary hearing to infringe the rights herein protected; and

(d) To deliver upon an oath, for destruction, all articles found by the court at final hearing to infringe the rights herein protected.

SEC. 3. Any person who willfully and for profit shall infringe any right protected under this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court.

SEC. 4. All the Acts, regulations, and provisions which apply to protecting copyrights, trade marks, designs, and patents for inventions or discoveries not inconsistent with the provisions of this Act shall apply to certificates issued pursuant to this Act, but no notice of copyright on the work shall be required for protection hereunder.

SEC. 5. Nothing contained in this Act shall bar or prevent the proprietor of the subject matter covered by any certificate issued pursuant to this Act from obtaining protection for such subject matter under the provisions of the copyright, trade mark, or patent laws of the United States of America, as the case may be in force prior hereto, and upon making application and complying with the provisions prescribed by such laws; and nothing contained in this Act shall prevent, lessen, impeach, or avoid any remedy at law or inequity¹ under any certificate of copyright registration, certificate of trade-mark registration, or letters patent for inventions or discoveries or designs issued under the copyright, trade mark, or patent laws of the United States of America, as the case may be in force prior hereto, and which any owner thereof and of a certificate issued thereon pursuant to this Act might have had if this Act had not been passed, but such owner shall not twice recover the damages he has sustained or the profit made by reason of any infringement thereof.

SEC. 6. The rights protected under the provisions of this Act as to any copyright, trade mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said Golden Gate International Exposition shall begin on the date the same is placed on exhibition at said exposition and shall continue for a period of six months from the date of the closing to the general public of said exposition.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this Act shall be reimbursed to the Government of the United States by the San Francisco Bay Exposition, under regulations to be prescribed by the Librarian of Congress and the Commissioner of Patents, respectively; and receipts from such reimbursements shall be deposited as refunds to the appropriations from which such expenses were paid.

Approved, May 28, 1937.

[CHAPTER 277]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations

¹ So in original.

Destruction of.

Infringement, penalty for.

Terms of protection.

Copyright, etc., actions.

Duration of protection.

Reimbursement of incurred expenses.

May 28, 1937

[H. R. 6730]

[Public, No. 121]

Second Deficiency
Appropriation Act,
fiscal year 1937.