

[CHAPTER 304]

AN ACT

To authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes.

May 31, 1938
[H. R. 9358]
[Public, No. 569]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to withdraw and permanently reserve small tracts of not to exceed six hundred and forty acres each of the public domain in Alaska for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska: *Provided,* That such withdrawals shall be subject to any valid existing rights.

Alaska.
Withdrawal of lands for schools, hospitals, etc., authorized.

Proviso.
Valid existing rights.

Approved, May 31, 1938.

[CHAPTER 305]

JOINT RESOLUTION

To protect the copyrights and patents of foreign exhibitors at the Pacific Mercado International Exposition, to be held at Los Angeles, California, in 1940.

May 31, 1938
[H. J. Res. 447]
[Pub. Res., No. 100]

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 Pacific Mercado International Exposition, to be held at Los Angeles, California, under the direction of the Pacific Exposition Corporation, a California corporation, said 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 Pacific Exposition Corporation, but not earlier than January 1, 1940, 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.

Pacific Mercado International Exposition, Los Angeles, Calif.
Protection of copyrights and patents of foreign exhibitors.
Branch copyright, etc., offices on grounds.

Certificates of proprietorship.

Registers to be kept.

Deposit at close of Exposition.

Certified copies of certificates.

At the close of said Pacific Mercado 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 matters; 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 joint resolution 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 joint resolution, 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 joint resolution shall apply to certificates issued pursuant to this joint resolution but no notice of copyright on the work shall be required for protection hereunder.

SEC. 5. Nothing contained in this joint resolution shall bar or prevent the proprietor of the subject matter covered by any certificate issued pursuant to this joint resolution 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 joint resolution shall prevent, lessen, impeach, or avoid any remedy at law or in equity 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 joint resolution might have had if this joint resolution had not been passed, but such owner shall not twice recover the damages he has sustained of the profit made by reason of any infringement thereof.

Infringement of rights protected, unlawful.

Liabilities.

Injunction.

Pecuniary damages.

Delivery of articles that infringe.

Destruction.

Infringement; penalty.

Terms of protection.

Copyright, etc., actions.

SEC. 6. The rights protected under the provisions of this joint resolution as to any copyright, trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said Pacific Mercado 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.

Duration of protection.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this joint resolution shall be reimbursed to the Government of the United States by the Pacific Exposition Corporation, 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.

Reimbursement of incurred expenses.

Approved, May 31, 1938.

[CHAPTER 306]

JOINT RESOLUTION

To increase by \$15,000 the amount authorized to be appropriated for the observance of the anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory.

May 31, 1938
[H. J. Res. 647]
[Pub. Res., No. 101]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the amount authorized to be appropriated by section 4 of the joint resolution entitled "Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory", approved August 2, 1935, as amended, there is hereby authorized to be appropriated not to exceed the sum of \$15,000.

Anniversary of adoption of Ordinance of 1787 and settlement of Northwest Territory.
Additional amount authorized for observance of.
Post, p. 1117.
49 Stat. 511.

Approved, May 31, 1938.

[CHAPTER 308]

AN ACT

To amend section 30 of the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes."

June 1, 1938
[H. R. 1486]
[Public, No. 570]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917, as amended, is amended to read as follows:

Puerto Rico, civil government.

39 Stat. 959.
48 U. S. C. § 819.

"SEC. 30. The terms of office of senators and representatives elected at any general election shall be four years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the Government of Puerto Rico, and no such senator or representative shall be eligible for appointment to any office created during his term of office until the expiration of two years after the date upon which his term of office shall have expired."

Terms of senators and representatives.

Appointments to fill vacancies.

Appointment to civil office or office created during term of office.

Approved, June 1, 1938.