

## [CHAPTER 136]

## AN ACT

To authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department.

April 22, 1940  
[H. R. 8792]  
[Public, No. 479]

*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 authorized and directed to accept and maintain for the District of Columbia the gift of a memorial fountain to the members of the Metropolitan Police Department: *Provided,* That the design and model of the memorial fountain are approved by the Commission of Fine Arts, and thereafter erected at a location to be approved by the Commissioners of the District of Columbia and the National Capital Park and Planning Commission on land now owned by the District of Columbia, for the municipal center.

Metropolitan Police Department, D. C. Acceptance, etc., of memorial fountain to members of, authorized.

*Proviso.*  
Design, location, etc.

Approved, April 22, 1940.

## [CHAPTER 137]

## AN ACT

To authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56, and for other purposes.

April 22, 1940  
[H. R. 8917]  
[Public, No. 480]

*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 is hereby authorized, for the convenience of the public, to permit the Capital Transit Company of Washington, District of Columbia, to construct, maintain, and operate, at its own expense, a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56: *Provided,* That the plans and specifications for this structure shall first be approved by the Secretary of the Interior, the National Capital Park and Planning Commission, and the Commission of Fine Arts: *Provided further,* That the Capital Transit Company is hereby authorized to operate within such structure, either directly or by contract, such concession as in the determination of the Secretary of the Interior or his duly authorized representative may be desirable for the convenience of the public, and apply the revenues derived therefrom toward the cost of maintenance and operation of the structure. In the event the Capital Transit Company shall at any time discontinue the operation of the waiting room and comfort station as herein provided, the same shall become the property of the United States.

Commodore Barney Circle, D. C. Waiting room, etc., authorized.

*Provisos.*  
Plans and specifications, approval.

Operation of concession.

Reversionary provision.

Approved, April 22, 1940.

## [CHAPTER 138]

## 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 1940.

April 22, 1940  
[H. J. Res. 433]  
[Pub. Res., No. 62]

*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, in 1940, under the direction of the San Francisco Bay Exposition, a California corporation, said quarters to be furnished free of charge by said corporation,

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

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 April 1, 1940, and to be maintained until the close of 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.

Certificates of proprietorship to be issued.

Registers to be kept.

Deposit at close of exposition.

Certified copies of certificates.

Infringement on rights; liability.

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 registrations 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 of 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—

Injunction.

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

Pecuniary damages.

(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;

Delivery of articles that infringe. For impoundment.

(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 found by the court after a preliminary hearing to infringe the rights herein protected; and

For destruction.

(d) To deliver up on 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.

Infringement, penalty.

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.

Terms of protection.

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 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 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.

Copyright actions, etc.

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.

Duration of protection.

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.

Reimbursement of incurred expenses.

SEC. 8. Section 6 of Public Resolution Numbered 35 of the Seventy-fifth Congress, approved May 28, 1937, is hereby amended by adding thereto at the end thereof immediately before the period the words "in 1940".

Duration of protection extended.  
60 Stat. 213.

Approved, April 22, 1940.

[CHAPTER 139]

#### JOINT RESOLUTION

Authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes.

April 22, 1940  
[H. J. Res. 465]  
[Pub. Res., No. 63]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency, and such other officers of the District of Columbia and the United States as control any public lands in the District of Columbia, are hereby authorized to grant permits, under such restrictions as they may deem necessary, to the Committee on*

Inaugural ceremonies, 1941.  
Use of public spaces.