

Wissenschaft und Urheberrecht.

Geschichte einer unvermeidlichen Interaktion



FIZ Karlsruhe

Leibniz-Institut für Informationsinfrastruktur

Grischka Petri

CnFdI

nationale
Forschungsdaten
Infrastruktur
for CULTURE

Kaiserliches Privileg für Albrecht Dürer (1511)

Impressum Nurnberge per Albertum Durer pictorem. Anno christiano Millefimo quingentesimo vndecimo.

Heus tu insidiator: ac alieni laboris: & ingenij: surreptor: ne manus temerarias his nostris operibus iniicias. caue: Scias enim a gloriosissimo Romanorum imperatore. Maximiliano nobis concessum esse: ne quis suppositicijs formis: has imagines imprimere: seu impressas per imperij limites vendere audeat: q: si per cōtemptum: seu auaricie criminem: secus feceris: post bonorū cōfiscatiōem: tibi maximum periculū subeundum esse certissime scias.

C A P. XIX.

An act for the encouragement of learning, by vesting the copies of printed books in the author's or purchasers of such copies, during the times therein mentioned.

WHEREAS printers, booksellers, and other persons have of late frequently taken the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published, books and other writings, without the consent of the authors or proprietors of such books and writings, to their very great detriment, and too often to the ruin of them and their families: for preventing therefore such practices for the future, and for the encouragement of learned men to compose and write useful books; may it please your Majesty, that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of April, one thousand seven hundred and ten, the author of any book or books already printed, who hath not transferred to any other the copy or copies of such book or books, share or shares thereof, or the bookseller or booksellers, printer or printers, or other person

After 10 April 1710. the authors of books already printed, who have not transferred their rights, and the booksellers, &c. who have purchased copies, shall have the sole right of print-

Dekret des Nationalkonvents

(Paris, 1793)

An ACT for the Encouragement of Learning, by securing the Copies of Maps, Charts, Books, and other Writings, to the Authors and Proprietors of such Copies, during the Times therein mentioned.

SEC. 1. BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passing of this Act, the author and authors of any map, chart, book or other writing already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person, the copy-right of such map, chart, book or other writing, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copy-right of any such map, chart, book or other writing, in order to print, re-print, publish or vend the same, shall have the sole right and liberty of printing, re-printing, publishing and vending such map, chart, book or other writing, for the term of fourteen years, from the recording the title thereof in the Clerk's-Office, as is herein after directed: And that the author and authors of any map, chart, book or other writing already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, re-printing, publishing and vending such map, chart, book or other writing, for the like term of fourteen years, from the time of recording the title thereof in the Clerk's-Office as aforesaid: And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years; provided he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months after the expiration of the first term of fourteen years, aforesaid.

SEC. 2. And be it further enacted, That if any other person or persons whatsoever, from and after the recording the title of any map, chart, book or other writing, and publishing the same as aforesaid, and within the times limited and granted by this Act, shall print, re-print, publish or import, or cause to be printed, re-printed, published or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or other writing, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, re-printed or imported, shall publish, sell or expose to sale, or cause to be published, sold or exposed to sale, any copy of such map, chart, book or other writing, without such consent first had and obtained in writing, as aforesaid, then such offender or offenders, shall forfeit all and every copy and copies of such map, chart, book or other writing, and all and every sheet and sheets being part of the same, or either of them, to the author or proprietor of such map, chart, book or other writing, who shall forthwith destroy the same: And every such offender and offenders, shall also forfeit and pay the sum of fifty cents, for every sheet which shall be found in his or their possession, either printed, or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this Act; the one moiety thereof to the author or proprietor of such map, chart, book or other writing, who shall sue for the same; and the other moiety thereof to and for the use of

Archives Du Nouveau
N° 2713 2812
1793
relatif aux droits de propriété
des auteurs d'écrits en tout
genre, de musique, de
musique de chambre
et de
dramatique



D É C R E T
DE LA CONVENTION NATIONALE,

Du Dix neuf Juillet 1793,

L'AN DEUXIÈME DE LA RÉPUBLIQUE FRANÇAISE.

La Convention Nationale

après avoir entendu son Comité d'Instruction publique
Décrète ce qui suit:

Article 1er

Les auteurs d'écrits en tout genre, les compositeurs de musique, les peintres et dessinateurs qui feront graver des tableaux ou dessins, jouiront, durant leur vie entière, du droit exclusif de vendre, faire vendre, distribuer leurs ouvrages dans le territoire de la République, et d'en céder la propriété en tout ou en partie.

Art. 2.

Leurs héritiers ou cessionnaires jouiront du même droit pendant l'espace de dix ans après la mort des auteurs.

Art. 3.

Les Officiers de paix seront tenus de faire

Le 21 Juillet 1793
Le Comité d'Instruction publique
Le Comité de Salut public
Le Comité de Commerce
Le Comité de Législation
Le Comité de Justice
Le Comité de Finances
Le Comité de Guerre
Le Comité de Marine
Le Comité de Commerce
Le Comité de Législation
Le Comité de Justice
Le Comité de Finances
Le Comité de Guerre
Le Comité de Marine

An Act for the Encouragement of Learning (Großbritannien, 1710)

An Act for the Encouragement of Learning (USA, 1790)

I.

Freiheit der Tatsachen

Hans Weiditz: Schöllkraut

publ. 1530 in Otto Brunfels: *Herbarum vivæ eicones*

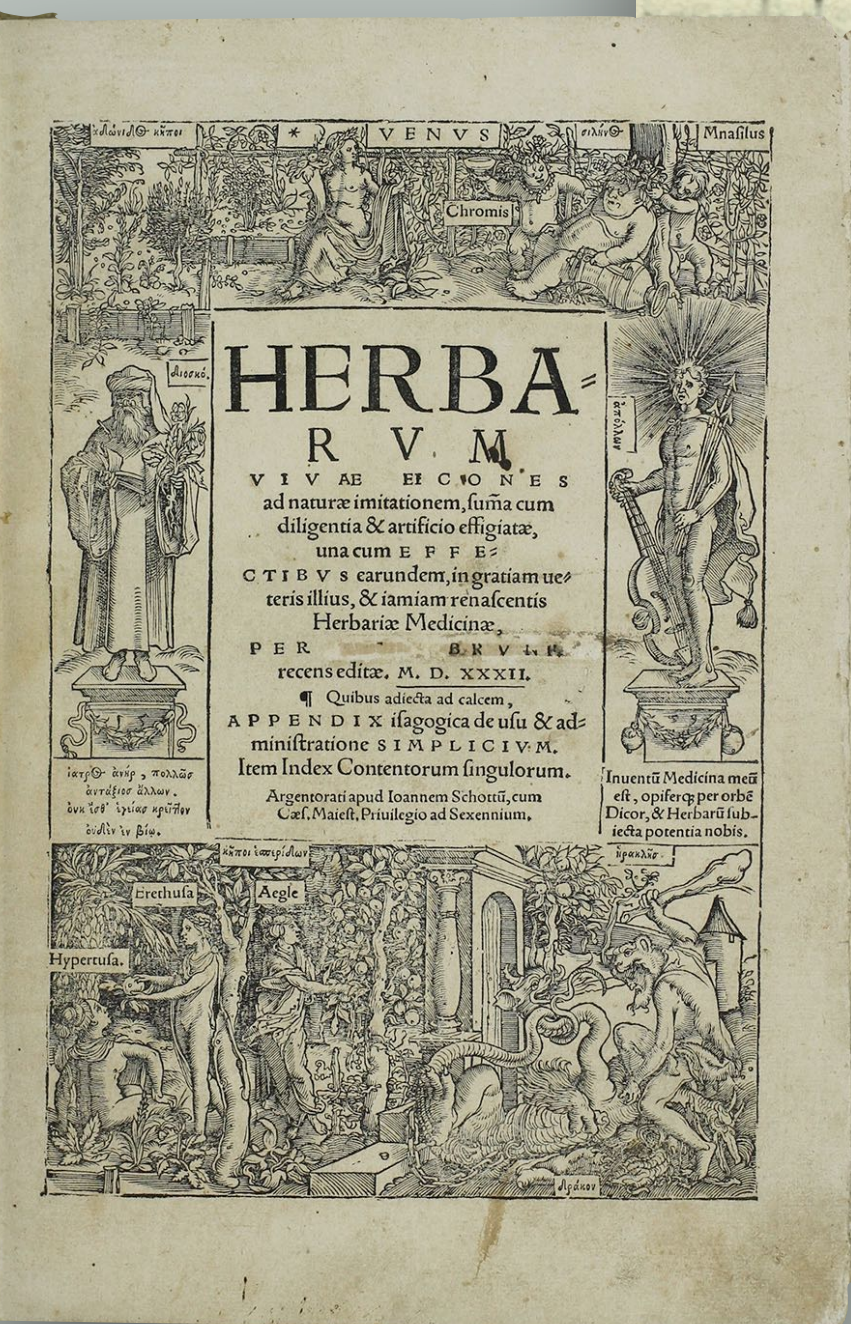
Verlag: Johannes Schott, Straßburg



unbekannter Zeichner: Schöllkraut

publ. 1533 in Eucharius Rösslin: *Kreutterbuch*

Verlag: Christian Egenolff, Frankfurt a. M.

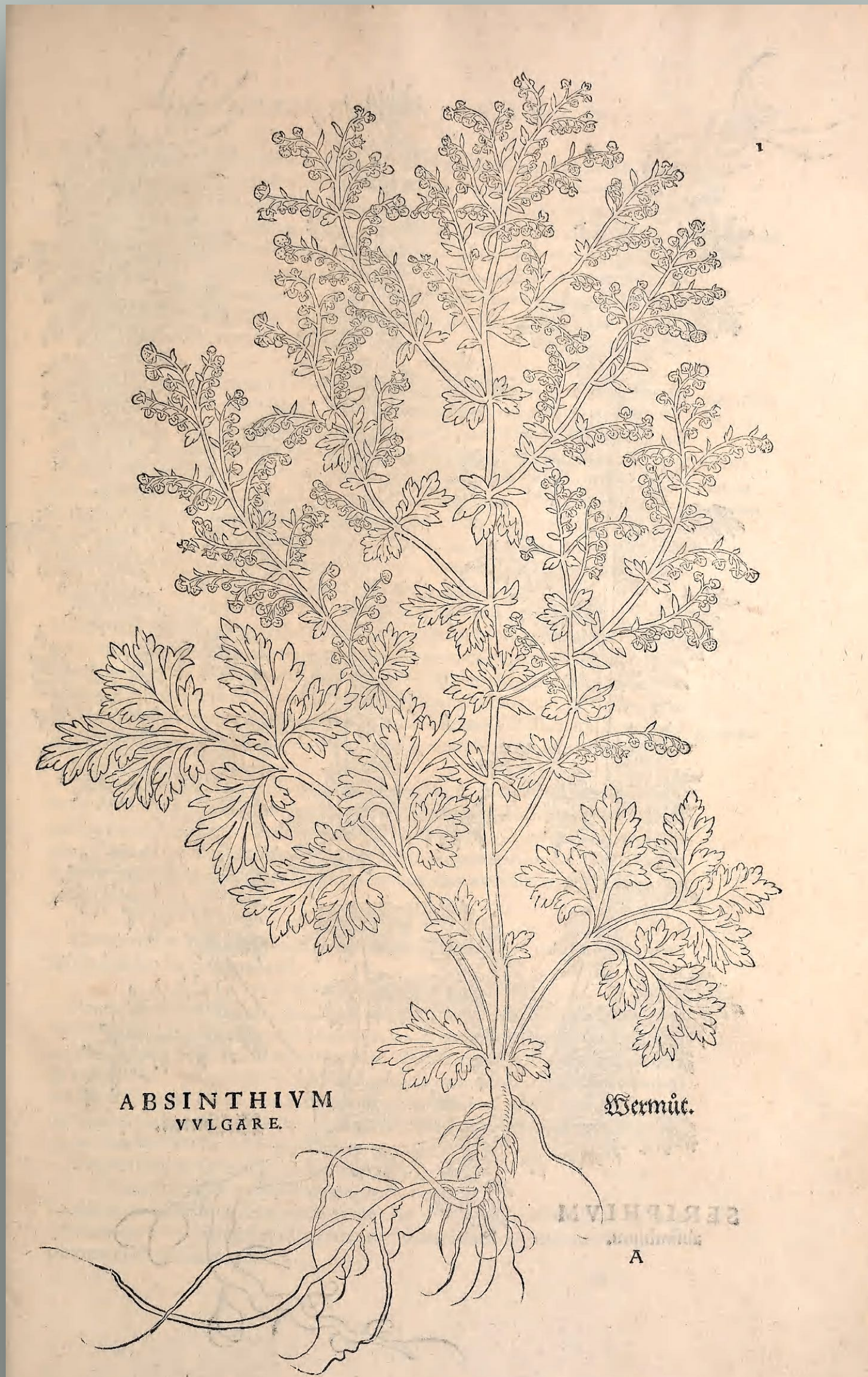


»So können Euer Gnaden bedenken, dass man Rosmarin, Affodillium und Gurkenkraut sowie jedes andere Kraut in gar keiner anderen Form oder Gestalt darstellen oder wiedergeben kann, als wie es eben ist. Es wäre ja auch absurd, [...] dass [...] man gezwungen wäre, ein Kraut, welches kleine, schmale Blättlein hat, mit langen breiten Blättern und damit entgegen seiner Art, Gestalt und Form [...] hervorzubringen.«

Aus der Klageerwiderung von Egenolff, 1533



Heinrich Füllmaurer / Albert Meyer: Wermut
 publ. 1542 in Leonhart Fuchs: *De historia stirpium*
 Verlag: Isingrin, Basel



unbekannter Zeichner: Wermut
 publ. 1543 in Dioskurides: *De medicinali materia*
 Verlag: Christian Egenolff, Frankfurt a. M.



PEDANII DIOSCORIDIS ANAZARBEI DE MEDICINALI MATERIA LIBRI SEX. IOHANNES RUELHIENSIS NOTI INTERPRETE, Singulis cum stirpium, tum animalium historijs, ad naturam amulationem expressis imaginibus, seu utuis picturis, ultra millenarium numerum adiectis: non sine multiplici peregrinatione, sumptu maximo, studio atque diligentia singulari, ex diversis regionibus conquisitis. Additis etiam Annotationibus suis Scholjs brevissumis quidem, quae tamen de medicinali materia omnem controversiam facile tollant. Per GVALTHE RVM H. RYFF, Argentinum, Medicum, & Chirurgenum, Omnia ex doctissimorum utrorumque lucubrationibus tamprimum concinnata, & in lucem edita.

Cum Indice quintuplici, copiosissimo: quorum primus omnium ferè simplicium, quibus passim utuntur Medici, nomenclaturam Graecam: alter Latinam, tertius Officinam, Herbariarum, & Arabum familiarium vulgaris, quartus Germanicam, quintus Gallicam, miro ordine complectitur.

ACCESSERE IN BVNDEM AVTOREM Sibylla nota, cum nomenclaturis Graecis, Latinis, Hebraicis & Germanicis, IOHANNES LONICERO auctore.



Cum Gratia & Privilegio Imperiali,
 FRANC. Apud Chr. Egenolffum.



48009

DE HISTORIA STIRPVM COMMENTARIJ IN SIGNES, MAXIMIS IMPENSIS ET VIGILIIS ELABORATI, ADIECTIS EARVNDEM VIVIS PLYSQUAM quingentis imaginibus, nunquam antea ad naturam imitationem artificiosius effictis & expressis, LEONHARTO FUCHSIO medico hac nostra aetate longè clarissimo, auctore.

Regiones peregrinas perit, at illas sumpta ingenti, studio in delectatione sine non-nunquam, adferunt, ut simplicium materiam cognoscere de facilius comparere sibi, eam tibi materiam uniter summo & imperatum & temporis compendio, procul distemere omni, tanquam in vitro in condensatione miranda, magis commodeque hinc cognoscere liceat.

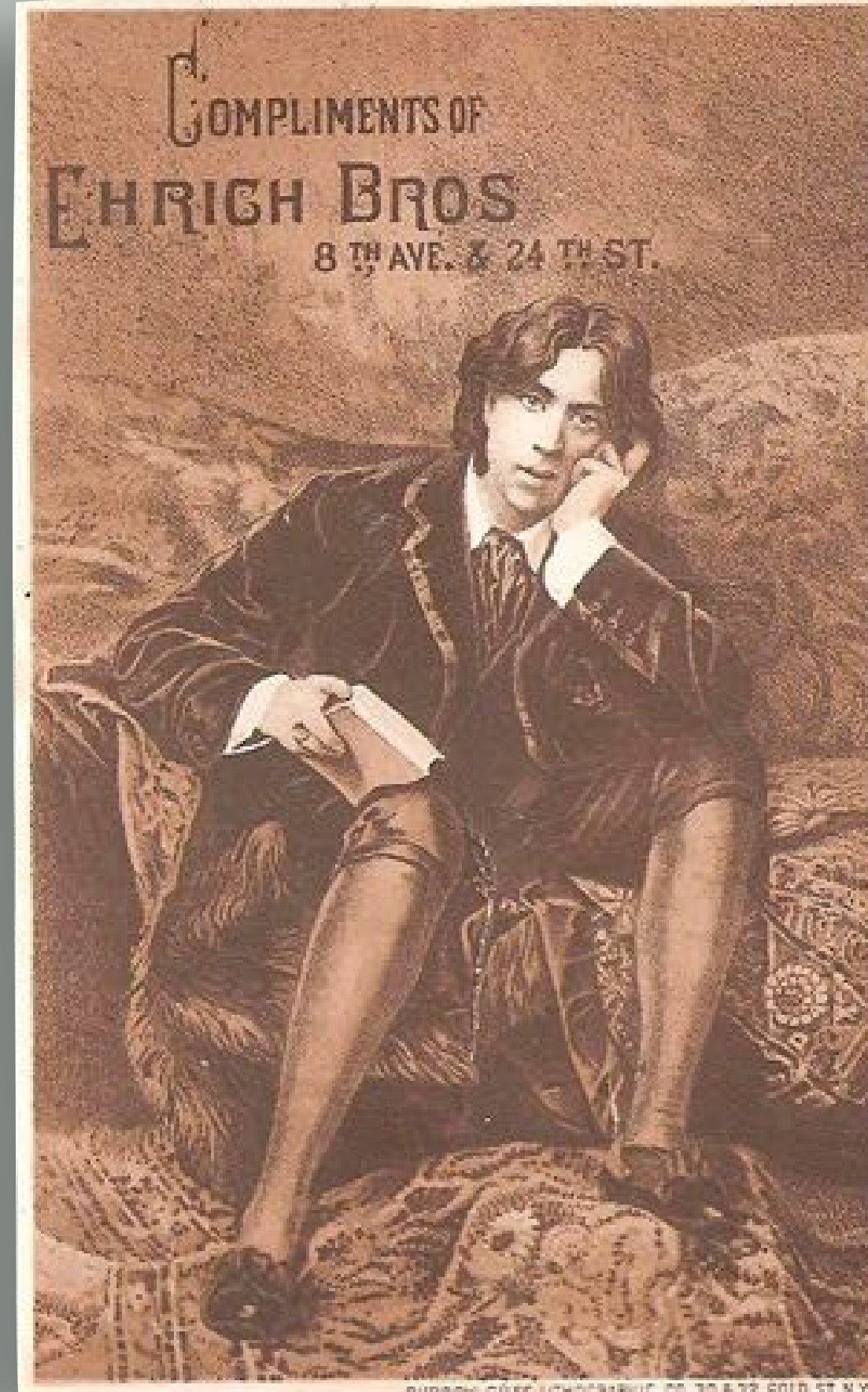
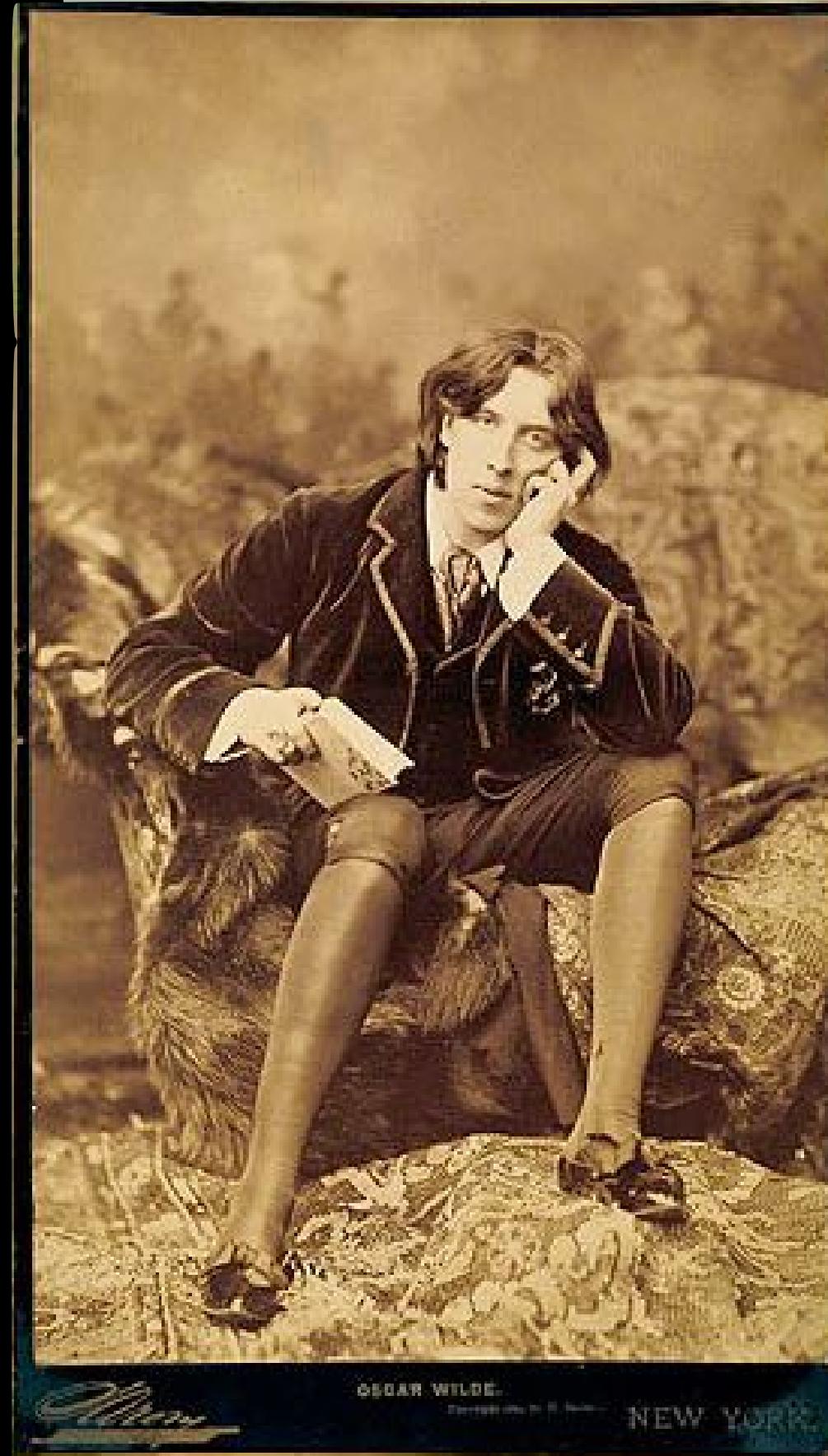
Accessit hinc succintha admodum uocum difficultium & obscurarum passim in hoc opere occurrentium explicatio.

Vna cum quadruplici Indice, quorum primus quidem stirpium nomenclaturam graecam, alter latinam, tertius officinarum & herbariarum, quartus germanicas continet.

Cantum praeterea ad illustrandum CAROLI Imperatoris decreto, ne quis alius imparet usum locorum horum de stirpium historia commentarios excudat, iuxta tenorem privilegij antè à nobis emulgati.

BASILEAE, IN OFFICINA ISINGRINIANA, ANNO CHRISTI M. D. XLII.

Totenmaske Napoleons (1821), Paris, Musée de l'Armée



Oscar Wilde
THE ENGLISH RENAISSANCE
is fitly represented in our
Trimmed Hat Department.
*Delicate Combinations,
Tasteful Styles,
Careful conscientious work,*
ARE ITS FEATURES.
Our prices are about one-half those charged
on Broadway and Sixth Avenue.
—
EHRICHS,
Eighth Avenue & 24th Street

Napoleon Sarony, Oscar Wilde, No. 18 (1882)

Reiss-Engelhorn-Museen vs. Wikimedia (und User)



§ 72 UrhG

kopiert ohne Lizenz

Date	1992
Photographer	Jean Christen (Hausfotograf der Reiß-Engelhorn-Museen)
Source	Karin von Welck (Hrsg.): <i>Sammelleidenschaft, Mäzenatentum und Kunstförderung. Kostbarkeiten aus dem Museum für Kunst-, Stadt- und Theatergeschichte im Reiß-Museum der Stadt Mannheim.</i> Braus, Heidelberg 1992, ISBN 3-89466-039-2.

BGH-Urteil v. 20.12.2018

§ 68 UrhG

Vervielfältigungen gemeinfreier visueller Werke werden nicht durch verwandte Schutzrechte nach den Teilen 2 und 3 geschützt.

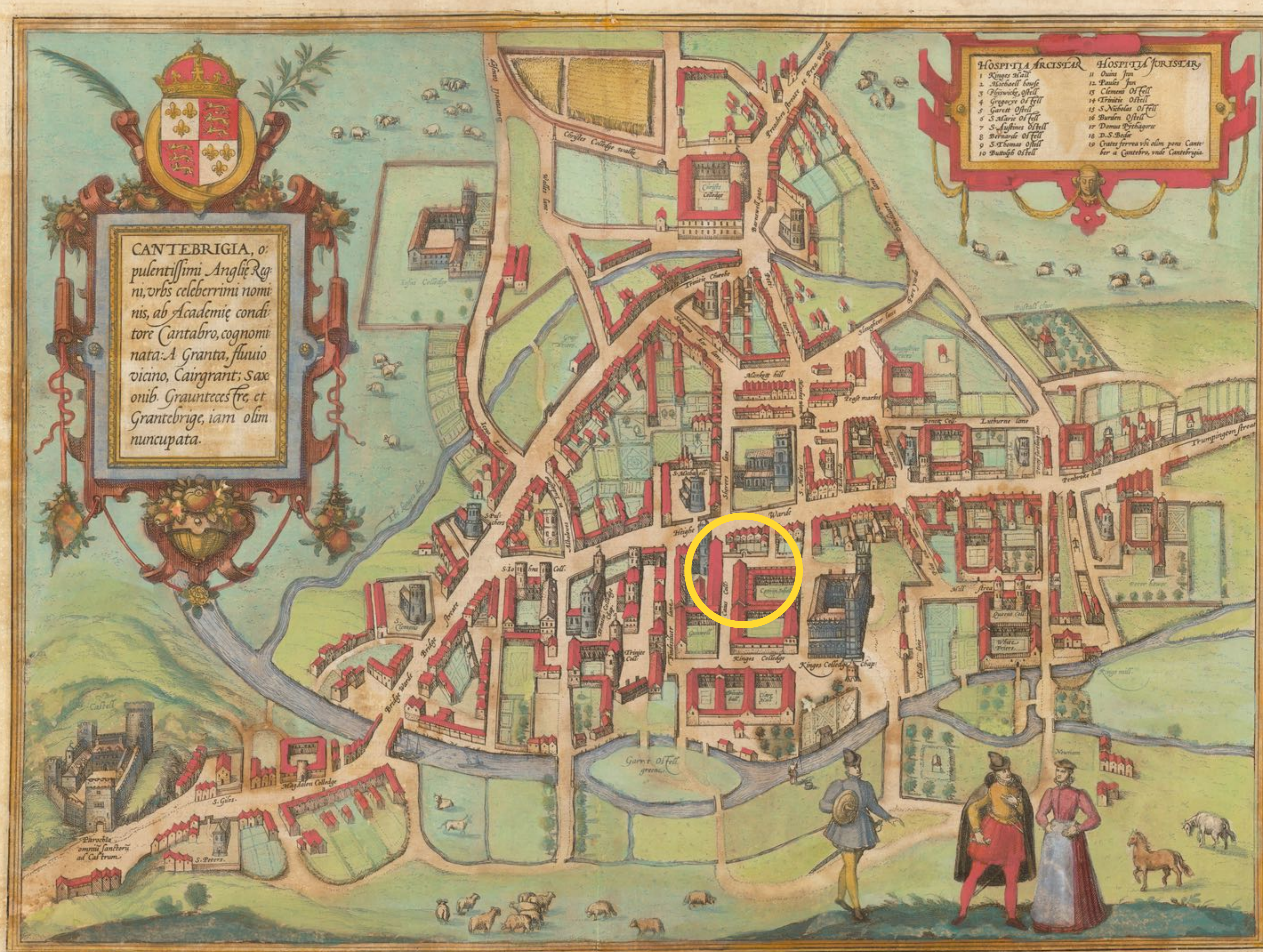
Seit 7.6.2021 gültige Fassung



Caesar Willich: Bildnis Richard Wagners (um 1862)
Reiss-Engelhorn-Museen, Mannheim

II.

Freiheit der Nutzung



Karte von Cambridge
 publ. 1575 in *Civitates Orbis Terrarum*
 ungefährer Standort der ersten
 Cambridge University Press
 seit 1583



Lord Burghley (um 1585)
 National Portrait Gallery

Karte von Cambridge
publ. 1575 in *Civitates Orbis Terrarum*

○ ungefährer Standort der ersten
Cambridge University Press
seit 1583

14 JUNE 1583. THE UNIVERSITY OF CAMBRIDGE APPEAL TO LORD BURGHLEY THEIR CHANCELLOR AGAINST THE SEIZURE BY WARDENS OF THE STATIONERS OF THE PRESSE &C. OF THEIR PRINTER, THOMAS THOMAS.

[This appeal was occasioned by the search instituted by the Bishop of LONDON, as reported by him on the 1st June 1583, see I. 246.]



UR humble duties to your honour remembred. whereas we vnderstande by your honours lettres that certaine of the company of the Stationers in London haue sought to hinder th[er] erectinge of a print [*i. e. a printing press*] within this vniuersity of Cambridge and to impugne ye auncient privilege graunted and confirmed by diuers Princes for yat purpose to the greate benefitt of ye vniuersitie and advancement of Learning. These are in most humble manner to desire your honour not somuch in respect of Master THOMAS (who hath alrede received greate iniury and damage at their handes) as in the behalf of the vniuersity (which findeth yt self very much agreved with ye wrongfull detayninge of those goodes wherewithall as we are persuaded in right and equity they ought not to meddle) to continue our honorable patron, and to direct your favorable warrant to the wardeynes of ye Stationers yat he may haue his presse delivered with speede, least yat by their meanes as he hath bene dissapoynted of master WHITTAKERS his booke, so by their delays he be prevented of other bookes made within ye vniversity, and now redy for ye presse. As for ye dowbtes which they rase (rather in respect of their private gain and commodity, and to bringe ye vniuersitys more auncient priuiledges in this behalf then theirs vnder their iurisdiction at London, then for any other good consideracon, ye decidinge or perill whereof also pertaineth not to them.) we dare vndertake in ye behalf of Master THOMAS whome we know to be a very godly and honest man that the presse shall not be abused eyther in publishinge thinges prohibited, or otherwise inconvenient for ye Church and state of this realme. And this we promise the rather for yat his grace (whereof we haue sent a copy to your



Lord Burghley (um 1585)

National Portrait Gallery

Danke für Ihre Aufmerksamkeit.

