

# PRIMARY SOURCES ON COPYRIGHT REVISITED

A COPYRIGHT HISTORY  
WEBINAR ON PAPAL  
PRIVILEGES AND THE  
STATIONERS' REGISTER

CREATe Working Paper 2022/8

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CREATe

# Primary Sources on Copyright revisited: a copyright history webinar on Papal Privileges and the Stationers' Register

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## Abstract

This working paper presents an edited transcript of a copyright history webinar held on 15 December 2021, marking 15 years since the conception of the Primary Sources on Copyright (1450-1900)<sup>1</sup> digital archive. Giles Bergel (University of Oxford) and Ian Gadd (Bath Spa University) introduce Stationers' Register Online (SRO)<sup>2</sup> – a new resource that digitises the entries for the literary, musical and artistic works made in the Registers of the Stationers' Company of London<sup>3</sup> between 1557 and 1640. Jane Ginsburg (Columbia Law School) presents a new section on Vatican sources which she (and her team of Latinists) contributed to the Primary Sources digital archive, edited by Lionel Bently (University of Cambridge) and Martin Kretschmer (CREATe, University of Glasgow). The project presentations were followed by a panel discussion, joined by Elena Cooper (CREATe, University of Glasgow) and Neil Netanel (University of California at Los Angeles), two of the national editors of Primary Sources on Copyright. This working paper offers a reference point of wider interest. What should be the ambitions of a primary sources project? Can the history of copyright law be re-written? What is the role of history for policy?

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<sup>1</sup> Primary Sources on Copyright History (1450-1900) available at: <https://www.copyrighthistory.org/cam/index.php>.

<sup>2</sup> Stationers' Register Online available at: <https://stationersregister.online/>.

<sup>3</sup> The Stationers' Company available at: <https://www.stationers.org/>.

## **Martin Kretschmer**

Good evening. I am Martin Kretschmer, the Director of the CREATE Centre and the host for tonight. Thank you very much for taking the time and thank you to the panellists for joining us. In the spirit of our CREATE events we will try to do this as a conversation rather than as a straight lecture.

You have an amazing collection of minds on the screen in front of you. They don't need to be introduced one by one. You are here because you know them.

I start with an overview of CREATE's digital resources and what motivated us particularly for the primary sources project which came out of a collaboration with Cambridge fifteen years ago. Then we will celebrate the removal of the BETA tag from Stationers' Register Online with Ian Gadd and Giles Bergel, and after that I hand over to Lionel Bently who will chair the next session which will introduce Jane Ginsburg's new Vatican archive section for Primary Sources on Copyright.

Finally, we will have an open discussion with two national editors of the Primary Sources archive (Elena Cooper, Britain and Neil Netanel, Jewish Law) and hopefully we will involve the audience as well. From the registrations I saw three further national editors of Primary Resources in the audience (José Bellido, Spain; Friedemann Kawohl, Germany; Joanna Kostylo, Italy). It's lovely to see you, at least virtually.

Now a few words about our ambitions and why we do this work. CREATE's tagline is "researching the future of copyright law". We have had a lot of discussions just recently with Elena Cooper why we need history in this context (see further E. Cooper 'Copyright History as a Critical Lens' (2022) E.I.P.R. 128-131, republished with this transcript as CREATE Working Paper 2022/7).

There are some simple answers and there are some difficult answers. A simple answer would be: we don't know where we're going if we can't understand where we come from. Certainly this kind of wisdom is not trite at all, but copyright history may also tell us many more things which are not just about copyright law.

The formalities of registration may offer a window into the market, into the culture and social conditions of a particular time, and it may enable us to understand the interrelationship between the law and society, between law and objects, things which we as lawyers find particularly difficult to understand.

When we started the Primary Sources project fifteen years ago, Lionel, I and the team of national editors developed a set of criteria for the selection of documents. I thought it might be interesting to share these and to see how they stand up today. I'll share my screen.

This is the browse function by date of the archive.<sup>5</sup> We have now 676 documents from ten jurisdictions. It's a pretty heavy archive with fifty gigabytes of files (which poses its own problems in maintaining an aging open source technology).

If we go back to the home page, under the methodology section (which is under FAQs),<sup>6</sup> we identified three criteria which guided our selection of documents.

The first criterion was, we wanted to select documents "that open up alternative interpretations of copyright history". We particularly wanted to encourage sourcing of documents which gave shape to particular teleological readings of copyright law, that everything is a story of progress to fulfilment: where was that story shaped, at what moments in history, in what kind of jurisdictions, and where was that narrative contradicted.

Our second criterion asks for documents "that illustrate interaction of copyright laws with commercial and aesthetic developments", and in the context of today's talk we probably should include religious developments as well. Here we say that we are interested in documents that say something about the way in which the law reacted to and also affected social circumstances and practices.

The third criterion says that we are looking for documents "that evidence influences across jurisdictions". This has proved particularly challenging. The national consciousness of copyright discourse is strong. For example we find that almost no French scholars use our archive, and that the Anglo-American scholars are naturally most interested in the sources of their own law.

The early history of copyright law (as our archive shows) reveals a complicated story with strong currents crossing borders. National borders didn't exist at that time at all, the institutional organisation of Europe was very different. We will see and hear this today in Jane Ginsburg's talk about the Vatican's jurisdiction.

A central question before us is therefore: Did the ambition to re-write or challenge the history of copyright law succeed, or was that a futile attempt? Is a digital archive an appropriate means to

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<sup>5</sup> Available at:

[https://www.copyrighthistory.org/cam/tools/request/browser.php?view=year\\_record&parameter=&country=&core=all](https://www.copyrighthistory.org/cam/tools/request/browser.php?view=year_record&parameter=&country=&core=all).

<sup>6</sup> Available at: <https://www.copyrighthistory.org/cam/index.php?select=faq>.

achieve this? These are some of the questions I assume we might want to return to in the concluding panel discussion.

Before I hand over I thought I would share a few numbers about the use of documents. I had a look which were the most visited documents during the last two weeks. I did not count the papal documents, as the editors will have used these extensively when we tried to load these to the archive, get the metadata and annotations in order, which was not a trivial undertaking.

Among the most used documents the Statute of Anne always appears at the top. I probably don't need to explain this. The next most popular document in the most recent two week period is from Germany ... from 1815. It's a Publishers' Petition to the Congress of Vienna.<sup>7</sup> And then we had high demand for a document from Spain ... the 1898 Peace Treaty between the United States and Spain...<sup>8</sup> If you're not familiar with the archive it pays to play around and drift. You will find amazing things. Here is the Treaty, and you find the transcription and translation below as with all documents, and you also have a commentary,<sup>9</sup> in this case from José Bellido (who's here in the audience), Raquel Xalabarder and Ramon Vallés.

This selection of currently popular documents speaks to a scholarly interest of a particular group of people, perhaps somebody who is writing a paper. That's why these particular documents have been visited during the last two weeks. Not only the obvious documents are used.

Lastly, I also pulled the readership numbers for the companion volume to Primary Sources, that's an edited book with Ronan Deazley and Lionel Bently *Privilege and Property* which we published with Open Book Publishers in 2010.<sup>10</sup> This companion volume to the archive has in fact quite an impressive readership, both as online readers (over 50,000) and as eBook downloads (8,800). It suggests that the Primary Sources project reached an audience which goes way beyond a traditional academic monograph.

It is now time that we move to Ian Gadd and Giles Bergel, and Stationers' Register Online.<sup>11</sup> I will share my screen briefly again because it's interesting to look back to the genesis of this project. In the CREATE consortium grant (we had a big consortium grant from 2012 to 2018) there was

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<sup>7</sup> Annotated Publishers' Petition to the Congress of Vienna (1815) available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_d\\_1815a](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_d_1815a).

<sup>8</sup> Treaty of Peace between the United States and Spain, Madrid (1898) available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_s\\_1898](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_s_1898).

<sup>9</sup> Commentary on: Treaty of Peace between the United States and Spain (1898) available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=commentary\\_s\\_1898](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=commentary_s_1898).

<sup>10</sup> Ronan Deazley, Martin Kretschmer and Lionel Bently (eds), *Privilege and Property: Essays on the History of Copyright* (Open Book Publishers 2010), available at: <https://www.openbookpublishers.com/product/26>.

<sup>11</sup> Stationers' Register Online available at: <https://stationersregister.online/>.

a considerable amount of unallocated money for commissioning (in total £470,000). We acted as a mini research council, awarding sub-grants.<sup>12</sup> The Stationers' Register Online investment was one of these.

This is actually the pitch which Ian and Giles made.<sup>13</sup> The Register is an "unequalled resource for literary scholars, book historians and all those interested in the early history of copyright". "The origins of Anglo-American copyright begins in the mid-sixteenth century with the commencement of a series of ledgers kept by the Stationers' Company of London that are now collectively known as the Stationers' Register", and then they give a few examples.

We committed to support the development of an ambitious bibliographical digitisation project, and we committed that it will be launched in 2017. We are now in the year 2021. I assure you that a BETA version has been online for quite a long time, but this story also shows you the precariousness of digital projects. Sometimes you wake up in the night and wonder whether somebody has switched the server off or whether there is a security update which hasn't been installed.

There are particular vulnerabilities in producing these projects. Again that may surface in the concluding discussion, linking together these kind of precarious conditions with the value the resources offer to scholarship and to developments in the history of thought. Are they the right type of tool?

That's enough of scene setting. I've probably overstayed my time. I now hand over to Ian Gadd.

## **Ian Gadd**

Okay, thank you. Hello everyone, as Zoom tells you I'm Ian Gadd, and it'll be me and Giles Bergel for the next ten/fifteen minutes. As Martin has already indicated this is a project that has had a long gestation, in fact for Giles and myself it goes back ten years, but we're very grateful to Martin and to Pete Bennett (web developer) and other colleagues at CREATE for getting us to the place where we can launch it formally today.

So what we want to do is give you a little bit of insight into what on earth the Stationers' Register is, and how we hope that the Stationers' Register Online will support the work of scholars

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<sup>12</sup> See New Funds Projects 2012-2018 available at: <https://www.create.ac.uk/research-programme/new-funds/>.

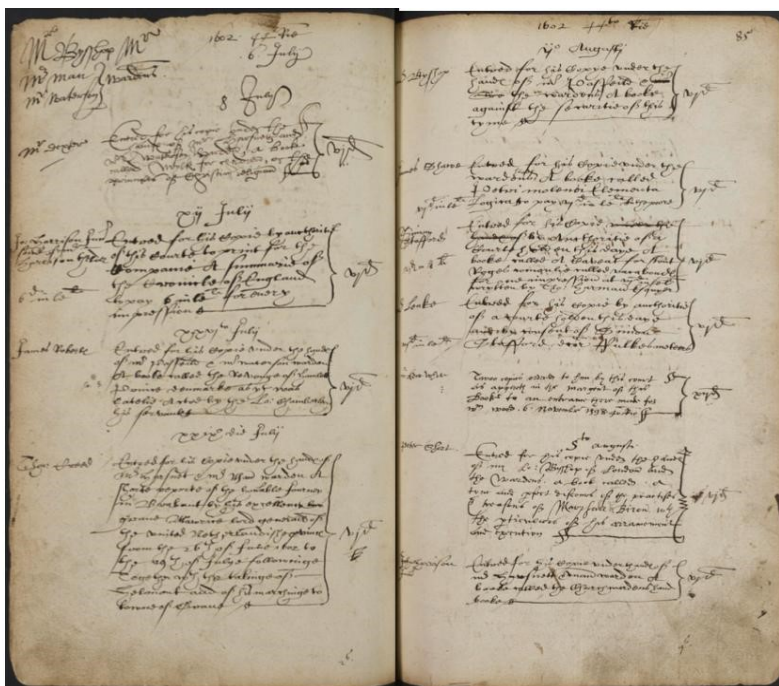
<sup>13</sup> Joy Davidson, 'CREATE supports Stationers' Register Online project' (*CREATE Blog*, 24 February 2017), available at: <https://www.create.ac.uk/blog/2017/02/24/create-support-stationers-register-online-project/>.

interested in copyright history. Giles and I will go back and forth but I'll be the one clicking the slides.

So the Stationers' Register is the name that we give to a series of records that run from the mid-sixteenth century through until the early twentieth century that record publishing rights or 'copies' to use the term that was used in the early modern period.

It was the creation of the Stationers' Company, the craft and trade association that represented much of London's book trades from the early fifteenth century, and so in fact pre-dating printing itself. In 1557 it was granted a royal charter which allowed it to create this new system for managing its members' publishing rights. Those rights as such were not new, as publishers in England had been able to secure protection through privileges direct from the Crown, and that was not unusual across Europe at this time, but they were expensive and time consuming, both in terms of securing them but also in terms of enforcing them.

And so the innovation from the Company was a system that was run by and run for the members of the London book trade that was comparatively inexpensive and straightforward both to use and enforce – in other words the Stationers' Register.



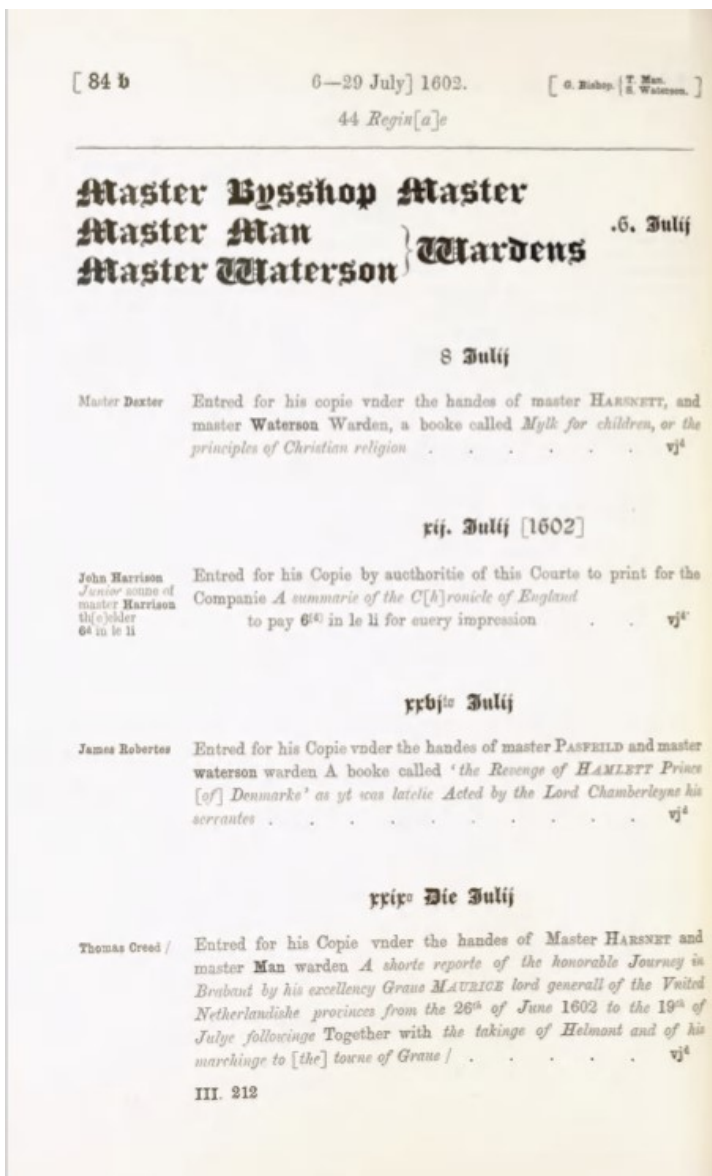
All images of Registers courtesy of Stationers' Company

An opening from the Stationers' Register, 1602 (Liber C)

Each entry includes three key pieces of information that allowed the system to work: the owner of the copy, the description of the copy, and a fee. While the Register didn't displace the system

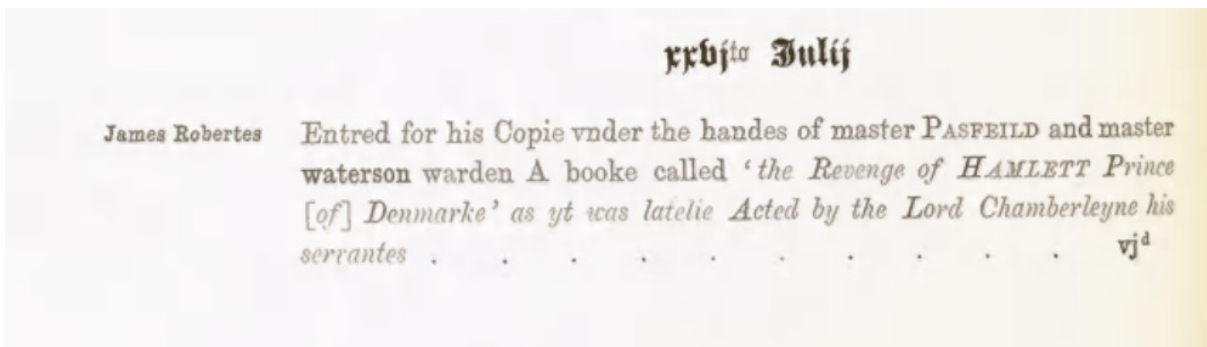
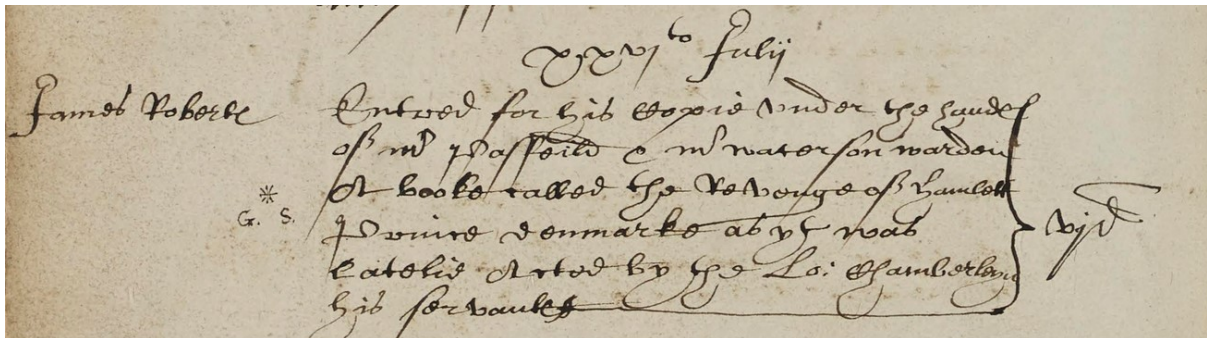
of royal privileges at all, given that printing in England was in effect confined to London and the two universities until the end of the seventeenth century, the Register itself proved remarkably successful. As some of you on the call will know, the Register is cited in the Copyright Statute of 1710, and it remained part of the British copyright system in some form through until the early twentieth century.

And it's become probably the most cited non-state, non-religious archival record of sixteenth- and seventeenth-century England which is an extraordinary thing for a record like this. However, for most, in fact nearly all scholars, they encounter it through this, which is the printed transcript of the records up to 1640 that was produced by the literary scholar, Edward Arber, in the 1870s, which shows you just how longstanding this particular reference work is.





Arber transcribed the Register page for page, added notes, often copiously, and frequently inserted transcripts of other documents into what otherwise would've been blank pages, and as you can see here and we'll come back to, he used different typefaces to distinguish stationers, members of the company from other individuals, titles, headings and so on, and you can see if we look at a side by side comparison, at the top you have the entry for Hamlet and at the bottom you have Arber's reading of that. So over to Giles.



### Giles Bergel

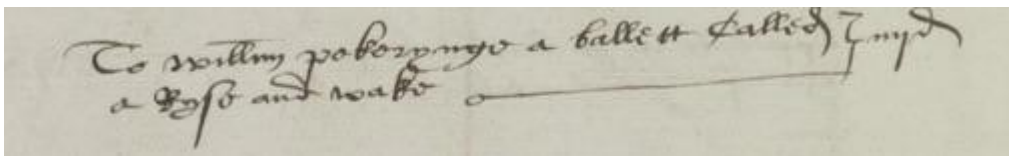
Thanks Ian. I'm going to take up the story with a description of how we used these two sources jointly, the original Register and Arber's transcription to make Stationers' Register Online.

Arber's innovative use of typography to demarcate meaningful sections of each copy entry, which he then indexed copiously, produced a 'database' of sorts in five published volumes well-known, as Ian said, to historians of books, and the copyright in books that's synonymous with the Register.

We wondered if we could exploit Arber's visual mark-up, the use of bold, italics and capitals, by converting it to explicit semantic mark-up in XML, eXtensible Markup Language, specifically the XML guidelines created and maintained by the Text Encoding Initiative, TEI, which is

a remarkable piece of digital humanities architecture - a consortium which collectively develops and maintains a standard for the representation of text in digital form. It's actually a set of standards, containing all kinds of ways of describing meaningful parts of documents and texts.

If we can turn, Ian, to the very first copy entry in the Register,<sup>14</sup> together with Arber's transcript (below), to William [Pickering], a specialist of ballads, and I'm pleased to see there are other ballad specialists on the call, and it's pleasing that the very first entry therefore is to a ballad, so this entry says, 'To William [Pickering] a ballad called Arise and Wake', and there's a fee at the end of that, four pence.



**To William Pickeringe a ballett called *Arise and wake* . iiij<sup>d</sup>**

If we can turn to looking at how we render that information, how we transcribed that in XML, we have a DIV, a textural division which we give in our jargon a type of entry, we have an identifier, and we have some text, a paragraph in which we have the first name of a person to whom we attribute the role, very much piggybacking on Arber's mark-up, a role of stationer, and we also know that he's an enterer because of the way the entrance is phrased, and many later entrances have the name of the enterer in the left hand margin of each page as well.

And then we have the ballad called 'Arise and wake', and again we mark-up explicitly what the title of the work is and we give it a unique identifier, SR01, it's not the first item on the Register but it is the first copy entry.

And if we can turn now to the entry in full, I won't go through all of this but it includes metadata, giving the data and the history of context to the entry, it references both Arber, it gives page numbers both of Arber and the original Register which during the next phase of the project we

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<sup>14</sup> Entry: SR01, available at: <https://stationersregister.online/entry/SR01>.

checked against each and every entry in Arber, in some cases providing corrections. Arber has a reputation for accuracy and we found it was very well deserved, but nonetheless our research team made over two hundred and fifty standard corrections.

**Entry:** SRO4565

26 July 1602

**James Robertes**

Entred for his Copie vnder the handes of master Pasfeild and master waterson warden A booke called the Revenge of Hamlett Prince [of] Denmarke as yt was latelie Acted by the Lord Chamberleyne his servantes *vjd*

**Register:** Register C, f.84v

**Arber:** III. 212

**Status:** entered incomplete

**Fee:** 6 pence

**Master:** G. Bishop

**Wardens:** S. Waterson, T. Man

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We didn't so much, I think it's fair to say, replace Arber, as create a hybrid of his transcripts and the Register with fresh eyes, and we make clear what comes from Arber and what comes from us in the form of any kind of enrichment, so you can see that we have the XML markup 'supplied' which means an insertion in the text made in this case by Arber, and we do the same for Arber's notes as well which are extremely valuable, and if there are other interpolations made by one of our editors they have a response to the statement as well, so there's provenance for the text within the hybrid edition that we've created.

Now you can also see at the bottom of the slide the end result, which is this XML rendered in HTML and published in Stationers' Register Online.

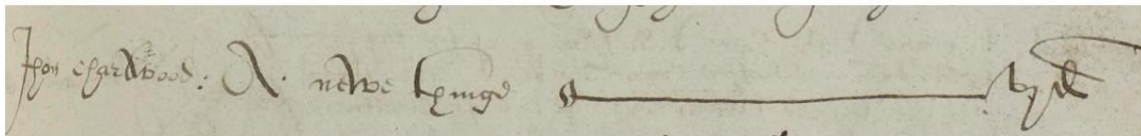
And if we move to the next slide, Ian, we're delighted today to formally take down the BETA banner. It's been a long time, it has been up for some years, the BETA, and we're also delighted to acknowledge the work of a number of people at CREATE, CREATE staff, editors, transcribers and developers, and also acknowledge the generous support of our sponsors and funders, so CREATE themselves of course, Ian's and my universities, the Stationers' Company themselves who gave us access to images of the originals, and we also have the support of the Bibliographical Societies of London and America.

The data is available both on the website and also on Github and inevitably we have a bot on Twitter, Edward Arbot who tweets the text of an entry every eight hours with a link to the entry on the database, do give him a follow. Now back to Ian.

## Ian Gadd

So what did we learn here? Well we learned, or rather we learned something that we already thought we knew but we really understood it in a new way, that the Register was never a static document, it could be arbitrary, contingent, inconsistent, elliptical and contested.

And just to give you a flavour of that, and we could spend an hour just showing you all the strange and difficult entries, but entries could be cryptic – such as here ‘a new thing’:



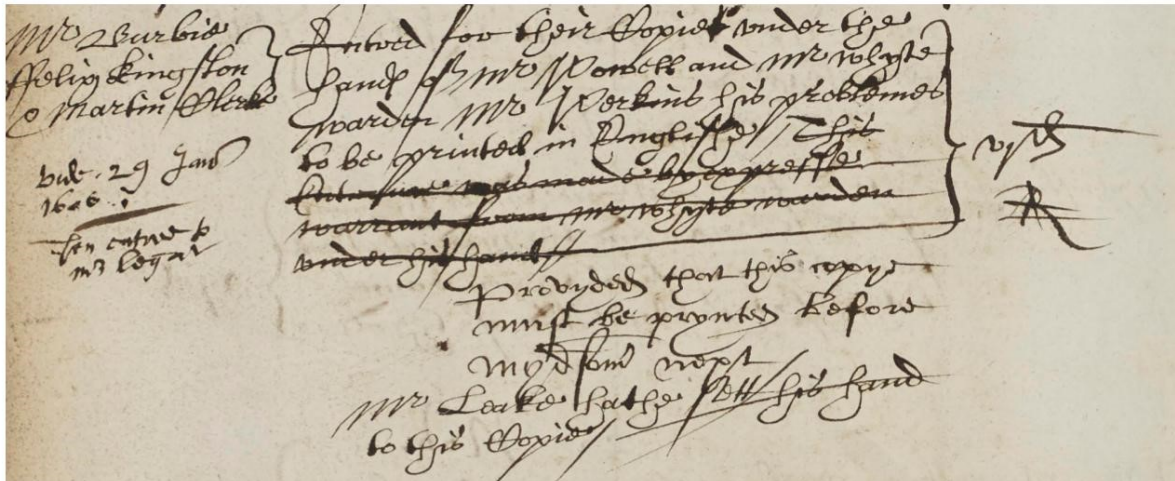
Jhon Charlwood:      A new thinge

[sixpence]

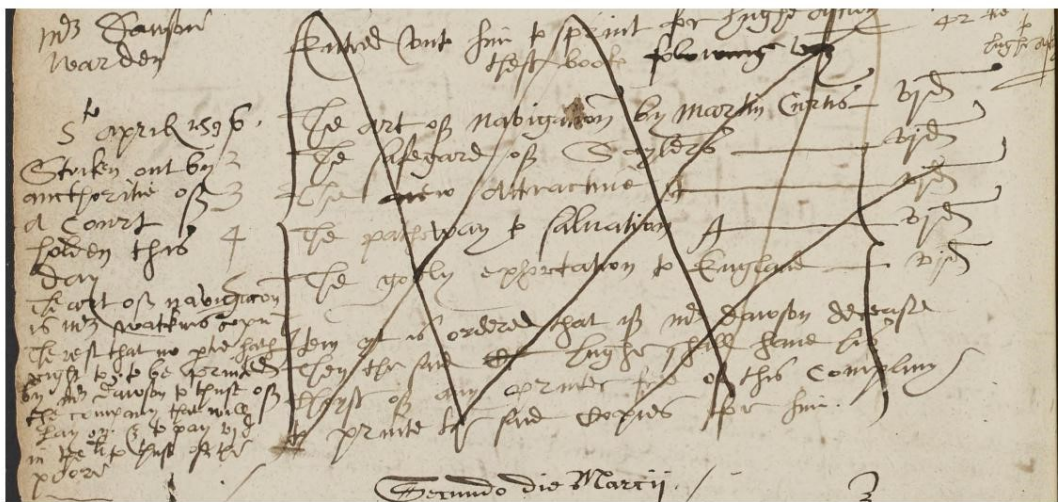
**SRO 1767**

**10 April 1579 (Liber B, f.159r)**

They could include caveats and annotations as here:



SRO 5220  
5 December 1606 (Liber C, f.145v)



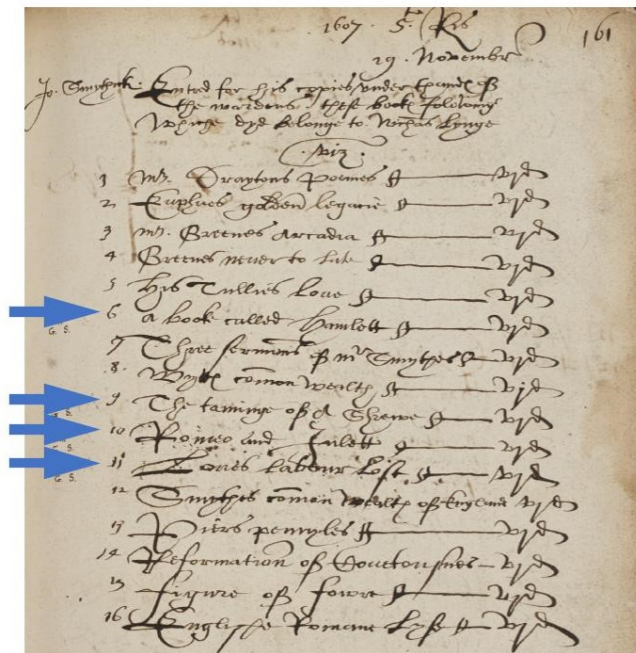
SRO 3839  
1 March 1596 (Liber C, f.8v)

And they could even be crossed out entirely (above).

All of those are in the database, so we found a way of being able to present them in the database that means that scholars can see the entry in its original and annotated form.

It's also worth saying that there's much that the Register didn't know. There was a lot going on outside of the Register. Not only were many copies not formally recorded and that doesn't necessarily mean they were illicit, but there were other systems available. Copies could be, and frequently were, sold, mortgaged, shared, lent, inherited, and that could happen without the Register being amended in any way.

There are some exceptions: this is a good example of a whole series of plays including Shakespeare, or works including Shakespeare plays being transferred (below) but these are relatively rare.



Transfer of Hamlet, The Taming of the Shrew, Romeo and Juliet, and Love's Labour's Lost from Nicholas Ling to John Smethwick

SRO 5382  
19 November 1607  
(Liber C, f.161r)

What that tells us is that the Register was never intended to be read in a straightforwardly linear sense, and that's one of the things that Arber couldn't escape. He was producing a series of volumes, a linear transcript, but by creating a database of copies, of copy entries, that acknowledges that the Register itself was a dynamic document in its time in a way that Arber's printed edition couldn't do.

His formidable, and forbiddable at times, scholarship, his typographical policy and the nature of the volumes, as I said, those all flatten out the contingencies of the Register, and they also

unhelpfully blurred a really important distinction that the early modern London book trade understood from the outset, that the copy itself was fundamentally different from any specific printed edition.

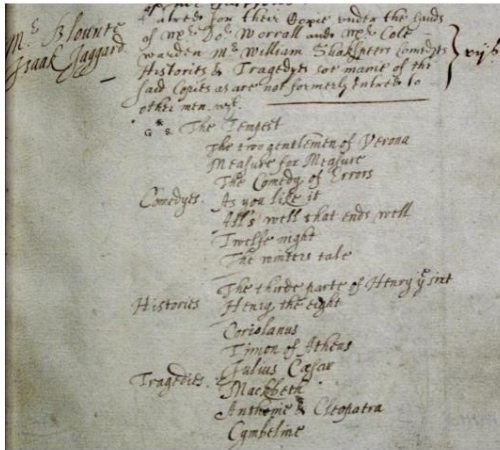
### **Giles Bergel**

I'm just going to take this up, this point again. This blurring Ian talks about has important scholarly consequences. Traditionally references to specific copy entries have appeared in bibliographical records, individual editions such as the English Short Title catalogue and in biographical resources for individual members of the book trade, such as LBT and BBTI both of which we would like to link to in future versions of this resource. We would also like to provide links to standard biographical authorities, and we would like to annotate entries with references to case and statute law.

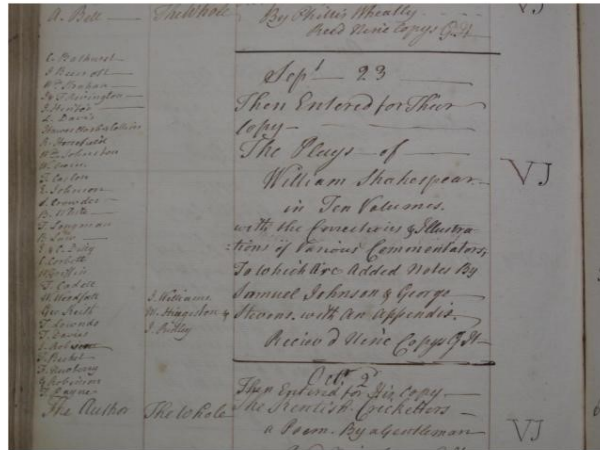
Our database is predicated on the belief that the copy is not something we can subsume within these existing categories or catalogues. We see that the copy, what of course they start calling in the eighteenth century tentatively at first the copy rights, two separate words, sometimes hyphenated, we see the copy as a first-order intellectual and computational object in itself which has a complex history of creation, transfer, contestation, expiration and realisation in published works.

We would also like to model relationships between entries on the Register such as these entries for Shakespeare (below), who is a great example, much-studied, and you see here the beginning and the end of the Register entrance history of Shakespeare's works as a group, and there's a tangled history between them.

## Shakespeare's Works in the Register



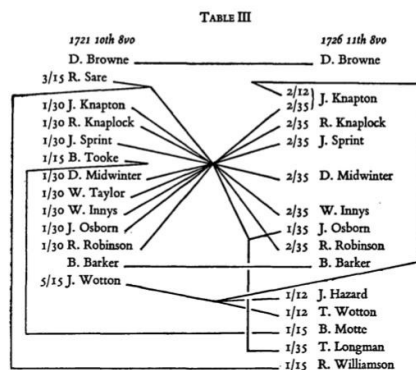
November 8 1623



September 23 1773

We would like to model that tangled history, perhaps taking up a format of visualisation that Terry Belanger invented to describe the trade sales of copyrights or fractions of copyrights between Register entrances, but also taking in private auctions and inheritances.

## The copyright exchanges of Stanhope's Kempis (1721-26)



Belanger, Terry. "Booksellers' trade sales, 1718-1768." *The Library*, 5.4 (1975): 281-302



## Ian Gadd

So just to conclude here with our final slide (below), what we hope SRO can do is help scholars of copyright answer or address those big questions that they've always been interested in but haven't necessarily had the right resources. This isn't just about matching copy with publisher which is something that scholars have always been able to do with Arber, but it actually would allow us to do more sophisticated analysis, patterns and trends and networks in terms of individuals but also genres of works to think about the market value of a copy and how that might change decade upon decade.

### Broader questions: to 1640...and beyond

- ***Who owned what?***

- **Who:** by gender, location, occupation in the trade, relationships with others
- **What:** titles aggregated within history, literature, music, ballads and chapbooks, natural history and law [...]

- ***Value***

- Which of the above genres were the most valuable upon sale?

- ***The 'long' history of English/British copyright***

- How did the marketplace of copyright work, in relation to the law as it developed between 1557 and 1801 (see [copyrighthistory.org](http://copyrighthistory.org) at CREATE)

Thinking also about how the Register engaged with and adapted to alternative mechanisms of copy management throughout this period, you have privileges when it starts, you have private sales and obviously from 1710 onwards statutory copyright. As a result, and this is partly a little bit of self-interest here, we went only up to 1640 because that's as far as Arber went. We also wanted to demonstrate the pilot could work, but the Register itself kept going and went on to 1710 and beyond, and if we were able to expand the database to cover those subsequent entries that would allow us to think about the long history of English and British copyright in new ways.

And as a final note, just to point out, we've shown you those early entries for Shakespeare, up to at least 1774 those entries were still defining how copies were shifting, or how works were being


published in the English book trade based on those early entries that took place in the late sixteenth and early seventeenth centuries (see below).

11  
xxvj<sup>to</sup> Julij  
James Roberte Entred for his Copie vnder the hande  
of m<sup>r</sup> Passfield & m<sup>r</sup> waterson warden  
A booke called the Revenge of Hamlett  
Prince Denmarke as yt was  
latelie Acted by the Lord Chamberlayne  
his serrantes

Gr. S. \*  
vj<sup>d</sup>

xxvj<sup>to</sup> Julij

James Robertes Entred for his Copie vnder the handes of master PASFIELD and master  
waterson warden A booke called 'the Revenge of HAMLETT Prince  
[of] Denmarke' as yt was latelie Acted by the Lord Chamberleyne his  
serrantes . . . . . vj<sup>d</sup>



# Stationers' Register Online

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**Entry: SRO4565** 26 July 1602


**James Robertes**  
 Entred for his Copie vnder the handes of master Pasfeild and master waterson warden A booke called the Revenge of Hamlett Prince [of] Denmarke as yt was latelie Acted by the Lord Chamberleyne his servantes *vjd*

**Register:** Register C, f.84v  
**Arber:** III. 212  
**Status:** entered incomplete  
**Fee:** 6 pence  
**Master:** G. Bishop  
**Wardens:** S. Waterson, T. Man

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Contact us: [editors@stationersregister.online](mailto:editors@stationersregister.online)

So thank you, we'll leave it there, and back to you, Martin.

### **Martin Kretschmer**

Thank you, thank you. It's tantalising. I think we open the discussion right at the end. For now, let's just continue with the Vatican section, so I hand over to Lionel Bently to chair the next session.

### **Lionel Bently**

First of all I should thank Martin Kretschmer, CREATE and the University of Glasgow for continuing to host the copyright history resource because, as he indicated, it's not a trivial administrative task. In fact the system constantly seems to require extra work done on the back end, so thanks to Martin for taking that over: it had been in Cambridge for a while and it is in much better hands in Glasgow.

I'd like also to thank Jane Ginsburg in advance for her work on the Vatican which is a field that I know she's been working on for quite some time. Some time ago, we decided that we would try and get permission to put some of the documents Jane had discovered in the Vatican Secret Archive online. Jane agreed to write the commentaries and sort out the transcriptions and translations. That process which began in about 2015 and initially the hope was that there would

could digitise thirty documents for which we would seek permission. We already actually had a couple on the Primary Sources resource included in Dr. Joanna Kostylo's section on Italy: Antonio Blado's privilege for Machiavelli's works, Vatican (1531);<sup>15</sup> Bernardo Giunti's privilege for Machiavelli's works, Vatican (1531);<sup>16</sup> see also Papal and Venetian Privileges for Sigismondo Fanti's 'Triumpho di Fortuna', Venice (1526).<sup>17</sup>

The process of getting these permissions proved extremely troublesome. Initially we were told we could not use the images, and that the Vatican regretted having given us permission previously to have the two documents that we had already online from 1531. Thinking that the stumbling block might be the number of documents, we asked for fifteen such documents, and again the answer was 'no'. We ended up getting five. Those five, in contrast to the other material on the Primary Sources on Copyright archive, are paid for. Fortunately, CIPIL at the University of Cambridge had some money available to do that. So we have licensed these images from the Vatican, even if we feel more than slightly uncomfortable doing so.

One possibility is that Jane Ginsburg will add also some commentaries on other documents that we can get from public sources. However, the documents currently on the site are ones that have been sourced from the Vatican. Jane has added her very considerable scholarship in providing the commentaries and transcriptions and translations.

So, Jane, would you like to talk about them?

Thank you anyway.

## **Jane Ginsburg**

Sure. Can we show the landing page for the Vatican section?<sup>18</sup>

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<sup>15</sup> Antonio Blado's privilege for Machiavelli's works, Vatican (1531) available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_i\\_1531](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_i_1531).

<sup>16</sup> Bernardo Giunti's privilege for Machiavelli's works, Vatican (1531), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_i\\_1531a](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_i_1531a).

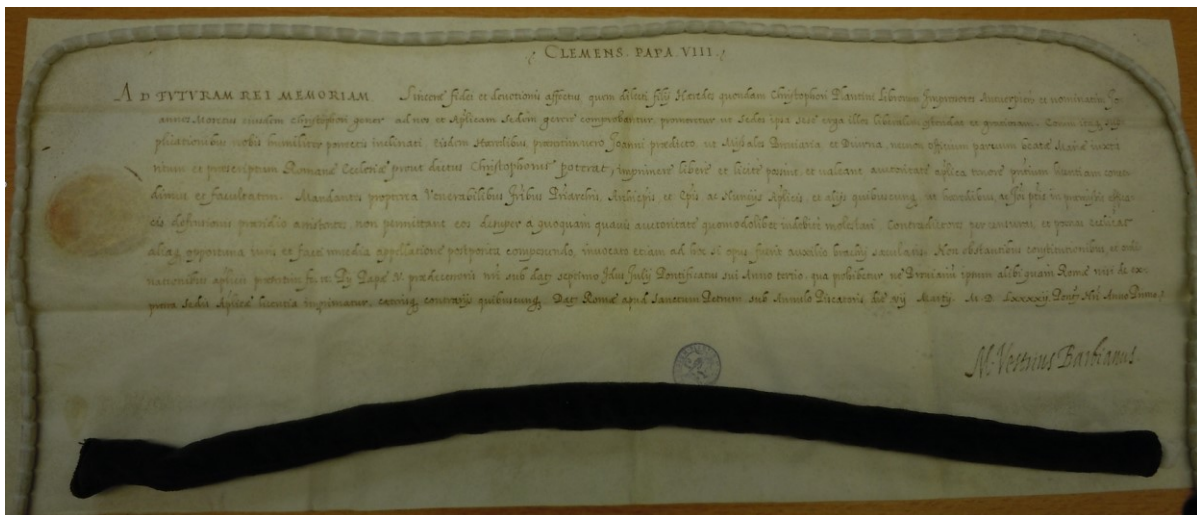
<sup>17</sup> Papal and Venetian Privileges for Sigismondo Fanti's 'Triumpho di Fortuna', Venice (1526), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_i\\_1526](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_i_1526).

<sup>18</sup> Country Vatican, available at: [https://www.copyrighthistory.org/cam/tools/request/browser.php?view=country\\_record&parameter=Vatican&country=&core=all](https://www.copyrighthistory.org/cam/tools/request/browser.php?view=country_record&parameter=Vatican&country=&core=all).

Just as the Stationers' project has been going on for a long time, so too this project began in 2009. Let's just take the first document, from 1582,<sup>19</sup> and scroll down please to the acknowledgements.

You can see that there are a lot of names in the acknowledgements. These appear in connection with each document, generations of Columbia law students who were classics majors in undergraduate, and who assisted me with the transcriptions and the translations from the Latin. As you'll see, the most daunting part of the task was the transcriptions even more than the translations. The texts are not exactly in the beautiful Ciceronian Latin that these students trained in, but deciphering the handwriting proved even more of a challenge than Papal latin bureaucratese.

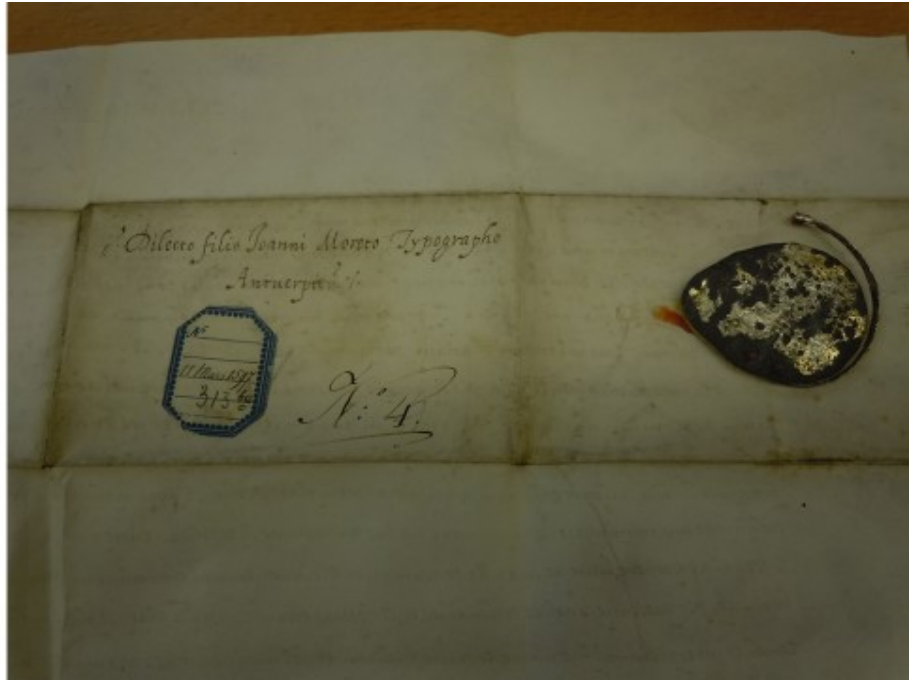
This (below) is a privilege that was given to the heirs of Christophe Plantin, specifically to Jan Moretus who was Plantin's son-in-law and successor.



It is the exclusive right to distribute missals and martyrologies in the low countries. These were counter-reformation best sellers, and I'm showing you this privilege because it's quite legible and very lovely to look at. If you enlarge it you can see how legible it is. This is the version that went to the beneficiary of the privilege. Here is an image of the back of the document given to Moretus and showing the seal.

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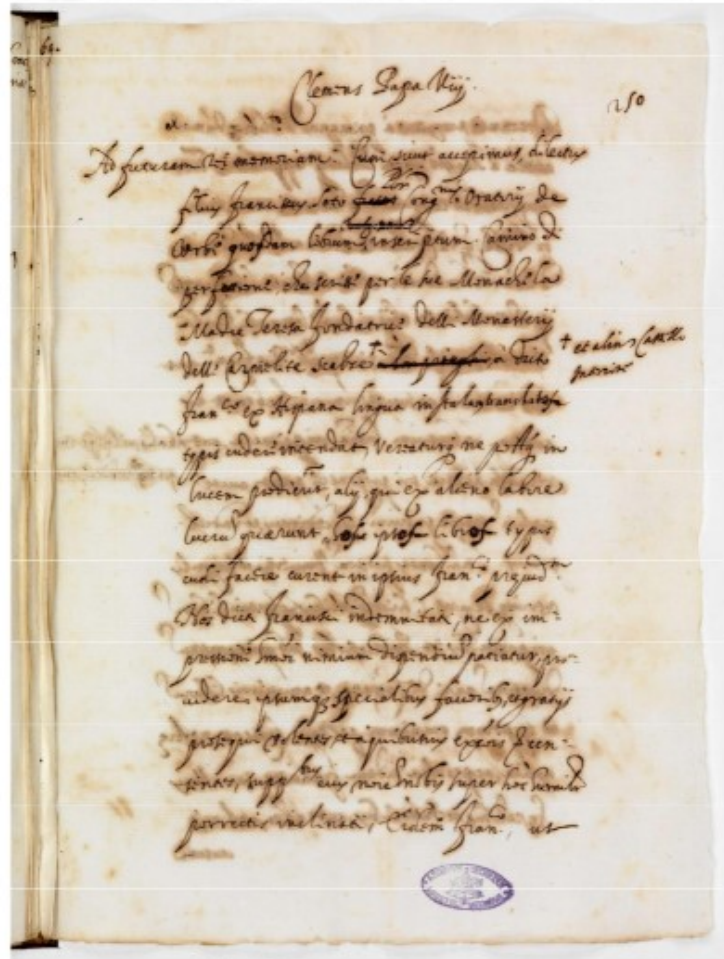
<sup>19</sup> Revocation of Papal privilege to print and distribute Roman [Gregorian] Calendar and Martyrology, Vatican (1582), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_va\\_1582](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_va_1582).



This is not the sort of document that I was looking at in the Vatican Secret Archives. This document comes from the Plantin-Moretus Museum in Antwerp. What the Vatican Archives have is effectively the Papal secretaries' memos to file. I'll you show document 1603a.<sup>20</sup>

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<sup>20</sup> Privilege granted to Francisco Soto to translate, print and distribute works by St. Teresa of Avila from Spanish to Italian, Rome (1603), available at: [https://www.copyrighthistory.org/cam/tools/request/showRepresentation.php?id=representation\\_va\\_1603](https://www.copyrighthistory.org/cam/tools/request/showRepresentation.php?id=representation_va_1603).



Superscript = inserted by original or different author between lines

[ ] = inserted by original or different author in margin

{ } = supplied by transcribers

**Bold script** = written in a different hand

~~Strike through~~ = crossed out, but legible

[XXX] = illegible

More often these documents look like this. This comparatively legible document is the draft of the privilege with cross outs and inserts. My team and I have tried to indicate in the transcription where there are different handwritings, where there are cross outs. We placed a lot of demands on the CREATE team just to be able to do the HTML transcription to capture the visual complexities of these documents.

So much for form. Now a word about what this project has substantively shown. There has been a tendency in recent years to weaponise copyright history. Lots of people have ideas about

where they think the history should come out in order to support a particular point of view. Generally this is not very rigorous, and I think that whatever one's point of view, it's essential to be able to see the actual documents. Then one can make one's case or rebut preconceptions based on the actual documents rather than on many accretions of sometimes biased second-hand scholarship.

What did I discover? I didn't go in with a particular axe to grind. If anything, I was operating under the general perception that, before copyright, printing privileges from various sovereigns generally went to the printers. This narrative comes largely out of Venice which is the first system that was set up with systematic printing privileges, and quite consciously designed as an incentive to attract German printers who had the technology to come to Venice and set up their printing presses. The principal beneficiaries of the early privileges in Venice, but also elsewhere, were not the actual authors of works but were the printers, publishers, book sellers. Those categories were often merged at the time.

I think one reason for the apparent absence of authors may be that in the early days the printers were very busy curating and publishing the works of the ancients, whether the classical Greek and Roman authors or the Church fathers. The printers/publishers/booksellers by and large weren't dealing with live authors, although we might today say that the kind of extensive editorial work that printers such as Aldo Manuzio contributed to these texts involved a lot of authorship in its own right. But the standard narrative asserts that printing privileges were really not about authors or authorship; rather they were industrial incentives to promote the printing trade. That's pretty much what I thought I was going to find when I started looking for printing privileges in the Vatican archives.

I admit that when I started looking in the Vatican archives, I had no idea what I was getting into because it turns out that these documents, of which I found about five hundred, are not catalogued. There was no single, organized place to find them. As a result of my research, there now is a comprehensive index which was published in the 2013 *Columbia Journal of Law & the Arts*.<sup>21</sup> I may also post it to the Primary Sources website, although of course the index covers far more documents than we can ever put on the website.

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<sup>21</sup> Jane C. Ginsburg, 'Proto-Property in Literary and Artistic Works: Sixteenth-Century Papal Printing Privileges', 36 Colum. J. L. & Arts 345 (2013), available at: <https://journals.library.columbia.edu/index.php/lawandarts/article/view/2153/1102>.



As my searches for, primarily 16th-century, Papal printing privileges unfolded, I was discovering that a considerable proportion of the petitioners for and recipients of Papal printing privileges in fact were authors.

I cannot say with confidence why there appear to be more author-recipients in Rome than elsewhere, although subsequent research by Erica Squassino into the Venetian privileges granted after the 1530s also reveals a higher proportion of grants to authors. The principal previous study of Venetian documents cut off at 153x, as a result, some of our preconceptions about printing privileges may simply be based on incomplete information, and that information is slowly being filled in.

I turn now to the rationales for Papal grants of printing privileges, These range widely. Let's look at the Petition from and Privilege granted to Antonio Tempesta for a map of Rome from 1593.<sup>22</sup> This is another example of why the transcription of these documents can be quite an effort because here again what we see is a very marked up and amended document, not always in the same hand. Therefore, just the task of elucidating what the document says in Latin before translating it into English is significant, which is why every document has an extensive list of acknowledgements of those students who have helped me with this.

Here is a quite legible Petition in Italian from Antonio Tempesta for a large scale map of Rome. (While the privileges were written in Latin, the petitions frequently were submitted in Italian.) For people who are interested in prints and maps. The Tempesta map is a major achievement. In the Primary Sources commentary I have included a picture of the map.<sup>23</sup> In terms of its technical achievement of showing all of Rome from a bird's-eye view, it's really quite an extraordinary document. It faithfully represents even individual buildings, some of which are still there, as is the street plan, because it's Rome after Sixtus V substantially redid the city plan.

The reason I'm calling up this Petition is that Antonio Tempesta is explaining why he wants a privilege for this map. You can scroll down to the English.

On the bottom is the Italian transcription, on the top is the English translation of Tempesta's Petition. You can see that in this document you have just about every argument with which we are familiar today in support of copyright from an author's rights perspective.

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<sup>22</sup> Petition from and Privilege granted to Antonio Tempesta for a map of Rome (1593), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_va\\_1593](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_va_1593).

<sup>23</sup> Commentary on: Petition from and Privilege granted to Antonio Tempesta for a map of Rome (1593), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=commentary\\_va\\_1593](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=commentary_va_1593).

Tempesta says that he is publishing a map, a new map of Rome of which he is not only the creator, but he has also designed and engraved it with his own hand. In other words, he has both conceptualised the map and personally undertaken its execution by engraving it onto the copper plates. This entire production is very much his.

This kind of claiming of authorship is by no means unique at this time, but it's particularly pronounced in Tempesta's case, as he emphasizes that he has bestowed on the map "much personal expense and care for many years." References to care and expense and "fearing that others may usurp this work from him for themselves by copying it and consequently gather the fruits of his efforts," appear in just about every petition and are echoed in the privileges themselves.

Tempesta expresses the typical concern that once this this map is published, unscrupulous competitors will copy it to his detriment. "Therefore he humbly requests to be granted a special privilege," but then he suggests he is entitled to the "special privilege" because he says such privileges are "usually granted to every creator of new works."

By this time, the end of the sixteenth century, over one hundred years from the first grants of Roman privileges, Tempesta is adverting to a system in which creators are expecting that if they request a privilege for their newly created works, it will be granted to them.

What does he want his privilege to cover? "So that no-one in the papal state may for ten years," which is the standard duration, "print, have printed or have others make the said work, and further requests that all other works that the applicant shall in the future create or publish with permission of the superiors, [the ecclesiastical censors]" should also come within the privilege. Tempesta is saying that not only should he have exclusive rights in the work that he did create, but in works that he has yet to create, once he creates them, and, he cautiously adds, once they are approved by the censors. But he then should automatically get another series of ten-year terms of exclusivity in these new works. He justifies the extended request "so that he may with so much greater willingness attend to and labour every day to create new things for the utility of all." That argument is familiar to us because it invokes what has become the standard incentive rationale: You should give me exclusive rights because that will predispose me to keep being creative, which is good for everybody.

But then Tempesta adds another rationale which is not as frequently seen in the Vatican documents, he should receive the privilege "for his own honour." This culminates a very strong authorship theme that runs through this Petition. While Tempesta says that these benefits will flow "because he will receive the singular privilege from your holiness" (a reminder that we're not

yet in the world of “you create it, it’s yours,” the grant is still a “singular grace” of the sovereign), Tempesta has every expectation that this grace is going to be granted because he has created this work.

I find this a remarkable document because it is quite inconsistent with the standard narrative that privileges have nothing to do with authorship. I acknowledge that this is the most authorship-drenched document that I have found, although in the commentary to this document I cite several other documents expressing authorship rationales for the grant.

I’m certainly not claiming that publishers didn’t get privileges. Publishers still got almost half of the privileges that I found in the Vatican Archives, and publishers also advanced many of the same sorts of justifications as did authors, particularly regarding fears of unfair competition and incentive-public benefit rationales, but I think that the story of pre-copyright, at least in Rome and perhaps elsewhere as well, is a lot more complicated than the standard narrative suggests.

### **Lionel Bently**

Jane, thank you. Can I ask you a question about that particular Tempesta Petition? It is as you say really very interesting. As you know I’m not a scholar of Italian, not even of French, but the word that you seem to be translating as ‘create’ and ‘creator’, is a word that has as the stem ‘inventore’, inventor. And I recall reading something on the etymology of the term invention in English. It’s supposed to come from the Latin invenire, meaning to come upon. I wondered whether you’d say something about translating that term as ‘creator’ and whether ‘creator’ is just an intuitive translation or whether you’ve got any other basis for translating that as creator?

### **Jane Ginsburg**

In prints at that time and later, you often see one name on the left hand corner that gives the name of the artist INV, invenit: that’s the person who created the image. On the right hand corner of the page you see EXC, excudit, meaning the person who actually engraved it.

If we can go back to that document and look at the Italian for how Tempesta describes what he’s done, he emphasises that he’s done all of this: he was not only the “inventore”, which I translated as the creator or the person who devised the image, “ma anco[ra] l’ha di sua mano”, with his own hand, designed it and engraved it, “dissegnata et intagliata”, so that every stage of creation and execution of this map is one that he has personally seen to. In the document there’s another piece that’s worth looking at in light of Lionel’s comment. At line six Tempesta is asking that he be granted a particular privilege, “un particular privilegio come si suole ad ogni inventore d’opere

nuove”, so there again you see the term inventore. In the context I think it’s pretty clear that he’s talking about the person who is responsible for the intellectual labour of conceiving the work.

### **Lionel Bently**

I suppose that’s pretty much where I was driving at: “create” might, at least to a contemporary European copyright thinker, suggest something different from intellectual labour: “create” is now linked to expression of personality. There’s nothing there – is there – that suggests that they thought Tempesta was expressing his personality in this map? So, I was wondering whether “create” is the best translation. I appreciate that the task of finding a good translation is incredibly difficult and I recall that when we were originally putting together Primary Sources we advised the national editors and translators to put the original word (here ‘inventore’) in brackets afterwards in order to highlight the potential gap between the original meaning and the modern term (itself replete with other baggage).

### **Jane Ginsburg**

No, except for that term honour.

### **Lionel Bently**

Yeah, tell us about the term honour.

### **Jane Ginsburg**

I think it’s the only instance that I’ve seen of that term in a petition. It suggests that the privilege is a recognition, it’s status, it’s prestige. In a lot of these cases, the petition was sought because of the prestige factor. That would’ve been true for publishers as well, but Tempesta has really tied this into his person. I wouldn’t go so far as to say that Tempesta expresses a personality concept of copyright, but we may perceive in his petition the seeds of concepts that we will see bloom later. You could say that they’re kind of embryonic in this document.

### **Neil Netanel**

If I could jump in. I think it’s also noteworthy that Tempesta was an artist and not a writer. If I recall correctly, Jane, from the fascinating article you wrote about this a large percentage of the authors who were given papal privileges were either artists or Jesuit priests.

So I wonder whether this language about honour might have to do with the fact that the petitioner was an artist. I could be wrong about this, but I don’t think that it was so common in other jurisdictions to grant privileges to artists. For whatever reason the papal authorities did

grant privileges to artists. Perhaps there were sociological reasons for this and for the reference to the artist's honour. Maybe writers were not given the same honour and weren't understood to be as much like we might think of creators today as were artists. Maybe because of writers' relationship with the public and their printers. And, of course, even when it was premodern copyright, the copy was generally assigned to the printer and the writer might have been paid some lump sum, but generally were not given the same honour. So I wonder if that has anything to do with it?

### **Jane Ginsburg**

I don't want to go overboard on honour. There were certainly a lot of privileges for prints in Venice as well, and I think that there are a couple of reasons for those privileges that are largely economic. In Rome, particularly around this time where we're getting close to the Jubilee of 1600, and in many cases, newly refurbished Roman ruins and the moving of obelisks and such was bringing lots of people to Rome as tourists, of course religion, but also of antiquity. Thus, there was big business in making prints of the marvels of Rome, both the ancient and the modern marvels of Rome. Tempesta was a big printmaker as well as a painter, and there were significant publishing operations often run by Flemish in Rome that were responding to that market.

There was also a market for print versions of old masters. There's at least one privilege that I found for an artist, also a woman, who was seeking privileges for her engravings of works by Michelangelo and others. This suggests that we have kind of a nascent market for people who can't necessarily afford paintings but want to have these artistic and religious and touristic images in their home. It's not that hard to knock off an engraving, so that's I think a reason why artists or printers were seeking privileges for works of visual art as well as literature, and music, there also were privileges for music.

### **Martin Kretschmer**

I've got one question from José Bellido. I also wondered whether we can open up the discussion to the Stationers' Project as well. Can you see it, José's question, Jane, in the chat?

### **Jane Ginsburg**

Yes.

### **Martin Kretschmer**

Okay. Do you want to paraphrase the question yourself, that's probably a good idea?

## **Jane Ginsburg**

He's asking about Teresa of Ávila. Three of the documents are all about Italian translations of the works of Saint Teresa; she's like a counter-reformation all-star.

This is a point at which we have increased literacy but mostly in the vernacular. You also see kind of a shift in privileges being granted, not only for works in Latin but also for Italian translations of works in Latin and, in the case of Saint Teresa, Italian translations from the original Spanish. You see authors who when they applied for privileges might have written the work in Italian, but they want the privilege to cover French and Spanish translations as well. It's interesting that derivative works are already there in the sixteenth century, that translations are a big market.

I selected the translations of Saint Teresa because they show the interrelationships between different enterprises of translating Saint Teresa. In the first case it's a printer active in Venice and Rome, who wants the privilege to translate the works of Saint Teresa. It appears that he wants the privilege so that he can raise the funds to be able to print the translation, but there's no record of the translation actually having been printed.

Three years later, another translation is sought, and that one is granted without reference to the prior printing privilege, which suggests that the prior privilege never went into effect because it would have gone into effect upon publication. There seems not to have been a publication.

This privilege originally granted the petitioner the exclusive right to publish the Life of Saint Teresa and other works in Italian so that nobody else could have published the works in Italian, which by modern standards is a bit broad. We tend to think that the rights in a translation are in your translation, but anybody can go back to the original.

A year later, another petitioner seeks to modify the prior privilege, saying that he wants to do his own translation but he can't do it because the prior privilege is too broad, and anyway that petitioner has just about sold out his edition, so the second petitioner should be given exclusive rights in his translation, which is what he got.

I'd have to go look up the authors. I'm not sure that either of those petitioners, who were actually authors as opposed to printers, were Jesuits, they may have been priests. It's true that you get an awful lot of Jesuits holding privileges because they're creating a lot of works of popular piety, but they weren't the only priests getting privileges by any means for popular piety and educational works.

## **Martin Kretschmer**

I wondered, we are talking broadly about the same century, the Stationers' digitised records ending in 1640, the ones we heard about today, and the papal privileges start around 1500. So broadly we're talking about the sixteenth century here, but the style of presentation and what you do with these documents is very different which reflects your disciplinary approaches.

So a question first to Ian and Giles, what do you make of what you've heard here just now, looking at these papal documents which are clearly quite different from what you see at Stationers' Hall. Does it provoke any reaction?

## **Ian Gadd**

They're wonderful documents. They do have their analogues in England. There are privileges mostly to printers and publishers but there are some exceptions in the sixteenth century. By the mid-century, no actually there are privileges issued into the late sixteenth century, even into the early seventeenth century that are to non-publishers.

The Stationers' Register, and Giles may have thoughts about this as well, was a trade solution to a trade problem which was that the Company had secured a royal privilege for its existence. So it used that leverage in a way to create a very stripped down system that allowed printers and publishers who otherwise would never have been able to afford a royal privilege to be able to protect their work which then changed their commercial context.

So I think the kind of scale is different. I think we're looking at, I can't remember what our precise figure is, about ten thousand entries in Stationers' Register between 1557 and 1640. So just the scale of numbers is vast, but the level of detail, you just don't get that level of detail that you see in the documents that Jane has been talking about because it's presupposed that a publisher has a particular interest in publishing. There doesn't need to be a case made – so long as they've got the authorisations and they pay their fee they're in. Giles, any thoughts?

## **Giles Bergel**

One thing that occurs to me, also from listening to Jane and Martin, is a question which is not often asked: who exactly the Register is for, and how was it operated? Certainly it's evidence of a relationship between a petitioner of sorts, the enterer, and the individual who on behalf of the company is granting certain rights. It has a sort of corporate ownership. It's the book of entries of the company as a whole.

I wonder whether, thinking about in particular multiple entries, so re-entries of works, I wonder whether it operates as a sort of public ledger of who owns what, a means of checking when something was last entered, if there's a kind of a sociology around it that we've already glimpsed from the entrances themselves.

This was really crystallised for me in some comments by Peter Blayney about a series of entries which were made, and then immediately cancelled, or rather the names of the enterers were immediately cancelled. Quite what's going on there is interesting, but it appears to have been a fairly regular practice. It seems likely in Peter's account if I remember correctly, Ian, that these entrances are made by people who have somebody to sell them to straightaway, so it becomes this much more social document than we are accustomed to think of it as.

### **Martin Kretschmer**

If that's okay with you, Lionel, let's give the word to Elena and then maybe Neil again, and then back to Lionel.

### **Elena Cooper**

I should first say that I absolutely love Jane's work on the Tempesta map. I just think that has to be a real 'wow moment' in our kind of work; that there's a document from 1593 with all of this in it. I just think that's wonderful.

The question that I had is partly related to that, it's for Giles and Ian, and I wanted to refer to Luke McDonagh's book, *Performing Copyright*,<sup>24</sup> because we're going to be hearing more about Luke's book in our public lectures next term. It's not really a book of history, it's about dramatic copyright today, but it includes a historical chapter.

And what I like about Luke's historical chapter is the fact he's actually saying something new about the pre-statutory copyright protection in Elizabethan and Jacobian times, so that's something that we don't get from Derek Miller's account in *Copyright and the Value of Performance 1770-1911*. Particularly, what Luke says that's relevant to the discussion today is that there's a shift in ideas about authorship in the 1590s, in the 1590s to early 1600s, so this is actually contemporary with the Tempesta map document that Jane uncovered. Luke argues that, through the practices of Ben Jonson, there's this kind of individualistic turn in the voice of

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<sup>24</sup> See information on CREATE Public Lecture concerning the book: Kenneth Barr, 'CREATE Public Lecture: "Performing Copyright: Law, Theatre and Authorship"' (*CREATE Blog*, 9 February 2022), available at: <https://www.create.ac.uk/blog/2022/02/09/create-public-lecture-performing-copyright-law-theatre-and-authorship/>.



the author, so instead of play scripts being attributed as by 'our poet', Ben Jonson is being very proactive and self-conscious in pushing forward his authorial claims.

So really what I was going to ask Ian and Giles is: you've said that it's very much a stripped down Register, you're not going to find the elaborate petitions that Jane has found, but might the Register be an index for changing ideas about authorship in the sense of the way in which the works are described. In your presentation you displayed the entry for Hamlet and there was no mention of a definite playwright, but, for example if we were to look up Ben Jonson's work might that be different? Luke uncovers many techniques that Johnson used to bring his authorship to the fore, might we see that in a kind of more subtle way, the kind of shift that Jane sees in petitions, in the way that Register entries are recorded?

### **Ian Gadd**

We might, which is such an academic answer I suppose. Part of the complication is that, and this goes back to what Giles was saying about who the Register is for, when the publisher is bringing in the work to get it authorised and then entered, the description in the Register (and sometimes Arber's formatting of it can be misleading) can look like it's a title of a work, but actually in many cases it's more descriptive.

So the description there is what was accepted as enough information, although it's not always enough information for us to be able to identify the kind of content of the work. What you tend to see is the names of authors when that is a distinguishing element of the work: in other words, when their authorship is important. So you could use the Register to see some of those subtle shifts, but it would be difficult to be able to rely on that.

Actually if you remember the Hamlet entry you might have noticed (and we don't mention this in the SRO), there's an asterisk and two initials, G.S as the Register was subject to annotation by scholars – both scrupulous and unscrupulous – in the nineteenth century. John Payne Collier borrowed the Register and added forged authorial attributions, some of which tricked Arber, some of which Arber spotted and didn't include. Part of the reason you can spot them is not because they are in a different ink or they look in a different hand (although that's sometimes the case) but actually because they include attributions in a way that the Clerk or the publisher would never have said.

There's an example of a line which Arber spotted where Collier had interpolated 'it is said by Spenser', and no Clerk or publisher would have bothered to say that because that's not part of the work that's important in a commercial sense as it's too much about attribution.

That's a long-winded way of saying that yes, possibly, but it would be difficult to discern a pattern in anything like a kind of clear-cut way. Take someone like Shakespeare or take someone like Ben Jonson: yes I'm sure you will see that towards the end of their careers they are more visible in the titles of their works than is the case at the beginning of their careers, but you'd have to then link that to how their names appear on title pages and so on.

So the Register is not shaping that but it may be a slightly distorted reflection of these shifts. I think that thesis is a reasonable one and Jonson is one figure who I think was quite instrumental in asserting the author as a creative figure, but particularly in print.

### **Elena Cooper**

And are there other documents that the Register can take you to? So having found a Register entry can you then find the application even if it is, as you say, brief, or is it really that the Register is the definitive source?

### **Ian Gadd**

There's not much else apart from the Register. You've got the titles of the works if they get published which may or may not be very closely aligned with the description. There are a handful of examples where the manuscript as it was taken into Stationers' Hall and was signed off by the company officers—a handful of cases where these survive, but they are too few to be that instructive about what the Clerk might have done.

And actually as Giles mentioned, and I should mention the work of my PhD student, Karen Waring, who is working on the Stationers' Register in the sixteenth century and is about to submit her PhD, and she's done a lot of work on the contingencies around the Register, where you can see some of the head scratching or complications or changing circumstances that change how an entry is entered or annotated, but frustratingly in the vast majority of cases we have very little beyond that that we can go to for further evidence.

### **Martin Kretschmer**

We have four minutes left. We may have just started the discussion, but Neil do you want to come in one more time?

### **Neil Netanel**

I have just a question which is way more than a four-minute question. Venice was the centre of the European book trade, and printing, at least in the first half of the sixteenth century, probably

into the second half also, it had a very developed book privilege system. So I wonder if you found any traces of influence, and I know it might be difficult to piece out, but in the papal privileges were they influenced in any way by the Venetian practices regarding privileges?

Just one specific example, perhaps, is that the first document you posted is the cancellation of a privilege for a calendar because the previous holder didn't make the calendar. In the 1530s the Venetian Senate issued a number of decrees which provided that privileges would be cancelled if the book wasn't printed within a year, so I wonder whether that specific provision or others might have resounded somehow in the papal privileges?

### **Jane Ginsburg**

One sees a certain number of formulae that turn up in a lot of privileges across jurisdictions, but I think particularly with respect to Rome and Venice, a lot of the printers had operations in both cities. They were applying for privileges both in Rome and in Venice because even though the Pope's secular territory was the papal states, he certainly had pretensions to exercise authority well beyond that, but most territorial sovereigns did not agree. So if you wanted to have security and transnational rights you would get a papal privilege but you would also get a Venetian privilege, you'd get a French privilege, you'd get privileges from various other principalities in the Holy Roman Empire just to cover your tracks, but it may well be that given the tendency of an author or a publisher who thought they had a multi-national best seller on their hands to be seeking privileges in all those jurisdictions, it may not be surprising that there's some convergence of terminology across jurisdictions.

### **Martin Kretschmer**

Before I give Lionel the last word, I thought I'd use my chair privilege. I would like to show this counterfeit papal privilege<sup>25</sup> which is a Lutheran document from 1560 printed at the end of a collection of satirical letters, part of the competitive religious situation in the sixteenth century. This is a privilege which pretends to be from the Pope but isn't. This is the document here... and it is really very funny. It says "The most holy Pope has prohibited - on pain of excommunication, for long and short periods, of a high and deep kind - everyone from [re-]printing this book in the whole of Italy, France and Spain, but we cannot forbid it in Germany where the most wicked Lutherans are." It's not a book, it's a political intervention. By 1560

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<sup>25</sup> Counterfeited papal privilege, N.N. [allegedly Rome] (1560), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_d\\_1560](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_d_1560).

the practice of papal printing privileges which claim this jurisdiction across the whole catholic world was seen as a particular type of intervention that needed to be challenged.

Okay, it's seven o'clock. Lionel, do you want to close it for us?

### **Lionel Bently**

Well, to close it I'd like to draw attention Jane's 1582 document<sup>26</sup> which you can view on the site and her excellent commentary, which is there for you to read. The document was a revocation of a papal privilege and what is of particular interest is the reasons given by the Vatican for revoking the privilege. One of the reasons related to the inaccuracy of the printing of the text. Indeed, Jane shows that in granting many of these privileges the Vatican emphasised the importance of maintaining the accuracy of text. The reason why I raise it is because this is precisely the reason that the Vatican gave us as to why they couldn't authorise more than five documents to appear on the Primary Sources archive. They were concerned that people might manipulate the documents today, alter them and disseminate them in a way that in some way is prejudicial the Vatican. So curiously, the rationale persists.

Anyway, thank you to Ian and Giles and Jane for their fantastic work and the presentation, and to all the panellists for their contribution. It's been really interesting, and could definitely go on for another hour. Thank you.

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<sup>26</sup> Revocation of Papal privilege to print and distribute Roman [Gregorian] Calendar and Martyrology, Vatican (1582), available at: [https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record\\_va\\_1582](https://www.copyrighthistory.org/cam/tools/request/showRecord.php?id=record_va_1582).



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