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COPYRIGHT OFFICE

THIRTY-SECOND
ANNUAL REPORT

OF THE

REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR

ENDING JUNE 30

1929



UNITED STATES
GOVERNMENT PRINTING OFFICE
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PUBLICATIONS OF THE COPYRIGHT OFFICE

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DRAMATIC COMPOSITIONS COPYRIGHTED IN THE UNITED STATES, 1870-1916. [Over 60,000 titles alphabetically arranged, with complete index to authors, proprietors, translators, etc.] 1 p. l., v. 3547 pp. 4°. 1918. 2 vols. Cloth, \$4.

BULLETIN No. 14.

The Copyright Law of the United States of America, being the Act of March 4, 1909 (in force July 1, 1909), as amended by the Acts of August 24, 1912, March 2, 1913, and March 28, 1914, together with Rules for Practice and Procedure under Section 25, by the Supreme Court of the United States. 80 pp. 8°. 1919.

BULLETIN No. 15.

Rules and regulations for the registration of claims to copyright. 29 pp. 8°. 1917.

BULLETIN No. 16.

Copyright in England. Act 1 and 2 Geo. 5, ch. 46. An Act to amend and consolidate the law relating to copyright, passed December 16, 1911. 54 pp. 8°. 1914.

BULLETIN No. 20.

Copyright in Canada. Act 11 and 12 Geo. 5, ch. 24, assented to June 4, 1921, and amended June 13, 1923. iii, 55 pp. 8°. 1924.

INFORMATION CIRCULAR No. 4: International Copyright Convention, Berne, 1886, and Amendments agreed to at Paris, 1896. 13 pp. 4°. No. 4 A.—International Copyright Convention. Revised text, Berlin, 1908. 10 pp. 4°.

No. 4 B.—Additional protocol to the International Copyright Convention of Berlin, November 13, 1908, signed at Berne, March 20, 1914. 2 pp. 4°.

No. 4 C.—International Copyright Convention. New revision, signed at Rome, June 2, 1928. French text, with English translation. 14 pp. 4°.

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REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL
YEAR 1928-29

WASHINGTON, D. C., July 9, 1929.

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1928, to June 30, 1929, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$322,135.82. ^{Fees, etc.,} _{1928-29.} A balance of \$16,791.61, representing trust funds and unfinished business, was on hand July 1, 1928, making a total sum of \$338,927.43 to be accounted for. Of this amount the sum of \$6,568.45 was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$332,358.98. The balance carried over to July 1, 1929, was \$23,365.18 (representing trust funds and total unfinished business), leaving fees applied during the fiscal year 1928-29 and paid into the Treasury, \$308,993.80.

The annual applied fees since July 1, 1897, are:

		<i>Fees, 1898 to 1928.</i>	
1897-98	\$55,928.50	1914-15	\$111,922.75
1898-99	58,267.00	1915-16	112,936.85
1899-1900	65,206.00	1916-17	110,077.40
1900-1901	63,687.50	1917-18	106,352.40
1901-2	64,687.00	1918-19	113,118.00
1902-3	68,874.50	1919-20	126,492.25
1903-4	72,629.00	1920-21	134,516.15
1904-5	78,058.00	1921-22	138,516.15
1905-6	80,198.00	1922-23	149,297.00
1906-7	84,685.00	1923-24	162,544.90
1907-8	82,387.50	1924-25	166,909.55
1908-9	83,816.75	1925-26	178,307.20
1909-10	104,644.95	1926-27	184,727.60
1910-11	109,913.95	1927-28	195,167.65
1911-12	116,685.05	1928-29	308,993.80
1912-13	114,980.60		
1913-14	120,219.24	Total	3,724,796.20

The increase in the amount of the applied fees from \$195,167.65 for the fiscal year 1927-28 to \$308,993.80 for the fiscal year 1928-29 was due to the operation of the

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act of Congress approved May 23, 1928, which doubled the fees for registration of claims of copyright for published works, namely, from \$1 to \$2 for each entry.

EXPENDITURES

*Salaries,
1928-29*

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1929, was \$224,940. The total expenditure for salaries was \$224,905.23, or \$84,088.57 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,611.18, leaving a balance for the year of \$82,477.39 to the credit of the office.

*Stationery and
sundries.*

*Copyright re-
ceipts and fees,
1897-1928.*

During the period of 31 years (1897-1928) the copyright business, as evidenced by the applied fees, increased more than threefold, from \$55,376 to \$195,167.65.

During the 32 fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1929) the copyright fees applied and paid into the Treasury have amounted to a grand total of \$3,724,796.20, and the total copyright registrations have numbered nearly four millions (3,978,181).

*Excess of fees
over salaries.*

The fees earned (\$3,724,796.20) were larger than the appropriations for salaries used during the same period (\$3,129,860.16) by \$594,936.04.

*Value of copy-
right deposits.*

In addition to this direct profit, the large number of over six and three-quarters million books, maps, musical works, periodicals, prints, and other articles deposited during the 32 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the Copyright Office effected a large saving to the purchase fund of the Library equal in amount to their price.

COPYRIGHT ENTRIES AND FEES

*Entries and
fees, 1928-29.*

The registrations for the fiscal year numbered 161,959. Of these, 18,084 were registrations for unpublished works at \$1 each; 135,061 were registrations for published works at \$2 each; 3,866 were registrations of photographs without certificates at \$1 each. There were also 4,948 registrations of renewals at \$1 each. The fees for these registrations amounted to a total of \$297,020.

COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 264,204. The number of these articles in each class for the last five fiscal years is shown in Exhibit E. *Articles deposited.*

It is not possible to determine exactly how completely the works which claim copyright are deposited, but in response to inquiries received during the year from the card division, the accessions division, law division, and the reading room in regard to 623 books supposed to have been copyrighted but not discovered in the Library, it was found that 71 of these works had been received and were actually in the Library, 17 books had been deposited and were still in the Copyright Office, 23 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 75 works no answers to our letters of inquiry had been received up to June 30, 1929. Copies were received of 437 works in all in response to requests made by the Copyright Office during the period of 12 months for works published in recent years. *Works claiming copyright.*

Our copyright laws have required the deposit of copies for the use of the Library of Congress, and the act in force demands a deposit of two copies of American books. The act provides, however, that the Librarian of Congress may determine (1) what books or other articles shall be transferred to the permanent collections of the Library of Congress, including the law library; (2) what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange; or (3) be transferred to other governmental libraries in the District of Columbia for use therein. The law further provides (4) that articles remaining undisposed of may upon specified conditions be returned to the authors or copyright proprietors. *Disposal of deposits.*

During the fiscal year a total of 116,349 articles deposited have been transferred to the Library of Congress. This number included 30,564 books, 74,223 periodical numbers, 5,835 pieces of music, 4,602 maps, and 1,125 photographs and engravings. *Transferred to Library of Congress.*

Under authority of section 59 of the act of March 4, 1909, there were transferred during the fiscal year to other governmental libraries in the District of Columbia *Transfers to other libraries.*

"for use therein" 9,991 books. Under this transfer, up to June 30, 1929, the following libraries have received books as indicated below:

Department of Agriculture, 3,777; Department of Commerce, 16,296; Navy Department, 1,843; Treasury Department, 1,496; Bureau of Education, 17,236; Federal Trade Commission, 13,681; Bureau of Standards, 2,094; Surgeon General's library, 6,863; Walter Reed Hospital, 1,287; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,574; Public Library of the District of Columbia, 45,405. A number of other libraries have received a smaller number of books, under 1,000 volumes. In all, 129,634 volumes have been thus distributed during the last 20 years.

Return of deposits to copyright claimants.

The copyright act of 1909 authorizes the return to copyright claimants of such deposits as are not needed by the Library of Congress or the Copyright Office, after due notice as required by section 60. In response to special requests, 4,730 motion-picture films and 88,524 deposits in other classes have been so returned during the fiscal year.

INDEX AND CATALOGUE OF COPYRIGHT ENTRIES

Copyright catalogue.

All copyright entries are promptly indexed. The index cards are ultimately inserted into the great card indexes covering all classes of copyright entries from 1897 to date and now numbering more than seven millions of cards. These cards are first used as copy for the printed Catalogue of Copyright Entries, the current numbers of which bind up, with annual indexes, to cover for each class all the entries made for the calendar year. The annual volumes for 1928 are all completed, except the annual index for part 1, group 1, containing books. This index covers nearly 15,000 entries and will make a close printed double-column volume of more than 500 pages.

Beginning with the year 1928, the copyright entries for dramas and motion pictures make a separate part of the catalogue (part 1, group 3) printed in monthly numbers.

Subscription prices.

By the act of Congress approved May 23, 1928, the subscription price for the catalogue was increased, the complete catalogue for the year to \$10 and the separate parts as follows:

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Part 1, group 1, books proper, \$3; part 1, group 2, pamphlets and maps, \$3; part 1, group 3, dramatic compositions and motion pictures, \$2; part 2, periodicals, \$2; part 3, musical compositions, \$3; part 4, works of art, photographs, prints, and pictorial illustrations, \$2; single numbers (except book leaflets), 50 cents; annual indexes, each, for complete calendar year, \$2; all parts for complete calendar year, \$10.

Summary of copyright business

Copyright business.

Balance on hand July 1, 1928.....		\$16,791.61
Gross receipts July 1, 1928, to June 30, 1929.....		322,135.82
		<hr/>
Total to be accounted for.....		338,927.43
Refunded.....		6,568.45
		<hr/>
Balance to be accounted for.....		332,358.98
Applied as earned fees.....	\$308,993.80	
Balance carried over to July 1, 1929:		
Trust funds.....	\$20,408.56	
Unfinished business.....	2,956.62	
	<hr/>	23,365.18
		<hr/>
		332,358.98

Fees for fiscal year

Fees for registration of published works, at \$2 each.....	\$270,122.00
Fees for registration of unpublished works, at \$1 each.....	18,064.00
Fees for registration of photographs without certificates, at \$1 each.....	3,866.00
Fees for registration of renewals, at \$1 each.....	4,948.00
	<hr/>
Total fees for registrations recorded.....	297,020.00
Fees for certified copies of record, at \$1 each.....	\$1,806.00
Fees for recording assignments.....	8,846.00
Searches made and charged for, at the rate of \$1 for each hour of time consumed.....	432.00
Notice of user recorded (music).....	945.00
Indexing transfers of proprietorship.....	144.80
	<hr/>
	11,973.80
	<hr/>
Total fees for the fiscal year 1928-29.....	308,993.80

Entries

Number of registrations.....	157,011
Number of renewals recorded.....	4,948
	<hr/>
Total.....	161,959
Number of certified copies of record.....	1,806
Number of assignments recorded or copied.....	3,714

Correspondence.

A large part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 204,158, while the letters, parcels, etc., dispatched numbered 238,340.

CONDITION OF COPYRIGHT BUSINESS

Condition of current work.

On July 1, 1929, the remittances received up to the third mail of the day had been recorded, the account books of the bookkeeping division were balanced for June, the financial statements were prepared for the Treasury Department, and all earned fees to June 30 had been paid into the Treasury.

There remained to be completed of the work in progress, 4,358 registrations and catalogue cards for 4,318 articles deposited, the accumulation of about eight days.

SERVICE

Service: illnesses.

Within the fiscal year the Copyright Office has suffered greatly by reason of the severe illness incurred by several of the more experienced clerks. Some of these have recovered and resumed work. Mr. William A. Miller, who during 29 years of continuous service has before only been absent a few days because of ill health, is, we hope and believe, now on the way to full recovery from his recent severe sickness. In the case of Mrs. Harriette Hifton-King, however, her illness assumed a character which advised her retirement from active service, and this was arranged for and took place on June 20, 1929. She entered the Copyright Office in 1903, and rendered, for many years, service of a special and valuable bibliographical and editorial character which, because of her special qualifications and independence of mind and judgment, was not only admirably performed, in its entirety to any other clerk. Born in New York but of parents coming from Belgium, she had a proficient knowledge of French and other foreign languages, and had had more than a dozen years of library service before entering the Library of Congress. The information service of the office, particularly as to foreign copyright legislation, owes much to her industry, accuracy, and devotion. She married Mr. Edward King, the well-known lecturer and exponent of positivism. He died on July 9, 1922, and Mrs. King continued her work in the office until her recent illness.

COPYRIGHT OFFICE PUBLICATIONS

In addition to the Catalogue of Copyright Entries, the office published nothing during the year except a volume in the series of reported copyright cases. The edition of the first volume in this helpful series being exhausted it was reprinted, enlarged by the inclusion of the copyright cases which were originally printed in the librarian's annual reports. The compilation was made by Mr. Herbert A. Howell, a graduate of the Law School of Cornell University. It includes the reported decisions from 1909 to 1914 (Bulletin No. 17, cloth, 50 cents). The second volume of the series contains cases 1914-1917 (Bulletin No. 18, cloth, 60 cents), and the third volume, cases 1918-1924 (Bulletin No. 19, cloth, \$1). The copy for a fourth volume, cases from 1924 to 1929, is ready to print.

With the Report of the Register of Copyrights for last year was printed the full text of the convention creating an International Union for the Protection of Literary and Artistic Works, adopted at Rome, June 2, 1928; the original French text and an English translation. This is reprinted for distribution on demand as Copyright Office Information Circular No. 4 C in the series containing the original text of the Convention of Berne, 1887, with the amendments agreed to at Paris, 1896 (Circular No. 4); The Convention, signed at Berlin, 1908 (Circular No. 4, A); and the Additional Protocol, signed at Berne, 1914 (Circular No. 4 B). The register's commentary: "The United States and International Copyright" is printed as an appendix to this report.

COPYRIGHT LEGISLATION

A RETROSPECTIVE SUMMARY

This report covers the activities of the Copyright Office from July 1, 1928, to June 30, 1929, the twentieth fiscal year of its business since the last general revision of the copyright laws, which went into effect on July 1, 1909.

The Federal copyright legislation of the United States began with the act of Congress approved May 31, 1790, which followed the earlier State copyright laws from 1783 to 1786. The first act of general revision followed

on February 3, 1831, with but two brief amendatory acts between—that of 1802, extending the benefits of the act of 1790 “to the arts of designing, engraving, and etching historical and other prints,” and that of 1819, extending the jurisdiction of circuit courts to include patent and copyright cases. The change of most importance made at that time was the extension of the period of protection from two terms of 14 years each to a first term of 28 years with a right of renewal for 14 years additional. This 1831 Act was amended by eight brief acts, providing for the recording of copyright assignments (1834); for depositing copies in the Library of Congress and Smithsonian Institution (1846 and 1855); for the sole right to print and to act dramas (1856); for the transfer of copyright deposits from the Department of State to the Department of the Interior (1859); for the extension of the right of appeal in copyright cases (1861); for the extension of copyright to photographs, etc. (1865); for a penalty of \$25 for failure to make the required deposit in the Library of Congress (1867).

Act of 1831.

*Act of July 8,
1870.*

A second general revision of the copyright law was made in sections 85 to 111 of the act approved July 8, 1870, which, revised as to phraseology, became chapter 3 of title 60, copyrights, of the Revised Statutes of the United States, adopted December 1, 1873. The act of 1870 repealed in express terms eight of the previous copyright acts from that of February 15, 1819, to that of February 18, 1867. It transferred the deposit of copyright articles and the registration of copyrights to the Library of Congress. By the amendatory act of June 18, 1874, Congress decreed that no suit for infringement could be maintained in default of printed notice of copyright, and provided that the registration of copyright for prints and labels should be made in the Patent Office—which last provision is still in force. In the appropriation act of March 3, 1879, transmission through the mails of publications violating copyright is prohibited. The act of August 1, 1882, provided for a less obtrusive notice of copyright on molded decorative articles.

Act of 1874.

*Act of Mar.
3, 1891.*

On March 3, 1891, Congress passed the important act of that date which extended copyright protection in the United States to foreign authors, commonly called “The international copyright act.” It provided for the presidential copyright proclamations, upon evidence of recip-

reciprocal protection, which have resulted in the establishment of copyright relations with 43 foreign countries; also for the making, printing, and distribution of the Catalogue of Copyright Entries, of which 148 volumes have been produced. This enactment also brought into our copyright legislation the much discussed obligatory manufacturing requirements, and their corollary provisions prohibiting importation.

Amendatory acts were passed from time to time. In 1893, providing for a review by the Supreme Court of the United States in patent and copyright cases, and for safeguarding cases of failure to deposit; in 1895, that no Government publication might be copyrighted, and for new damages in case of infringement of copyright; in 1897, for penalties for unauthorized public performance of dramatic and musical compositions, and for the printing of a false notice of copyright and the importation of articles bearing such false notice. The threat of foreign countries to refrain from sending articles for exhibition to the Louisiana Purchase Exposition led to the act of January 7, 1904, providing protection for articles exhibited for two years, and in the case of books, that if within that period two copies of the original work or of a translation of it in the English language manufactured in the United States were deposited the protection was extended for the full term of 28 years. Acts from 1893 to 1904.

By the act of March 3, 1905, the author of a foreign book might deposit a copy of it in the Library of Congress within 30 days after publication; copies to contain a notice reading: "Privilege of copyright in the United States reserved under the act approved March 3, 1905, by ———." If within 12 months after first publication the title of such book was filed for registration and two copies of it were deposited in the original language or translated into English, "printed from type set within the limits of the United States," protection was accorded for 28 years from the date of recording the title of the work in the Copyright Office. The copies of the American edition were required to carry the prescribed statutory notice. This protection depended upon the reciprocal protection of American authors in the foreign author's country. Act of Mar. 3, 1905.

The appropriation act of February 19, 1897, provided for the organization of the Copyright Office and Act of Feb. 19, 1897.

the appointment of a Register of Copyrights, "who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights."

*Reorganization
of Copyright
Office.*

The present Register of Copyrights (the first United States official of that title) was duly appointed and took charge of the office on July 22, 1897. He promptly prepared a compilation of the copyright laws in force,¹ and a bulletin of instructions for making application for copyright registration.² A further careful study of the antecedent copyright legislation of the United States resulted in the compilation of a volume containing the full texts of all the copyright acts of the Federal Congress from 1790 to date, which was printed in 1900³ and enlarged and reprinted in 1906. Bulletins were also printed containing the text of the International Copyright Convention;⁴ instructions for copyright registration in England,⁵ to which was added in a second edition, the excellent digest of the English copyright law by Sir James Stephen;⁶ and a compilation of the copyright laws of Canada.⁷

*Copyright
bulletins.*

¹ The Copyright Law of the United States of America in force Jan. 1, 1898, being the Revised Statutes of the United States, title 60, ch. 3, copyrights, as amended by the acts approved June 18, 1874, Aug. 1, 1882, Mar. 3, 1891, Mar. 3, 1893, Mar. 2, 1895, Jan. 6, 1897, Feb. 19, 1897, and Mar. 3, 1897, 23 pp. 8°. 1898. (Copyright Office Bulletin No. 1.)

NOTE.—Reprinted in revised editions from time to time.

² Directions for securing Copyrights. 18 pp. 8°. 1899. (Copyright Office Bulletin No. 2.)

³ Copyright Enactments, 1783–1900, comprising the copyright resolution of the Colonial Congress, 1783; the copyright laws of the Original States, 1783–1786; the constitutional provision concerning copyright legislation, and all the public and private copyright laws enacted by Congress from 1790 to 1900, together with the presidential proclamations regarding international copyright. Compiled by Thorvald Solberg, Register of Copyrights. 83 pp. 8°. 1900. (Copyright Office Bulletin No. 3.)

— The same. Copyright Enactments of the United States, 1783–1900. Second edition revised and enlarged. 174 pp. 8°. 1906. (Copyright Office Bulletin No. 3.)

⁴ Text of the convention creating the International Copyright Union, Sept. 5, 1887, together with additional articles modifying the above text, signed at Paris, May 4, 1896. 13 pp. 8°. 1900. (Copyright Office Bulletin No. 4, pt. 1.)

⁵ Instructions for Registration for Copyright Protection within the British Dominions. 14 pp. 8°. 1900. (Copyright Office Bulletin No. 4, pt. 2.)

⁶ Copyright in England. Instructions for registration for copyright protection within the British Dominions. 2d ed. To which is added: A Digest of the English Copyright Law by Sir James Stephen, and copyright acts from 1873 to date. 101 pp. 8°. 1902. (Copyright Office Bulletin No. 5.)

NOTE.—This volume contained as an appendix, a list of all British copyright enactments, 1709 to 1902, with notations of modifications, amendments, and repeal, compiled by Thorvald Solberg, pp. 69–87.

At the time of taking charge of the Copyright Office <sup>Copyright legis-
lation in force.</sup> in 1897, the copyright law in force consisted of the act of June 8, 1870, plus the provisions of 10 amendatory acts. It constituted a body of laws antiquated in form, inadequate in some directions, inconsistent and confusing in others, difficult of interpretation, application, and administration. Textual contradictions and inconsistencies abounded and the interpolation of the provisions of the amendatory acts into those of the Revised Statutes was frequently the cause of difficulty and doubt. The Attorney General of the United States, when called upon for an opinion concerning some provisions of the copyright law, said: "Under this kind of legislation it is impossible to arrive at any satisfactory conclusion as to what Congress really did intend by it."

Amendatory legislation was obviously required. In <sup>Copyright rev-
ision proposed.</sup> my annual reports I urged the need for a thorough revision of our copyright laws. With the report for 1903 I submitted a special Report on Copyright Legislation,⁸ recommending that the several acts then in force "should be replaced by one consistent statute, of simple and direct phraseology, of broad and liberal principles, and framed fully to protect the rights of all literary and artistic producers and to guard the interests of other classes affected by copyright legislation." With <sup>Copyright com-
pilations.</sup> a view to encourage study of the questions involved and to facilitate the recording of suggestions, the provisions

⁷ Rules and Forms Relating to Copyright Registration in Canada, Together with the Canadian Copyright Law of 1886. 22 pp. 8°. 1900. (Copyright Office Bulletin No. 4, pt. 3.)

— The same. Copyright in Canada and Newfoundland. Rules and Forms for Copyright Registration in Canada, Together with the Copyright Laws of Canada, Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island. 3 p. l., 5-126 pp. 8°. 1903. (Copyright Office Bulletin No. 6.)

⁸ Report of the Register of Copyrights on Copyright Legislation. In Report of the Librarian of Congress for the Fiscal Year Ending June 30, 1903. 8°. 1903. pp. 437-593.

— The same. Report on Copyright Legislation. Reprinted from the Report of the Librarian of Congress, 1903. 159 pp. 8°. 1904.

CONTENTS: Present legislation, pp. 7-8; Textual revision, pp. 8-9; Copyright beneficiaries, pp. 9-12; Subject matter of copyright, pp. 12-17; Right of translation, p. 17; Term of protection, pp. 18-20; Statutory formalities, pp. 20-21; Filing of title, p. 21; Deposit of copies, pp. 22-23; Notice of copyright, pp. 24-25; Hawaii, Porto Rico, Cuba, and the Philippines, pp. 25-27; International copyright relations, pp. 27-29; Copyright Office administration, pp. 29-31; Recommendation, pp. 31-32; List of United States copyright enactments, 1783-1904, with notations of modifications, amendments, and repeals, pp. 33-42; Revised Statutes relating to copyrights, with notations, pp. 43-82; Bibliographical lists of foreign copyright laws, pp. 83-155.

Copyright bibliography.

of the Revised Statutes relating to copyrights were printed with the similar provisions of subsequent copyright enactments, in parallel columns on writing paper with wide margins, to permit annotations.⁹ At about the same time a complete bibliographical and chronological record of all proceedings in Congress in relation to copyright from April 15, 1789, to April 28, 1904, was compiled by the Register of Copyrights and printed in February, 1905.¹⁰

Copyright conferences.

The agitation for amendment of the copyright laws led to the introduction of various amendatory measures, and five copyright bills were pending on the adjournment of Congress on March 3, 1905. Thereupon the Senate Committee on Patents (to which proposed copyright legislation is referred) made public its purpose "to attempt a codification of the copyright laws at the next session of Congress,"* and the chairman of that committee (Hon. Alfred B. Kittredge) suggested that the Librarian of Congress should call a conference to consider such a codification. Under this authorization the Librarian of Congress arranged for such a conference and on April 10, 1905, sent out invitations to 26 associations supposed to have an interest in such legislation to be represented by delegates "authorized to submit suggestions to the conference, to participate in its discussions, and to cast votes on all questions submitted to a vote." This conference was held in New York City from May 31 to June 2, 1905.

First session, May 31-June 2, 1905.

Each delegate at this conference had in hand the special Report on Copyright Legislation, the writing-paper edition of the provisions of the Revised Statutes cited above, and the further compilation of the Revised Statutes on copyright printed under proper subject headings, with parallel references to corresponding provisions

⁹ The Revised Statutes relating to copyrights with notations of the provisions of the act of July 8, 1870, and all subsequent copyright enactments, together with a list of all the United States copyright enactments 1783 to 1904, with notations of modifications, amendments, and repeals. 55 pp. 4°. 1904.

NOTE.—Printed on writing paper with broad margins so as to permit annotations, suggestions, etc.

¹⁰ Copyright in Congress, 1789-1904. A bibliography and chronological record of all proceedings in Congress in relation to copyright from Apr. 15, 1789, to Apr. 28, 1904. 468 pp. 8°. 1905. (Copyright Office Bulletin No. 8.)

* Senate Report No. 3380, Fifty-eighth Congress, third session, Jan. 27, 1905.

in the copyright laws of other countries, intended to bring out the salient points of difference between our own and such foreign provisions for copyright protection.¹¹

At the first session of the conference it was arranged that the Register of Copyrights should prepare a draft of a copyright bill to be printed in time for use at the second session arranged to take place in New York November 1-4, 1905. This draft presented in proper form the proposals passed upon during the discussions at the first conference, arranged under suitable subjects. It was printed (October, 1905) in quarto form, double column, the right-hand half of the page being left blank for convenient annotation.¹²

The provisions of this memorandum draft were discussed at the second session of the conference by sections and disposed of by vote. In conclusion the Register of Copyrights was requested to prepare a revised edition, omitting provisions not approved and interpolating proposals voted. The "second print" was submitted to the Librarian of Congress on March 2, 1906.¹³ It was distributed well in advance of the meeting to all the delegates expected to attend the second session with a request that sections of the draft should be designated to which amendments would be proposed in substance, and for statements of proposals not included in the draft but thought desirable.

The third session of the conference on copyright was held in the Library of Congress, Washington, March 13 to 16, 1906. The result of its deliberations was a draft for a bill to amend and consolidate the acts respecting copyrights which was printed by the Library of Congress in small 4°, 25 pages, 1906. This bill was introduced in the House and Senate on Thursday, May 31, 1906, without change as H. R. 19853 and S. 6330 (59th Cong. 1st sess.). A public hearing on these bills before the Committee on Patents of the Senate and House of Repre-

¹¹ The provisions of the United States copyright laws, with a summary of some parallel provisions of the copyright laws of foreign countries. 51 pp. 4°. 1905. (Copyright Office Bulletin No. 9.)

¹² Memorandum draft of a bill to amend and consolidate the acts respecting copyright. 2 p. l., 74 pp. 4°. 1905. (Copyright Office Bulletin No. 10.)

¹³ Memorandum draft of a bill to amend and consolidate the acts respecting copyright. (Second print.) 57 pp. 4°. 1906. (Copyright Office Bulletin No. 16.)

representatives, conjointly, was held in the Library of Congress June 6-9, 1906. As a convenience to the congressional committees, the Register of Copyrights prepared a digest of such direct amendments of the copyright bill as had been proposed at this public hearing and of such criticisms and suggestions for further amendment as had been received at the Copyright Office.¹⁴ The Register of Copyrights also prepared and printed an edition of the copyright bill with its provisions compared with the copyright statutes in force and with earlier United States copyright laws.¹⁵ These publications were available at a second joint public hearing of the Committee on Patents of the House and Senate, held on December 7-11, 1906. There were also presented to the committees at this hearing several separate substitute copyright bills privately printed, noticeably by Mr. Richard Rogers Bowker, of New York, a well-known author and publisher; by Charles Porterfield, Esq., of the Edward Thompson Co.; by Charles S. Burton, Esq., on behalf of the Melville Clark Piano Co., of Chicago, and by F. L. Dyer, representing the Edison Manufacturing Co. Meantime a number of amended texts of this copyright bill were presented to Congress by Members of the House of Representatives. Between May 31, 1906, and March 1, 1909, some 34 separate official prints in all of substitute bills for complete revision of the copyright laws, or of bills for special amendment of various sections, were submitted to Congress and printed.

Second hearing, Dec. 7-11, 1906.

Substitute drafts proposed.

Third hearing, Mar. 26-28, 1908.

A final third public hearing was held conjointly by the Senate and House Committees on Patents, March 26-28, 1908. A great number of persons were heard, including authors, composers, dramatists, publishers, typographers, librarians, and the legal representatives of many interests concerned with copyright legislation. The stenographic report of this hearing made a volume (with its appendixes) of 436 octavo pages. It included a careful compilation by the Librarian of Congress concerning "The importation of authorized foreign editions of a work in which there is domestic copyright" (pp.

¹⁴ Amendments proposed to the copyright bill (S. 6330; H. R. 19853), together with other criticisms and suggestions received and noted to date by the Copyright Office. In 3 parts with addenda. [312] pp. 4°. 1906.

¹⁵ The copyright bill (S. 6330; H. R. 19853), Fifty-ninth Congress, first session, compared with copyright statutes now in force and earlier United States copyright enactments. 86 pp. + pp. 44a-d. 4°. 1906. (Copyright Office Bulletin No. 12.)

82-411). The three volumes containing the stenographic reports of these hearings were printed in large editions and widely distributed. There was prepared in the Copyright Office a complete and carefully compiled general index to all three volumes, which was printed and supplied with each set.

As a result of the third public hearing on copyright legislation, the final bill from the Committee on Patents of the House of Representatives (H. R. 28192) was reported with recommendation for enactment on February 22, 1909, and a leaf of amendments were agreed to by the House Committee on Patents on February 26. These amendments were accepted by the Committee of the Whole House, and the bill was passed on March 3, and the Senate was so notified. Thereupon this House act was substituted in the Senate for the pending Senate bill (S. 9440), and was passed by the Senate on the same day, March 3, to go into effect on July 1, and the bill was signed by the President on March 4.

*Enactment,
Mar. 3, 1909;
approved
Mar. 4, 1909.*

Thus was brought into operation on July 1, 1909, the third general revision of the copyright legislation of the United States, which, with some subsequent amendments, is still in force.

During the 20 years that have slipped by since the act of 1909 was passed a number of amendatory copyright bills have been presented to Congress. These have been listed and commented on from year to year in the Annual Reports of the Register of Copyrights. A few of these proposals have become law by the passing of the amendatory acts of August 24, 1912 (for registration of motion pictures); March 2, 1913 (for amendment of the certificate of copyright); September 18, 1913 (to protect foreign exhibitors at the Panama-Pacific Exposition); March 28, 1914 (for deposit of *one* copy of the foreign book); July 3, 1926 (for copyright of books *not* type set); May 23, 1928 (increasing copyright fees). An act approved December 18, 1919, was of special significance. Its principal purpose was to secure retrospective protection in the United States for books by foreign authors published during the war which had not secured protection in the United States because of conditions growing out of the war. The act provided protection for all such works published after August 1, 1914, by authors of countries with which the United States had

*Subsequent
amendments,
1912-1928.*

*Act of Dec.
18, 1919.*

established copyright relations. This retrospective protection was based upon reciprocal copyright protection in the foreign country concerned and required the issuance of a presidential proclamation. Such proclamations were signed during 1920 and 1922 in behalf of the following seven countries: Austria, Denmark, Germany, Great Britain, Hungary, Italy, and New Zealand. The retrospective provisions of the act of December 18, 1919, were, of course, temporary and are no longer in force.

Increase of ad interim term.

The act, however, also amended the ad interim copyright provisions of the act of March 4, 1909, by increasing the period of 30 days for depositing the copy of the English book to 60 days from first publication, and the term of the ad interim copyright from 30 days to 4 months from date of such deposit, which amended provisions are still in force.

AMENDATORY LEGISLATION PROPOSED AT THE PRESENT TIME

Pending amendatory legislation.

Since July 1, 1909, a great many bills have been presented to Congress proposing amendments of the copyright laws. For convenience of consideration these bills may be divided into three groups: (1) Bills proposing a general revision or recodification of the copyright laws; (2) bills drafted primarily to secure the entry of the United States into the International Copyright Union; (3) bills proposing some one or more specific amendments.

Four major amendments proposed.

This last group would include a very large number of bills, many of no serious importance; comprising bills which were given little attention by the Committees on Patents, upon which no public hearings were arranged for and of which no reports were made to Congress. But there were four proposals of major importance with respect to which bills were introduced and given careful consideration: (1) Bills proposing new legislation to protect designs by copyright in lieu of patent; (2) legislation proposed with respect to an author's rights in relation to radio broadcasting; (3) legislation to cure the bad results following the compromise measures in the copyright act of 1909 with respect to the mechanical reproduction of music; and (4) legislation to cure the growing inconvenience in practice by reason of the non-divisibility of copyrights. This last difficulty has become one of increasing embarrassment, and a bill was intro-

Divisible copyright.

duced on January 29, 1927, by Hon. Albert H. Vestal, chairman of the Committee on Patents of the House of Representatives, to provide that "all rights comprised in a copyright are several, distinct, and severable," and are subject to separate assignment, and to permit the assignee of each such separate right to sue in his own name for infringement of that right. The bill was favorably reported on February 23, 1927, was reintroduced (70th Cong., 1st sess.) as H. R. 8913 on January 9, 1928, and public hearings were held on the bill March 2, 20, and April 20, 1928. A second favorable report (H. R. Rept. 1103) was submitted, but the bill was passed over without action.

A most serious compromise proposal of the copyright act of 1909 were the provisions (secs. 1 (e) and 25 (e)) ^{Amendment of sec. 1 (e).} permitting the reproduction of music by mechanical instruments upon the payment of a royalty of 2 cents fixed by that act. On February 7, 1928, Mr. Vestal introduced a bill to repeal section 25 (e). Public hearings were held on April 3 and 11. An amended bill was introduced on May 1 (H. R. 13452), and on May 4 was reported favorably (H. R. Rept. No. 1520). The purpose of this proposed legislation is to repeal the fixed royalty of 2 cents and to permit the owner of the copyright of the musical work to make his own terms for such reproduction of the music. The committee in its report states that the provisions of the proposed amendatory act "will eliminate abuses and evils and injustices which have prevailed for 19 years, and is therefore recommended for favorable consideration."

The development of radio broadcasting promptly led ^{Radio bill.} to the introduction of bills concerning the rights of composers with respect to such use of their music. Joint hearings were held before the Committee on Patents on Senator Dill's bill (S. 2328 and H. R. 10353), which he explained was introduced to bring out the "Analogy between the use of copyrighted music for broadcasting by radio and its use on phonograph records." The hearings on this bill extended from April 5 to April 22, 1926, but resulted in no action. Meanwhile in several decisions by the Federal courts it has been held that the exclusive right of public performance of music, as granted by section 1 (e) of the copyright act of 1909, includes an exclusive right of radio broadcasting.

Copyright for designs.

In an early report (1913) the Register of Copyrights directed special attention to the unsatisfactory situation with respect to protection for artistic designs for articles of manufacture. Protection was required to be secured under the provisions of the design-patent law, with a procedure approximating that followed in the case of letters patent generally; involving unavoidable delay, considerable cost, and such difficulty of registration as resulted in an average entry of but 652 designs annually, according to the Report of the Commissioner of Patents for 1911. The Register of Copyrights stated his belief—that an amendment of the copyright law of the United States is called for to secure the protection of ornamental designs for articles of manufacture, to provide suitable remedies in case of infringement, and to prescribe a sufficient but reasonably economical registration in behalf of the numerous American and foreign draftsmen engaged in the preparation of such designs; and also to provide the manufacturers of such articles with the necessary protection against infringement.

Design bills.

The year following, 1914, a bill (H. R. 11321) was introduced by Hon. William A. Oldfield, chairman of the House Committee on Patents, Sixty-third Congress, second session. It was followed by other substitute bills and one (H. R. 17209, 64th Cong., 1st sess.) was favorably reported on August 18, 1916. The war intervened to delay further discussion of this proposed legislation, but on May 11, 1922, a conference, called for by the Commissioner of Patents, was held at the Waldorf Hotel in New York, at which meeting was present, among others, the Commissioner of Patents, the Register of Copyrights, and Mr. E. W. Bradford, the proponent of the design bill. It was agreed that a new bill should be drafted proposing the repeal of the design patent law and protection under the copyright law for ornamental designs applied to or embodied in manufactured products. On December 5, 1924, Mr. Vestal introduced a bill (H. R. 10351), on which hearings were held January 13, 14, and 27, 1925. On February 16, 1925, Mr. Vestal reported favorably the amended bill (H. R. 12306, H. Rept. 1521, 68th Cong., 2d sess.).

On December 21, 1925, Mr. Vestal introduced a new bill (H. R. 6249, 69th Cong., 1st sess.), on which public hearings took place on February 18 and 19 and on May 7, 1926, following which a revised bill (H. R. 13117) was introduced on June 28, 1926.

In the Seventieth Congress, first session, Mr. Vestal ^{New design copyright bills.} again introduced a bill for design copyright on January 16, 1928 (H. R. 9358). Public hearings took place on the bill on March 16 and 24, following which Mr. Vestal introduced an amended bill (H. R. 13453) on May 1, 1928. No further action has been recorded. The proposed legislation appears to be approved in principle by all who are most concerned, and the divergences as to details have been adjusted. It has been approved by the Patent Law Association of New York City, and strongly urged by Henry D. Williams, Esq., chairman of its copyright committee. It seems reasonable to believe that this much-needed protection for capable designers, who are now at the mercy of unscrupulous infringers, may be brought up for discussion in the coming winter session of the new Congress and be enacted.

Among the manufacturers who have suffered most severely from piracy are producers of new textile designs for silk fabrics, and the Silk Association of America (Inc.) has recently held meetings and determined upon action to secure needed relief, including adequate legislation. Among the active members are such well-known persons as Charles Cheney, of Cheney Bros.; Joseph P. Berger, of the Shirley Silk Co.; Frederick H. Knight, of the Susquehanna Silk Mills; B. Edmund David, Benjamin Frank, Sol C. Moses, and many others.

GENERAL REVISION OF THE COPYRIGHT LAWS

Two groups of the amendatory bills submitted since ^{General copyright revision.} the copyright act of March 4, 1909, are of special interest: (A) Bills for a general revision of the copyright laws; (B) bills drafted for the purpose of securing legislation to permit the entry of the United States into the International Copyright Union.

The movement for the fourth general revision of the ^{Authors' League draft.} copyright laws of the United States started (so far as Congress is concerned) with the introduction in the House of Representatives on March 24, 1924, of the bill H. R. 8177, by Hon. Frederick William Dallinger, which bill was reintroduced by Mr. Dallinger on May 9, 1924, as H. R. 9137. Late in the same year the Council of the Authors' League of America, by formal resolution, requested the Register of Copyrights to draft a bill for the general revision of the copyright laws and

to permit the United States to enter the International Copyright Union. This draft was completed and printed on December 1, 1924.¹⁶ It was promptly submitted to the Authors' League, was indorsed by that association without change, and was presented to Congress. It was introduced in the House of Representatives by Hon. Randolph Perkins, of New Jersey, on January 2, 1925, and printed as H. R. 11258 (68th Cong., 2d sess.), and was presented to the Senate by Hon. Richard P. Ernst, of Kentucky, on February 17, 1925, as S. 4355. Public hearings by the Committee on Patents of the House of Representatives were held on this bill on January 22, February 3, 10, and 24, 1925. On February 24, 1925, upon a motion by Hon. Sol Bloom, a subcommittee was appointed to consider copyright revision during the recess. Mr. Bloom called informal meetings for discussion on April 22, May 8, and July 8, 1925, in New York City. The result of these deliberations was the introduction on March 17, 1926, by Mr. Vestal, of a new bill for general revision (H. R. 10434, 69th Cong., 1st sess.). Meantime Mr. Perkins had reintroduced his bill (the Authors' League bill) without change on December 17, 1925 (H. R. 5841). On April 15, 16, 29, 30, 1926, public hearings took place on these two bills. H. R. 10434 was reintroduced by Mr. Vestal on January 9, 1928 (70th Cong., 1st sess.), as H. R. 8912. Since that date there has been no congressional action on any of these bills.

INTERNATIONAL COPYRIGHT

International copyright.

The discussions in the public press and in Congress due to the introduction and enactment of the law approved December 18, 1919, to secure protection for the works of foreign authors unprotected in the United States by reason of the war, led to renewed public consideration of the long-time pending question of the entry of the United States into the International Copyright Union. This union was established in 1887 and gradually has been accepted by all the great powers of the world, excepting China, Russia, and the United States.

¹⁶ Draft for a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. 15 pp. 4°. Government Printing Office: Library Branch, Dec. 1, 1924.

The United States has been unable to enter the union because a basic article of the convention upon which the union is founded is that the enjoyment and the exercise of the rights accorded by the convention are not subject to any formality, but that protection is automatic in the case of any and all works by authors who are citizens or subjects of any country within the union. The various requirements in the copyright legislation of the United States as to deposit of copies, registration, printing of notice of copyright, and, above all, the obligatory manufacture of the work within the United States, has prevented the entry of the United States into the Copyright Union up to this time.

By 1922 there had been secured a fairly general consensus of opinion that the United States ought to be a member of the Copyright Union. There was little or no active opposition except upon the part of the phonographic record makers. The printers had agreed to accept the release of foreign authors from the typesetting provisions of the copyright act if these requirements were left in force so far as works by American authors were concerned.

The various bills for the desired general revision of the copyright laws, referred to above, all contained provisions to secure the entry of the United States into the International Copyright Union. But it was realized that it would be possible to propose a special act to secure such entry, omitting other proposals for amendment, and on April 28, 1922, a bill (H. R. 11470) was introduced in the House of Representatives by Hon. Jasper N. Tincher, of Kansas (67th Cong., 2d sess.), to authorize the President to effect and proclaim the adhesion of the United States to the International Copyright Convention and to extend to foreign authors the rights and remedies accorded by our copyright laws. Senator Lodge introduced this bill (S. 4101) on December 6, 1922 (67th Cong., 4th sess.), and it was reintroduced in the House of Representatives by the Hon. Ewin Lamar Davis, of Tennessee, on January 5, 1923, as H. R. 13676, and on December 6, 1923 (68th Cong., 1st sess.), Hon. Sol Bloom reintroduced Mr. Davis's bill without change. Mr. Tincher had meantime, on January 26, 1923, introduced an amended bill (H. R. 14035), and he reintroduced that bill without change on December 5,

*In favor of
entry into the
Copyright
Union.*

Bills for entry.

1923, as H. R. 573 (68th Cong., 1st sess.). On December 6, 1923, Senator Lodge introduced a new and much simplified bill (S. 74) "to permit the United States to enter the International Copyright Union," which was presented to the House of Representatives by Hon. Florian Lampert, on the same day, as H. R. 2704. No congressional action was taken with respect to any of these bills, and there was an interval of several years without any congressional discussion of international copyright. On January 18, 1928, however, Mr. Vestal introduced a bill (H. R. 9586, 70th Cong., 1st sess.) of the same title as Senator Lodge's and containing the same provisions.

*Adherence to
convention of
1908.*

The nine bills explained above all proposed entry into the International Copyright Union by adherence to the International Copyright Convention of 1908. Meantime, an International Copyright Conference was held at Rome from May 7 to June 2, 1928, and after serious discussion the text of the 1908 convention was amended and re-drafted and the new text in a French version was signed on June 2, 1928. On December 10, 1928, Mr. Vestal introduced a bill to authorize the President of the United States to effect the adhesion of the United States to this convention signed at Rome on June 2, 1928, without proposing any other amendment of the copyright legislation. This bill specifically releases the foreign author from obligatory manufacture or deposit of copies and copyright registration, but permits optional registration. The bill is printed at pages 32-33.

*Adherence to
convention of
1928.*

*Amendment of
copyright law
needed.*

The 20 years which have passed since the going into effect of the copyright act of 1909 have demonstrated the need for its amendment, and ultimately it is to be hoped a simplified codification may be accepted based upon sound principles and from which will have been removed the arbitrary technical details which encumber the act of 1909.

*Entry into the
International
Copyright
Union.*

Meanwhile authors, artists, composers, dramatists, librarians, university professors, leading members of the bar, as well as publishers and motion-picture producers, are on record as believing that the United States should become a member of the International Copyright Union. At the public hearings on the Perkins bill, extending over several days, much testimony was recorded to this effect, and many members of the present Authors' League of

merica appeared in support of that bill and its proposal of the entry of the United States into the Copyright Union. Mr. Robert Underwood Johnson, who had been active in bringing about the international copyright bill of 1891, reminded the committee of the distinguished American authors who at that time had declared themselves in favor of entry into the union; among them were D. Howells, Nelson Page, Whitcomb Riley, Mark Twain, Robert Collier, William V. Moody, and the editors Harper's, Scribner's, and the Century magazines.

At this hearing appeared also Maj. George Haven Putnam, the present head of the well-known publishing house of G. P. Putnam's Sons. Major Putnam has followed in the footsteps of his father, who was one of the ablest advocates of international copyright, and has been an outstanding worker for copyright betterment throughout his long life of private and public activity.

At this hearing he declared with emphasis, "I have always advocated coming into the International Copyright Union." In his recent contribution to the new encyclopædia Britannica, on copyright in the United States, he declares that—

It is the hope of authors, publishers, and others who are interested in literary property, and who want to bring about the best possible distribution of literary productions throughout the civilized world, that in the near future all barriers and restrictions interfering with the recognition of the property rights of the producer and his assign may be removed.

It is the fundamental purpose of the International Copyright Union to secure the elimination, to use Major Putnam's words, of "all barriers and restrictions" which interfere with the automatic protection of literary and artistic property rights throughout all countries which are members of the Copyright Union. If the United States would now enter this union by adherence to the International Copyright Convention signed at Rome on June 2, 1928, it would make a long stride toward that old position with respect to copyright which it ought to occupy. The union has been in effect since 1887. It now includes 36 countries.

The countries of the whole world have been brought much closer together by means of the great modern discoveries and inventions. By the use of radio broadcast— even a simultaneous international audience is possible for the work of the composer and dramatist. All

*Entry approved
by authors
et al.*

*Major Put-
nam's decla-
ration.*

*Purpose of
Copyright
Union.*

*Need for uni-
formity of
copyright laws.*

this accentuates the necessity for that greater uniformity of copyright legislation and automatic copyright protection which the International Copyright Convention endeavors to secure.

*Adherence to
copyright
convention.*

There are two possible methods of procedure upon the part of the United States to secure entrance into the union. There may be direct Executive action as heretofore in the case of the Patent and Trade-Mark Conventions and the Pan American Copyright Convention of 1910. Or Congress may pass an act authorizing the President to notify the Swiss Government that the United States desires to enter the International Copyright Union and will adhere to the convention signed at Rome on June 2, 1928. In either case subsequent legislation will be required to bring the copyright statutes into accord with the articles of convention, but it might prove an advantage if such legislation were postponed for a time to allow actual experience to demonstrate just what changes will be required after entry into the Copyright Union has been effected.

*Aug. 1, 1931,
latest date
for entry.*

The third paragraph of article 28 of the convention of 1928, provides that—

Countries that are not within the union may, until August 1, 1931, enter the union by means of adhesion either to the convention signed at Berlin November 13, 1908, or to the present convention. After August 1, 1931, they can adhere only to the present convention.

In my last year's report I carefully summarized the changes made in the text of the 1908 copyright convention by the Rome text of 1928 (pp. 14-20). One purpose in doing this was to convince the people who had expressed approval of adherence to the 1908 convention that there were no changes accepted at the Rome conference which would prevent such persons from approving adhesion to the 1928 text. It seems reasonable that the United States, after a delay of 40 years, should enter the union by adherence to the latest amended text of 1928, rather than to the convention of 1908, which by the provisions of the article quoted above will be definitely discarded on August 1, 1931.

*Adherence to
convention of
1928 recom-
mended.*

Respectfully submitted.

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

EXHIBITS

EXHIBIT A.—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1929

Month	Gross receipts	Refunds	Net receipts	Fees applied
1928				
July.....	\$21,765.68	\$501.84	\$21,263.84	\$19,290.80
August.....	24,429.16	447.55	23,981.61	23,212.50
September.....	22,170.90	366.93	21,803.87	21,354.70
October.....	29,738.65	420.20	29,318.45	28,797.10
November.....	25,264.35	888.28	24,376.07	25,507.90
December.....	31,882.55	394.16	31,488.39	28,040.40
1929				
January.....	32,337.26	749.67	31,587.59	27,969.30
February.....	25,038.33	567.90	24,470.43	24,290.20
March.....	27,453.97	723.48	26,730.49	29,613.30
April.....	29,332.81	536.51	28,796.30	27,550.50
May.....	26,105.63	601.88	25,503.75	28,536.10
June.....	26,616.63	370.05	26,246.58	24,831.00
Total.....	322,135.82	6,568.45	315,567.37	308,993.80

Balance brought forward from June 30, 1928.....	\$16,791.61
Net receipts July 1, 1928, to June 30, 1929:	
Gross receipts.....	\$322,135.82
Less amount refunded.....	6,568.45
	315,567.37
 Total to be accounted for.....	 332,358.98
Copyright fees applied July 1, 1928, to June 30, 1929.....	308,993.80
Balance carried forward to July 1, 1929:	
Trust funds.....	20,408.56
Unfinished business.....	2,056.62
	332,358.98

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EXHIBIT B.—Record of applied fees

Month	Registrations of published works, including certificates		Registrations of unpublished works, including certificates		Registrations of published photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$2	Number	Fees at \$1	Number	Fees at \$1	Number	Fees at \$1		
1928										
July.....	8,584	\$17,168	1,269	\$1,269	415	\$415	24	\$24	10,290	\$18,874
August.....	10,411	20,822	1,236	1,236	237	237	139	139	12,075	22,486
September....	9,505	19,010	1,299	1,299	103	103	142	142	11,049	20,554
October.....	12,596	25,192	1,558	1,558	563	563	457	457	15,174	27,770
November.....	10,944	21,888	1,509	1,509	301	301	695	695	13,449	24,393
December....	12,483	24,966	1,339	1,339	645	645	230	230	14,697	27,180
1929										
January.....	12,243	24,486	1,561	1,561	244	244	525	525	14,573	26,816
February.....	10,607	21,214	1,357	1,357	207	207	592	592	12,763	23,370
March.....	13,042	26,084	1,698	1,698	235	235	398	398	15,373	28,415
April.....	12,078	24,156	1,737	1,737	247	247	298	298	14,360	26,438
May.....	12,078	24,156	1,774	1,774	149	149	908	908	14,909	26,987
June.....	10,490	20,980	1,747	1,747	470	470	540	540	13,247	23,737
Total.....	135,061	270,122	18,084	18,084	3,866	3,866	4,948	4,948	161,959	297,020

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of user		Search fees	Total fees applied
	Number	Fees at \$1	Number	Fees	Number	Fees at \$0.10	Number	Fees		
1928										
July.....	61	\$61.00	119	\$316.00	28	\$2.80	8	\$8.00	\$29.00	\$19,290.80
August.....	121	121.00	176	554.00	45	4.50	26	26.00	21.00	23,212.50
September....	79	79.00	168	592.00	87	8.70	71	94.00	27.00	21,354.70
October.....	98	98.00	282	878.00	231	23.10	28.00	28,797.10
November....	183	183.00	186	620.00	149	14.90	252	266.00	31.00	25,507.90
December....	140	140.00	216	674.00	134	13.40	10	10.00	23.00	28,040.40
1929										
January.....	165	165.00	252	762.00	323	32.30	149	151.00	43.00	27,969.30
February.....	120	120.00	204	672.00	32	3.20	60	65.00	60.00	24,290.20
March.....	233	233.00	308	846.00	83	8.30	65	69.00	42.00	29,613.30
April.....	112	112.00	229	828.00	45	4.50	117	123.00	45.00	27,560.50
May.....	213	213.00	363	1,214.00	211	21.10	35	43.00	58.00	28,536.10
June.....	81	81.00	282	890.00	80	8.00	78	90.00	25.00	24,831.00
Total.....	1,606	1,606.00	2,715	8,846.00	1,448	144.80	871	945.00	432.00	308,993.80

REPORT OF THE REGISTER OF COPYRIGHTS 27

EXHIBIT C.—Statement of gross cash receipts, yearly fees, number of registrations, etc., for 32 fiscal years

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
897-98	\$61,099.56	\$55,926.50	75,545		
899-99	64,185.65	58,267.00	80,968	5,423	
899-1900	71,072.33	65,206.00	94,798	13,830	
900-1901	69,525.25	63,667.50	92,351		2,447
901-2	68,405.08	64,667.00	92,978	627	
902-3	71,633.91	68,874.50	97,979	5,001	
903-4	75,302.83	72,629.00	103,130	5,151	
904-5	80,440.56	78,058.00	113,374	10,244	
905-6	82,610.92	80,198.00	117,704	4,330	
906-7	87,384.31	84,685.00	123,829	6,125	
907-8	85,042.03	82,387.50	119,742		4,087
908-9	87,085.53	83,816.75	120,131	389	
909-10	113,662.83	104,644.95	109,074		11,057
910-11	113,661.52	109,913.95	115,198	6,124	
911-12	120,149.51	116,685.05	120,931	5,733	
912-13	118,968.26	114,960.60	119,495		1,436
913-14	122,636.92	120,219.25	123,154	3,659	
914-15	115,594.55	111,922.75	115,193		7,961
915-16	115,663.42	112,966.85	115,967	774	
916-17	113,808.51	110,077.40	111,438		4,529
917-18	109,106.87	106,352.40	106,728		4,710
918-19	117,518.96	113,118.00	113,003	6,275	
919-20	132,371.37	126,492.25	126,662	13,559	
920-21	141,199.33	134,516.15	135,280	8,718	
921-22	145,398.26	138,516.15	138,633	3,353	
922-23	153,923.62	149,297.00	148,946	10,313	
923-24	167,705.98	162,544.90	162,694	13,748	
924-25	173,971.95	166,909.55	165,848	3,154	
925-26	185,038.29	178,307.20	177,635	11,787	
926-27	191,375.16	184,727.60	184,000	6,365	
927-28	201,054.49	195,167.65	193,914	9,914	
928-29	322,135.82	308,993.80	161,959		31,955
Total	3,878,632.58	3,724,796.20	3,978,181		

28 REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT D.—Number of registrations made during the last five fiscal years

Class	Subject matter of copyright	1924-25	1925-26	1926-27	1927-28	1928-29
A	Books:					
	(a) Printed in the United States—					
	Books proper.....			10,649	13,401	13,501
	Pamphlets, leaflets, etc.			32,019	30,585	25,205
	Contributions to newspapers and periodicals.....			29,335	26,986	13,574
	Total.....	61,440	68,776	72,003	70,972	52,280
	(b) Printed abroad in a foreign language.....	3,266	3,430	3,777	4,405	3,868
(c) English books registered for ad interim copyright.....	964	1,249	1,356	1,704	1,466	
Total.....	65,670	73,455	77,136	77,081	57,614	
B	Periodicals (numbers).....	40,880	41,169	41,475	47,364	44,161
C	Lectures, sermons, addresses....	263	337	302	389	348
D	Dramatic or dramatico-musical compositions.....	4,015	4,130	4,475	4,473	4,594
E	Musical compositions.....	25,548	25,484	25,282	26,897	27,023
F	Maps.....	2,222	2,647	2,677	2,862	2,232
G	Works of art, models or designs...	2,950	3,173	2,575	3,152	2,486
H	Reproductions of works of art...	4	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	1,414	1,422	1,229	1,705	1,511
J	Photographs.....	6,981	6,784	7,415	7,968	4,850
K	Prints and pictorial illustrations.	10,827	13,392	14,833	14,272	9,873
L	Motion-picture photoplays.....	1,272	1,238	1,271	1,288	1,087
M	Motion pictures not photoplays.	493	385	644	1,016	1,232
R	Renewals.....	3,309	4,029	4,686	5,447	4,948
	Total.....	165,848	177,635	184,000	193,914	161,959

REPORT OF THE REGISTER OF COPYRIGHTS

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EXHIBIT E.—Number of articles deposited during the last five fiscal years

Class	Subject matter of copyright	1924-25	1925-26	1926-27	1927-28	1928-29
A	Books:					
	(a) Printed in the United States—					
	Books (proper).....	20,129	19,554	21,580	26,802	27,002
	Pamphlets, leaflets, etc.	55,820	61,048	65,723	61,170	50,582
	Contributions to newspapers and periodicals.....	24,179	26,955	29,232	26,986	13,574
	Total.....	100,128	109,557	116,535	114,958	91,158
	(b) Printed abroad in a foreign language.....	5,572	6,586	3,777	4,405	3,689
	(c) English works registered for ad interim copyright.....	955	1,289	1,356	1,704	1,466
	Total.....	106,655	117,382	121,668	121,067	96,313
B	Periodicals.....	81,297	82,120	81,826	94,728	87,926
C	Lectures, sermons, etc.....	265	335	298	389	336
D	Dramatic or dramatico-musical compositions.....	4,477	4,653	5,117	5,156	5,205
E	Musical compositions.....	36,862	35,662	35,573	37,654	37,051
F	Maps.....	4,408	5,222	5,206	5,724	4,452
G	Works of art, models or designs.....	2,965	3,177	2,580	3,152	2,569
H	Reproductions of works of art.....	6	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	2,388	2,225	2,350	2,783	2,428
J	Photographs.....	13,436	13,042	14,379	15,414	9,337
K	Prints and pictorial illustrations.....	16,202	19,781	21,171	19,652	14,012
L	Motion-picture photoplays.....	8,701	8,975	8,665	2,552	2,196
M	Motion pictures not photoplays.....	699	592	1,040	1,938	2,379
	Total.....	278,361	293,166	299,963	310,209	264,204

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ADDENDUM I

[70th Cong., 2d sess. H. R. 15086. In the House of Representatives,
December 10, 1928.]

70th Cong., 2d
sess.; bill H. R.
15086.

Mr. Vestal introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To authorize the President of the United States to effect and proclaim the adhesion of the United States to the convention for the protection of works of literature and art signed at Rome on June 2, 1928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to notify the Government of the Swiss Confederation that the United States desires to enter the International Copyright Union and that it will adhere to the convention for the protection of works of literature and art signed at Rome on June 2, 1928.

SEC. 2. On and after January 1, 1930, foreign authors who first publish their works in any country which is a member of the Copyright Union, as well as all authors who are within the jurisdiction of one of the countries of the said union, shall enjoy for their works, whether unpublished or published for the first time in one of the countries of the said union, such right as the laws of the United States now accord or shall hereafter accord to citizens of the United States, as well as the rights specially accorded by the said convention: *Provided,* That no right or remedy given pursuant to this act shall prejudice lawful acts done or rights in copies lawfully made or the continuance of enterprises lawfully undertaken within the United States prior to the said date.

SEC. 3. The enjoyment and the exercise by such authors of the rights and remedies accorded by the copyright laws of the United States and the said convention

shall not be subject to the performance of any formalities other than such as are authorized by the said convention, and such authors shall not be required to comply with the provisions of the copyright laws of the United States as to publication with notice of copyright, deposit of copies, registration of copyright, or manufacture within the limits of the United States: *Provided, however,* That the owner of the copyright in a work by any such author may secure copyright registration for the United States by depositing a copy of the said work in the Copyright Office at Washington, accompanied by a statement of the date and place of its first publication, and of the nationality of the author of the work, and of the name and address of the owner of the copyright; whereupon the said copyright owner shall be given, without charge, a certificate under seal of copyright registration which shall be admitted in any court as prima facie evidence of his claim of copyright.

SEC. 4. Copyright protection shall be accorded to all works by such authors, not already copyrighted in the United States, which are protected by copyright in any country of the International Copyright Union on January 1, 1930, whether unpublished, or first published after July 1, 1909.

SEC. 5. The duration and termination of the copyright protection in the United States for all works shall be governed by the provisions of sections 23 and 24 of the copyright act approved March 4, 1909: *Provided, however,* That the duration of such copyright shall not in the case of any foreign work extend beyond the date upon which such work has fallen into the public domain in the country of origin, or of first publication.

SEC. 6. The Supreme Court of the United States shall prescribe such additional or modified rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement of copyright under the provisions of this act.

ADDENDUM II

THE UNITED STATES AND INTERNATIONAL COPYRIGHT

BY THORVALD SOLBERG

A contribution to the volume entitled "Essays Offered to Herbert Putnam by His Colleagues and Friends on His Thirtieth Anniversary as Librarian of Congress, April 5, 1929"

*United States
and interna-
tional copyright.*

Early State copyright acts.—Copyright is a personal right. It is a grant by law to the author of a book to secure to him the exclusive right to use it in any way he sees fit, to the exclusion of every other person. In the preambles to the early State laws on copyright, which were enacted prior to the passage of our first Federal copyright act of May 31, 1790, it is repeatedly declared that there is no property more peculiarly a man's own than that which is produced by the labor of his mind, and that "it is perfectly agreeable to the principles of natural equity and justice that every author should be secured in receiving the profits that may arise from the sale of his works."

*State copyright
laws.*

The enactment of those State laws was the beginning of our copyright legislation. The resolution passed by the Colonial Congress on May 2, 1783, recommended the several States "to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, the copyright of such books for a certain time. * * *." These State laws provided protection for "books not yet printed," and the North Carolina act specifically stated that it should not be construed to prevent any person from reprinting any book already published. But South Carolina and Virginia provided that the authors of books already printed, if the copies of such books had not been transferred to other persons, should have the sole right to continue printing them.

This resolution by Congress implied that the legislation recommended should secure to authors of the whole United States protection in each State where such legis-

ation was enacted, but eight of the States insisted that protection in the State should be contingent upon reciprocal protection in the other States, and should not extend to persons who were citizens or subjects of any other of the United States, until such State should have passed similar laws in favor of authors. Pennsylvania and Maryland even provided that their acts should not be in effect until such time as all and every State in the Union should have passed similar laws.

Copyright in the United States for foreign authors Copyright for foreign authors.
under provisions of law.—Foreign authors were not considered. The law of North Carolina provided that citizens of the United States “and none other” should be entitled to the benefit of the act, and that it should not prevent any person from importing, reprinting, or publishing a book originally published in any other country. South Carolina also provided that nothing in its act should prohibit the “importation, vending, or selling of any book in Greek or Latin, or any other foreign language, printed beyond the seas.”

Our first Federal copyright act of 1790 contained the following provision:

That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting, or publishing within the United States, of any map, chart, book or books, written, printed or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

This provision was repeated in the copyright acts of 1831, 1870, and in the Revised Statutes of 1873. Its inclusion in our early copyright laws permitted and laid the foundation for the regrettable long-continued practice of literary piracy which brought much discredit upon the United States. More than a century elapsed before legislation was enacted which permitted foreign authors to obtain copyright in the United States.

Prior to 1891 the copyright law provided that “any Act of 1891. citizen of the United States or resident therein” who was the author of a book or other copyrightable work should have the sole liberty of printing and vending it. The act of March 3, 1891, struck out the words which limited this right to an author who was a citizen, thus opening the way for the protection of foreign authors. But the copyright secured by the act could only extend to a work by “a citizen or subject of a foreign state

or nation " when the benefit of copyright was accorded to our nationals in the country of the foreign author on substantially the same basis as to its own citizens. This is the only reference to foreign authors contained in the act.

In 1909, when the copyright laws were again subjected to a painstaking revision, the same stipulations with respect to reciprocal protection were enacted. Important amendments incorporated were to accord to composers the exclusive right to perform their copyrighted music publicly for profit; the right to make or authorize the making of instruments serving to reproduce such works mechanically, and the right to collect a royalty of 2 cents on each instrumental part manufactured. The extension of these new rights to foreign authors was made contingent upon the granting of "similar rights" to our nationals, "either by treaty, convention, agreement, or law" in the foreign author's country.

*Copyright
proclamations.*

The President has issued copyright proclamations in behalf of some twenty-odd foreign countries. The international copyright relations thus established, however, are not treaty relations. They only provide that in exchange for the extension to citizens of the United States of all rights with respect to literary and artistic property accorded by the laws of those countries to their own nationals the rights and remedies granted by our copyright laws are extended to foreign authors. The conditions and formalities prescribed by our laws are binding upon the foreign author, who, in order to secure the protection desired, must fully comply with all the requirements imposed by our laws.

*Copyright
treaties.*

International copyright by treaty.—The United States has entered into very few copyright treaties, rightly so called. Our earliest was with Germany signed on January 15, 1892, wherein it was stipulated that citizens of the United States should enjoy in the German Empire the protection of copyright on the same basis on which such protection was granted to subjects of Germany, and, in return, the President issued the usual copyright proclamation on April 1, 1892. This agreement is in the form of a treaty, but the document was never submitted to the Senate for its approval.

On January 12, 1904, the President ratified a commercial treaty with China, Article XI of which agreed to

protect in that country for 10 years translations of books into Chinese as well as maps, prints, or engravings "especially prepared for the use and education of the Chinese people." With the exception of such books, Chinese subjects were at liberty to make, print, and sell original translations into Chinese of any works by American authors. Our next copyright treaties were with Japan. The first, ratified on March 7, 1906, provided for the reciprocal protection of works of literature and art as well as photographs, but permitted nationals of each country to translate without authorization books, dramas, or musical works published in the other country. A convention between the United States and Japan providing for reciprocal protection in China for "the inventions, designs, trade-marks, and copyrights of their respective citizens and subjects" was signed on May 19, 1908, and a similar agreement with respect to protection in Korea was signed on the same day.

The copyright treaty between the United States and Hungary of October 15, 1912, provides that the authors of each country shall enjoy in the other country "the same rights which the respective laws do now or may hereafter grant to natives," upon complying with the conditions and formalities prescribed by the laws of the country where protection is claimed. *United States and Hungary.*

On December 16, 1920, the United States entered into a treaty with Siam, which was proclaimed by the President on October 12, 1921. Its thirteenth article was to the effect that each country should enjoy in the other, "upon fulfillment of the formalities prescribed by law," the same protection as native citizens or subjects with respect to patents, trade-marks, trade names, designs, and copyrights.

Copyright has usually been a subject upon the agendas of the various Pan American conferences. A general treaty for the protection of copyrights was adopted at Montevideo in 1888, and was ratified by the 10 South American countries. This convention was submitted to Congress by President Harrison on July 11, 1890, but there is no record that any action was taken. At the Second International Conference of American States held at Mexico from October 22, 1901, to January 22, 1902, a Convention on Literary and Artistic Property was formulated and signed, which was ratified by Guate- *Pan American conferences.*

mala, Salvador, and Costa Rica in 1902, by Honduras and Nicaragua in 1904, and by the United States on April 9, 1908.

1906.

At the third conference held at Rio de Janeiro, July 21 to August 26, 1906, a convention covering patents, drawings, and industrial models, trade-marks, and literary and artistic property was signed by the United States and 19 Latin American countries. At the fourth conference, held at Buenos Aires, July 12 to August 30, 1910, a Convention on Literary and Artistic Copyright was signed by the United States and all of the South and Central American countries, excepting Bolivia. This convention was proclaimed by President Taft on July 13, 1914, and has been ratified by Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, and Uruguay.

Convention
of 1910.

Conference,
1923.

The fifth conference, held at Santiago, Chile, from March 25 to May 3, 1923, adopted a resolution proposing amendments to the convention of 1910. At the sixth conference held at Habana, Cuba, January 16 to February 20, 1928, a revised text of the 1910 convention was adopted. This it is understood was signed by the delegates of all the countries represented including the United States, but it has not yet been submitted to the Senate for its advice.

1928.

American
manufacture.

Conditions and formalities—American manufacture; prohibition of importation.—The act of 1891 provided that no person should be entitled to a copyright unless he had filed the title of his work for registration, had deposited copies of the work seeking protection, and had printed in all copies a notice of copyright. In addition, the act required the American manufacture of books, photographs, chromos, and lithographs, and prohibited the importation of copies of these works not so manufactured.

Act of 1909.

The 1909 amendatory act retained the requirements of notice, deposit, and registration, but abrogated the type-setting requirement with respect to "books of foreign origin in a language or languages other than English." "Photographs" and "chromos" also disappeared from the provision requiring American manufacture, but lithographs and photo-engravings must still be produced by "a process wholly performed within the limits of the United States," and the obligatory printing of books.

in English from type set within the United States was retained and was required to be supported by an affidavit of such manufacture. The importation of books not so printed is prohibited during the entire existence of the American copyright, with the exception of any book "imported, not more than one copy at one time, for individual use and not for sale," or by or for certain societies or institutions, colleges, schools, or public libraries, such importation not to include authorized foreign reprints of books by American authors which were copyrighted in the United States.

The purpose of international copyright is to secure to all authors, automatically, protection for their works *everywhere*. The product of an author's mind is property of a kind that lends itself to such world protection. Under modern conditions an author can send his work to all parts of the world, but he should be assured that it will be respected wherever it goes. If a book, copies of it can be sent into all the countries of the International Postal Union upon payment of a few cents of postage. It is contended that an author's book should be thus fully protected *everywhere* and, as a corollary, that authorized copies of his book should be permitted to go unchallenged to every part of the world.

Copyright relations between the United States and Great Britain.—Briefly reviewing the international copyright relations between Great Britain and the United States, we find that from 1790 to 1891 our legislation itself permitted and encouraged the appropriation of the English author's book without his consent. From July 1, 1891, we allowed the British author to apply for the rights accorded by our copyright statute, but required, as a condition for obtaining such rights, that he should reprint his book in the United States; should deposit copies of it; should inscribe a notice in it; and should register it. We further prohibited him from selling his book in quantity in the United States.

Recognizing the difficulty of securing an American publisher for his book at the time of first publication of it in England and the equity of protecting the British author's rights pending the production of the American reprint, the latter was allowed 30 days in which to deposit and register his book, whereupon he was assured protection for another 30 days. After a delay of 10

*Prohibition
of importation.*

years these periods of grace were increased to 60 days for depositing the copy and an ad interim copyright protection for four months. But this extended protection is only to enable him to reprint his book here. He can not sell British copies of it in the United States. The Treasury Department has ruled that, while importation is permitted of "books seeking ad interim protection," it is the importation only of the single copy required to be deposited in the Copyright Office for copyright registration, and the importation of the book in quantity is prohibited. A consignment of copies made to the claimant of copyright himself of the English edition of a book registered for ad interim copyright was recently seized and notification sent to him that the release of the books could only be secured by "*abandoning the copyright*" and obliterating the copyright notice."

It is admitted that this typesetting requirement is but a measure of protection in behalf of the American printer. No copyright principle is involved. The author's thought, his language, his style remain the same, whether his book is set up in a printing house in England or in the United States. The mere reprinting in America of the text of the British author's book is not necessarily any gain either to the author or his readers. It is only important with respect to the profits obtainable from reprinting the book.

*Liberal
British
provisions.*

The British law does not require for copyright protection that an American author's book shall be printed in Great Britain, only that first or simultaneous publication of it shall take place there. The British order in council conferring copyright protection upon the unpublished works of citizens of the United States provides that the British copyright act shall apply to works by American authors "in like manner as if the authors had been British subjects," or in like manner as if residence in the United States "had been residence in the parts of His Majesty's dominions to which the said act extends." Our laws require American and British authors to do the same things, but the conditions under which they must be done are very different. While reciprocity is stressed, the conditions imposed are not reciprocal. To require the American author to manufacture his work in the United States is not a hardship. That would be his normal procedure. But it is an entirely different

matter to compel an English author to send his manuscript across the ocean in order to print his book here. And when he has already printed and published his book in England, it is imposing a serious burden to compel him to have it reprinted in the United States in order to secure the copyright protection guaranteed to him under our statute.

THE INTERNATIONAL COPYRIGHT UNION

After copyright protection has been secured by domestic legislation in behalf of the authors of the various countries of Europe, it was found desirable that this protection should also be extended to authors of countries with which there had been developed a close literary intercourse, especially where there existed a common language. The result was a series of copyright treaties or conventions between different countries. Presently it was realized that it was feasible for a number of countries to agree to offer copyright protection in each of them for the works of the authors of all of them, and the idea of a general copyright treaty led to a proposal, advanced at a copyright meeting in Rome in 1882, for such a convention as the basis for an international copyright union. After discussion in conferences held at Berne, Switzerland, in 1883, 1884, and 1885, in 1886 an international copyright convention was signed at Berne on September 9 of that year by 10 countries, the initial members of the resulting International Copyright Union, which went into effect on September 5, 1887. This convention was revised at Paris in 1896, Berlin in 1908, and Rome in 1928, where a single copy in the French language was signed on Saturday, June 2, 1928.

*Convention
of 1928.*

According to the first article of this convention, the countries which have signed and ratified it are "constituted into a union for the protection of the rights of authors in their literary and artistic works." Authors belonging to one of the countries of the union enjoy for their works, whether unpublished or published for the first time in one of the countries of the union, such rights in the other countries as their laws now accord or shall hereafter accord to nationals. The enjoyment and the exercise of such rights are not subject to any formality. The extent of the protection as well as the means of re-

*Constitution
of Copyright
Union.*

dress to safeguard the author's rights are regulated exclusively by the legislation of the country where the protection is claimed. Authors who publish their works for the first time in one of the union countries, whether they belong to one of these countries or not, enjoy in such country the same rights as national authors.

A provision added at Rome safeguards the author's moral right over his work by stipulating that under all circumstances he retains the right to claim the paternity of his work, as well as the right to object to every deformation, mutilation, or other modification of it, which may be prejudicial to his honor or to his reputation.

The term of copyright protection fixed by the convention is the life of the author and 50 years after his death. But a shorter term may be fixed by the law of the country where protection is claimed.

The convention contains many specific provisions with respect to the protection of an author's work. Positive declaration is made that authors are to enjoy the exclusive right to authorize the communication of their works to the public by radio diffusion; or to authorize the reproduction, the adaptation, and the public representation of their works by means of the cinematograph; that composers of musical works shall have the exclusive right to authorize the adaptation of them to instruments serving to reproduce them mechanically, and to authorize the public performance of the same works by means of such instruments. The convention applies to all works which, at the time it goes into effect, are still protected by copyright in their country of origin.

The convention must be ratified not later than July 1, 1931. Meantime countries not within the union (the United States, for example) have up to August 1, 1931, the privilege of entering the Copyright Union by means of adhesion either to the convention of Berlin of 1908, or to the convention of Rome of 1928.

*Entry of
United States
into Copyright
Union.*

Entrance of the United States into the International Copyright Union.—In the long interval between 1887, when the Copyright Union was organized, and 1928 one country after another has become a member until some 40 States are now included. The United States, Russia, and China are noticeable because of their absence. At the conferences for revision held at Berlin in 1908 and at Rome in 1928 delegates from the United States were in

attendance, but were without authority to vote upon proposed amendments or to sign the adopted convention. Until August 1, 1931, the United States may enter the Copyright Union by means of adhesion, either to the convention of 1908 or to the convention of 1928. It would seem that if the United States is to enter the union, after a delay of more than 40 years, it would be retrogressive and undesirable to adhere to a text already 20 year old. There seems no good reason why the United States should not subscribe to the recent and up-to-date text of 1928.

Many reasons may be advanced why the United States should become a member of this union. Our entry is demanded as an act of fairness upon our part. Our authors may automatically secure protection for their works in all the countries of the union by first or simultaneous publication in any one of the union countries, for example, England. In the 1928 convention provisions have now been inserted, however, to enable union countries to restrict the protection within their territories for works by authors belonging to nonunion countries, for example, the United States.

One of the most fruitful agencies for bringing about friendly relations between different peoples is found in their printed literature. There can be no question of the distinct advantages of a free and full exchange of books and magazines between the United States and European countries. One great hindrance to such a reasonable and beneficent exchange is the present lack of adequate and truly reciprocal copyright protection. Nothing so surely makes for the production and the wide circulation of books as adequate and assured security for the rights of their authors, and not only so, but their sacredness as literary property is necessary to their just appreciation. Books which may be reprinted without regard to their authors are necessarily tinged with the disrespect which goes with the act of misappropriation.

Fifty years ago Professor Shaler, of Harvard, added to the literature on copyright a small volume entitled "Thoughts on the Nature of Intellectual Property." He made a strong plea for the sacredness of an author's rights with respect to his created work. His wise words

*Advantage of
friendly copy-
right relations.*

*Professor Shaler
quoted.*

are well worth quoting and considering even now, and perhaps especially so at this juncture. He says in part:

When we come to weigh the rights of the several sorts of property which can be held by man, and in this judgment take into consideration only the absolute question of justice, leaving out the limitations of expediency and of prejudice, it will be clearly seen that intellectual property is, after all, the only absolute possession in the world. * * * The man who brings out of nothingness some child of his thought has rights therein which can not belong to any other sort of property; * * * the inventor of a book or other contrivance of thought holds his property, as a god holds it, by right of creation.

So the restrictions which we may cast around the property of intellect must be made with the confession of the rightfulness of that property. They must be made with the acceptance of the proposition that it has the same sanctities as other human interests, and that society is as much interested in maintaining its bounds as it is in protecting ancestral acres, or the other well-accepted forms of property.

Intellectual property has been slowly growing into recognition in our laws for some centuries past, and this development of legal protection has been followed by an enormous increase in the proportion of human endeavor that has been given to the work of improving the physical and mental condition of man. * * * Whatever tends to lower the protection given to intellectual property is so much taken from the forces which have been active in securing the advances of society during the last centuries.

*Adherence
to convention
of 1928
recommended.*

For more than a hundred years we have—to repeat Professor Shaler's words—"cast restrictions around the property of intellect," and for nearly 40 years our copyright legislation has failed to take into consideration "only the absolute question of justice," and has persistently applied the "limitations of expediency and of prejudice," with the result that as regards international copyright the United States occupies an undignified and criticized position. Adhesion to the Rome convention of 1928 and entry into the International Copyright Union would be a definite advance.

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