

LIBRARY OF CONGRESS
COPYRIGHT OFFICE

THIRTY-THIRD
ANNUAL REPORT

OF THE

REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30

1930



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1930

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, March 28, 1914, July 3, 1926, and May 23, 1928, together with Rules for Practice and Procedure under Section 25, by the Supreme Court of the United States. 80 pp. 8°. 1919.

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 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 1929-30**

WASHINGTON, D. C., July 9, 1930.

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1929, to June 30, 1930, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$336,980.75. ^{Fees, etc.,} _{1929-30.} balance of \$23,365.18, representing trust funds and unfinished business, was on hand July 1, 1929, making a total sum of \$360,345.93 to be accounted for. Of this amount the sum of \$7,588.38 was refunded as excess fees as fees for articles not registrable, leaving a net balance of \$352,757.55. The balance carried over to July 1, 1930, was \$25,127.65 (representing trust funds and total unfinished business), leaving fees applied during the fiscal year 1929-30 and paid into the Treasury, \$327,629.90. The annual applied fees since July 1, 1897, are: ^{Fees, 1898} _{to 1930.}

7-98.....	\$55,926.50	1915-16.....	\$112,986.85
8-99.....	58,267.00	1916-17.....	110,077.40
9-1900.....	65,206.00	1917-18.....	106,352.40
10-1901.....	63,687.50	1918-19.....	113,118.00
11-1902.....	64,687.00	1919-20.....	126,492.25
12-1903.....	68,874.50	1920-21.....	134,516.15
1-1904.....	72,629.00	1921-22.....	138,516.15
2-1905.....	78,068.00	1922-23.....	149,297.00
3-1906.....	80,198.00	1923-24.....	162,544.90
4-1907.....	84,685.00	1924-25.....	166,909.55
5-1908.....	82,387.50	1925-26.....	178,307.20
6-1909.....	83,816.75	1926-27.....	184,727.60
7-1910.....	104,644.95	1927-28.....	195,187.65
8-1911.....	109,913.95	1928-29.....	308,993.80
9-1912.....	116,685.05	1929-30.....	327,629.90
10-1913.....	114,980.60		
11-1914.....	120,219.25	Total.....	4,052,426.10
12-1915.....	111,922.75		

The increase in the amount of the applied fees from \$5,167.65 for the fiscal year 1927-28 to \$308,993.80

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for the fiscal year 1928-29 was due to the operation of the 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,
1929-30.*

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1930, was \$228,740.00. The total expenditure for salaries was \$228,632.50, or \$98,997.40 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 \$1,357.72, leaving a balance for the year of \$97,639.68 to the credit of the office.

*Stationery and
sundries.*

*Copyright re-
ceipts and fees,
1897-1930.*

During the period of 33 years (1897-1930) the copyright business, as evidenced by the applied fees, increased nearly sixfold, from \$55,376 to \$327,629.90.

During the 33 fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1930) the copyright fees applied and paid into the Treasury have amounted to a grand total of \$4,052,426.10, and the total copyright registrations have numbered over four millions (4,150,973).

*Excess of fees
over salaries.*

The fees earned (\$4,052,426.10) were larger than the appropriations for salaries used during the same period (\$3,358,492.66) by \$693,933.44.

*Value of copy-
right deposits.*

In addition to this direct profit, the large number of over seven million books, maps, musical works, periodicals, prints, and other articles deposited during the 33 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, 1929-30.*

The registrations for the fiscal year numbered 172,792. Of these, 24,277 were registrations for unpublished works at \$1 each; 139,347 were registrations for published works at \$2 each; 3,231 were registrations of photographs without certificates at \$1 each. There were also 5,937 registrations of renewals at \$1 each. The

fees for these registrations amounted to a total of \$312,139.

COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 275,214. 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 784 books supposed to have been copyrighted but not discovered in the Library, it was found that 89 of these works had been received and were actually in the Library, 23 books had been deposited and were still in the Copyright Office, 78 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 97 works no answers to our letters of inquiry had been received up to June 30, 1930. Copies were received of 497 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 121,136 articles deposited have been transferred to the Library of Congress. This number included 33,699 books, 71,640 periodical numbers, 8,843 pieces of music, 5,072 maps, and 1,882 photographs and engravings. ^{Transferred to Library of Congress.}

*Transfers to
other libraries.*

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 "for use therein" 9,798 books. Under this transfer, up to June 30, 1930, the following libraries have received books as indicated below:

Department of Agriculture, 3,855; Department of Commerce, 18,330; Navy Department, 1,845; Treasury Department, 1,496; Bureau of Education, 17,996; Federal Trade Commission, 15,414; Bureau of Standards, 2,094; Surgeon General's library, 7,107; Walter Reed Hospital, 1,891; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,599; Public Library of the District of Columbia, 47,806. A number of other libraries have received a smaller number of books, under 1,000 volumes. In all, 139,432 volumes have been thus distributed during the last 21 years.

*Return of de-
posits to copy-
right 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, 4,767 motion-picture films and 83,725 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 7,000,000 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 1929 are all completed, except the annual indexes for part 1, group 1, containing books, and part 3, containing music.

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:

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.

<i>Summary of copyright business</i>		<i>Copyright business.</i>
Balance on hand July 1, 1929.....	\$23,365.18	
Gross receipts July 1, 1929, to June 30, 1930.....	336,980.75	
Total to be accounted for.....	360,345.93	
Refunded.....	7,588.38	
Balance to be accounted for.....	352,757.55	
Applied as earned fees.....	\$327,629.90	
Balance carried over to July 1, 1930:		
Trust funds.....	\$22,926.28	
Unfinished business.....	2,201.37	
	25,127.65	
	<u>352,757.55</u>	

<i>Fees for fiscal year</i>	
Fees for registration of published works, at \$2 each...	\$278,694.00
Fees for registration of unpublished works, at \$1 each.....	24,277.00
Fees for registration of photographs without certificates, at \$1 each.....	3,231.00
Fees for registration of renewals, at \$1 each.....	5,937.00
Total fees for registrations recorded.....	312,139.00
Fees for certified copies of record, at \$1 each.....	\$1,613.00
Fees for recording assignments.....	12,222.00
Searches made and charged for at the rate of \$1 for each hour of time consumed...	721.00
Notice of user recorded (music).....	728.00
Indexing transfers of proprietorship.....	206.90
	<u>15,490.90</u>
Total fees for the fiscal year 1929-30.....	327,629.90

<i>Entries</i>	
Number of registrations.....	166,855
Number of renewals recorded.....	5,937
Total.....	172,792
Number of certified copies of record.....	1,613
Number of assignments recorded or copied.....	3,640

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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 209,515, while the letters, parcels, etc., dispatched numbered 260,417.

CONDITION OF COPYRIGHT BUSINESS

Condition of current work.

On July 7, 1930, 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 5,193 registrations and catalogue cards for 5,919 articles deposited, the accumulation of about eight days.

SERVICE

*Service.
Lack of space.*

While this statement compares favorably with the usual condition at this season, it is to be observed that the office is badly handicapped by lack of space. There is serious need for more room to enable the clerks to keep the large quantity of material which must be handled by each division in a systematic and orderly arrangement. Much of this material is bulky, in the form of books and maps, requiring tables for which there is now no space. Indeed, there is now insufficient room for the individual desks, and the crowded conditions, particularly in the main office, make for much discomfort. While the number of clerks has increased since 1909 from 70 to 126, no additional space has been available. With the prospect of a considerably augmented force to meet the requirements under the new laws now pending, it is difficult to see how the problem of space can be met while waiting for the proposed new building to be completed. This situation must necessarily have its effect upon the efficiency of the force and upon the promptness with which it meets the public calls for service.

THORVALD SOLBERG RETIRES

Register of copyrights retires.

The year 1929-30 is a notable one in the annals of the Copyright Office because of the retirement, at his own request, on April 22, 1930, of Thorvald Solberg, register of copyrights. He left the office on January 29, for a

long vacation in Europe, free from any requirement to return upon a fixed date—a foot-free journey which he had long and eagerly anticipated.

Mr. Solberg was the first register of copyrights appointed when the office was organized in 1897, and had held the office continuously since that date. Throughout this long service he had so widely and completely identified himself with the work that it is difficult to think of the office without him. A man of lofty purpose, great strength of character, high intellectual attainments and absolute integrity, he earnestly devoted himself to the cause of protection of literary and artistic property.

Mr. Solberg's predominant interest is and always has been copyright. Under his administration the Copyright Office has grown from a mere handful of clerks to a force of 126 people, while the growth of business is indicated by the increase in the annual fees from about \$55,000 in 1898 to over \$327,000 in the past year.

Mr. Solberg's broad knowledge and wide familiarity with the subject of literary property and its protection make him a recognized authority not only in this country but in Europe, where he has attended most of the important conferences on international copyright during the past 30 years. In 1908 he went to Berlin as United States delegate to the International Conference for Revision of the Berne Convention, his official report of which was published the same year. In May, 1928, he was again a delegate of the United States to the conference at Rome. The results of that conference are summarized in his report as register of copyrights for the year 1928. His official reports published each year in the annual report of the Librarian of Congress constitute a current review and history of copyright enactments and of proposed legislation in this country that will stand as a complete work of reference on this subject. Aside from these he compiled and published a series of bulletins of the Copyright Office and contributed articles on copyright to many periodicals. Among the more recent of these may be noted Copyright Law Reform, published in the Yale Law Journal, November, 1925; The International Copyright Union, in Yale Law Journal, November, 1926; and The United States and International Copyright, this last published in pamphlet form by the Yale University Press.

While copyright has been Mr. Solberg's absorbing vocation, his favorite avocation is bibliography. He has compiled and published bibliographies on a number of subjects, the latest of which, *Some Notes on the Balearic Islands, With Special Reference to Their Bibliography*, was published in *The Papers of the Bibliographical Society of America*, volume 22, 1928, part 2: *The Balearic Islands*, by the Chicago University Press.

COPYRIGHT OFFICE PUBLICATIONS

A retrospective summary.

The report of the register of copyrights last year contained a retrospective summary of the copyright legislation which has been enacted in the United States since the first Federal copyright act, approved May 31, 1790, outlining in chronological order the various amendments and revisions that have followed down to the present time.

Copyright Office bulletin.

Except for this and the periodical *Catalogue of Copyright Entries*, the Copyright Office has published nothing during the year, but has now ready for publication a further volume of compiled decisions of the courts relating to copyright, to continue the series published in previous years.

COPYRIGHT LEGISLATION

Bills introduced.

The past year has been a notable one in proposed copyright legislation. Early in the second session of the Seventy-first Congress (which was the first regular session) Mr. Vestal, chairman of the Committee on Patents, introduced four bills relating to copyright:

(1) H. R. 6987,¹ a reprint of H. R. 8913, Seventieth Congress, first session, January 9, 1928.² The purpose of this bill was to provide for divisibility of copyright.

(2) H. R. 6988.³ This bill was new, another version of measures previously introduced for the same purpose. It proposed to authorize the President to effect adhesion

¹ 1929 (Dec. 9). A bill to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Vestal. H. R. 6987, 71st Cong., 2d sess., 5 pp. 4°. Referred to the Committee on Patents.

² See Annual Report of the Register of Copyrights for the Fiscal Year ending June 30, 1928, p. 32.

³ 1929 (Dec. 9). 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. Introduced by Mr. Vestal. H. R. 6988, 71st Cong., 2d sess. 2 pp. 4°. Referred to the Committee on Patents.

the United States to the International Copyright Union with the least possible change in the present law consistent with the requirements to that end. The bill printed in full on page 23 of this report.

(3) H. R. 6989,⁴ This was a reprint of H. R. 13452⁵ *Mechanical reproduction, music.* 70th Cong., 1st sess., May 1, 1928), and provided, among other things, for freedom of contract by composers or copyright owners of music copyrights for the mechanical reproduction of their works by means of phonographs, music rolls, etc., and eliminated the fixed royalty of cents each required by the copyright act of 1909.

H. R. 9639,⁶ a somewhat shortened and revised measure, abrogating the compulsory license feature, was substituted for H. R. 6989 and was introduced by Mr. Vestal, February 7, 1930. Public hearings on these bills were held by the committee on March 4 and 5, and were continued on April 2. The text of this bill is printed on page 24 of this report.

GENERAL REVISION OF THE COPYRIGHT LAWS

(4) H. R. 6990⁷ This was a reprint of the previous H. R. 8912 (70th Cong., 1st sess., January 9, 1928). *General revision bill.* It proposed a good deal of revision of the act of 1909, one purpose of which was to bring the new law into harmony with the requirements for entry into the International Copyright Union. It was superseded by a rewritten version, H. R. 12549,⁸ introduced by Mr. Vestal, May 22, 1930. (See p. 25 of this report.)

1929 (Dec. 9). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect to mechanical reproduction of musical compositions, and for other purposes. Introduced by Mr. Vestal. H. R. 6989, 71st Cong., 2d sess. 5 pp. 4°. Referred to the Committee on Patents.

See Annual Report of the Register of Copyrights for Fiscal Year ending June 30, 1928, p. 39.

1930 (Feb. 7). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes. Introduced by Mr. Vestal. H. R. 9639, 71st Cong., 2d sess. 2 pp. 4°. Referred to the Committee on Patents. This bill is printed in full on page 24 of this report.

1929 (Dec. 9). A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Introduced by Mr. Vestal. H. R. 6990, 71st Cong., 2d sess. pp. 4°. Referred to the Committee on Patents.

1930 (May 22). A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Introduced by Mr. Vestal. H. R. 12549, 71st Cong., 2d sess. pp. 4°. Referred to the Committee on Patents.

A general revision bill had long been under consideration. The Authors' League of America (Inc.), the American Society of Composers, Authors, and Publishers, the Drama League of New York (Inc.), the National Association of Book Publishers, the Motion Picture Producers and Distributors of America, the American Library Association, and a number of other parties interested had been working for several years to perfect a measure that would not only provide for adhesion to the International Copyright Union but would bring up to date the act of 1909, which had become antiquated in many respects by reason of a great number of new and approved trade practices that have come into use and by reason of new mediums of expression, such as the motion picture, radio, television, etc.

The new bill H. R. 12549, which was under discussion in the House when Congress adjourned, proposes fundamental changes in the present law as follows:

*Features of
new bill.*

(a) "Automatic copyright" (sec. 1): that is, copyright for everything from the time of its making, without reference to publication and without any formalities. The new law does away with the requirements of notice, registration, deposit, and American manufacture as conditions for copyright. American manufacture is, however, retained as a condition for bringing suit in certain cases. Purchasers and dealers in copyrightable material are protected by a series of sections relating to registration and recording of assignments.

(b) "Divisible copyright" (sec. 9): Each separate right granted by the law is or may be the subject of separate ownership without reference to other rights, e. g., the right of public performance may belong to one person while the right of publication belongs to another, and the owner of each right may bring suit for its infringement without reference to owners of other rights. Hitherto this division has been possible only by license and the licensee could not sue in his own name. Copyright was regarded as one indivisible property right.

(c) Extension of the length of the copyright term and abrogation of the necessity for a renewal registration. (Secs. 12-14.) The term is extended to the life of the author and 50 years, corresponding with the term in England, France, and other European countries. The author can not, however, assign the copyright beyond the

expiration of 28 years after his death. The balance of the term would come back to his legal personal representatives. The present term (act of 1909) is based on publication and is 28 years plus a possible renewal of 28 years, a total of 56 years in all.

(*d*) Enlargement of the subject matter of copyright, both by broad language in the general provisions of section 1 and by the addition of new specific classes in section 37, e. g., works of architecture.

(*e*) Enlargement of the rights obtained (sec. 1), e. g., the right of radio broadcasting for all works, also the right to transmit the work by television and otherwise.

(*f*) Entry of the United States into the International Copyright Union. (Sec. 61.)

The provision for entry into the International Copyright Union would authorize the President to effect and proclaim adhesion of the United States to the Berne convention which established the union. This would grant to American authors and composers protection for their works in foreign countries, with reciprocal protection in America for the works of foreigners.

Public hearings on the general revision bill (H. R. 6990) were held by the Committee on Patents, House of Representatives, on April 3, 4, and 11, 1930.

At these hearings members of the Authors' League and others present offered arguments in support of revision, and made clear the objections to the present copyright law. The hearings before the Patents Committee represented a climax in the five years' history of the copyright campaign. Formerly the Authors' League and the American Society of Composers stood almost alone in support of the bill then offered. Due to modifications made in the bill most of the opposition had vanished and at the hearings in April of this year the industries generally ranged themselves with the authors in support of the present bill.

This bill (H. R. 12549) was introduced May 22, 1930, was reported with amendment May 28 (House Report No. 1689). House Resolution No. 243, to consider the bill, was introduced June 11; reported to the House June 13 (House Report No. 1898); reintroduced June 24 (House Report No. 2016); and was finally brought up for consideration in the House on June 28, when sev-

*Hearings on
bill H. R. 6990.*

*General revision
bill
introduced.*

eral amendments were adopted, but Congress adjourned without coming to a vote on the bill.

The full text of the bill as it came before the House is printed beginning on page 25 of this report.

DESIGN COPYRIGHT

*Design copy-
right bills.*

The Committee on Patents of the House had under consideration in this session not only a general revision of the copyright law, but also the long-discussed proposal for design copyright.

Some proposal for design copyright instead of design patent has been under consideration by the Committee on Patents and by a number of proponents of the measure for several years, and it has been introduced in some form in previous sessions of Congress. (See e. g., H. R. 13453,⁹ 70th Cong., 1st sess.)

Accordingly, H. R. 7243¹⁰ was introduced by Mr. Vestal, December 11, 1929. It was superseded by H. R. 11852. The purpose of this bill is to encourage industrial design in the United States by furnishing adequate protection against piracy of original designs for manufactured products.

It provides for registration in the Copyright Office of designs for the industrial arts to secure copyright protection under conditions and provisions similar to those now applied under the copyright laws to productions in works of the fine arts, such as statuary and painting. Such registration is to replace the procedure under the old design patent act. The need has long been felt by the designers and manufacturers of artistic patterns for some simpler and more readily available means of protection with lower cost than was afforded by the design patent procedure which involved examination for priority and which usually required from two to four months to complete, and under which had grown up a widespread practice of pirating in designs, against which the manufacturers found themselves practically helpless.

⁹ Printed in full in the Annual Report of the Register of Copyrights for the Fiscal Year ending June 30, 1928, p. 54.

¹⁰ 1929 (Dec. 11). A bill amending the Statutes of the United States to provide for copyright registration of designs. Introduced by Mr. Vestal, H. R. 7243, 71st Cong., 2d sess., 18 pp., 4^o. Referred to the Committee on Patents.

The bill provides that in order to be entitled to registration the design must be actually applied to some article of manufacture. The first term of protection is for 2 years subject to an extension of 18 years more. The fee for the first registration is \$3 and for the second \$20.

Meantime another design copyright bill, H. R. 7495,¹¹ *H. R. 7495.* was introduced by Hon. William I. Sirovich (of New York) on December 13, 1929, with some changes. This bill is printed in full on page 56 of this report.

Public hearings on H. R. 7243 were held by the Com-^{Hearings on} mittee on Patents on February 13 and 14, 1930. ^{design bill.}

Among those present who spoke in support of the bill were Mr. Henry D. Williams of the American Bar Association (itself on record as approving such a law), who has labored for years to secure this legislation; William Exton, jr., representing a committee of artists; Miss Mary E. Bendelari, a designer and manufacturer; E. Irving Harrison, Paul K. Bonner, and Horace Cheney, for the silk manufacturers, who have suffered severely from piracy in designs; and C. R. Clifford, publisher, whose efforts for a design copyright law have been long and earnest.

Opposition came in the main from the retailers who wanted some exemption from liability for unwittingly selling pirated designs. The speakers were H. S. Ames, of the Retailers' Association; Isaac Lande, representing the Dry Goods Association; Frederick H. Knight, of the Susquehanna Silk Mills; and others.

Following the hearings, H. R. 7243 was amended and reprinted as H. R. 11852.¹² This bill was introduced by Mr. Vestal on April 22, 1930. It was reported out of committee on May 2, and was passed by the House on July 2, 1930, and now awaits action by the Committee on Patents of the Senate.

The full text of this bill as passed by the House is printed on page 60 of this report.

¹¹ 1929 (Dec. 13). A bill amending the Statutes of the United States with reference to copyright registration of designs and styles. Introduced by Mr. Sirovich. H. R. 7495, 71st Cong., 2d sess. 17 pp. 4°. Referred to the Committee on Patents.

¹² 1930 (Apr. 22). A bill amending the Statutes of the United States to provide for copyright registration of designs. H. R. 11852, 71st Cong., 2d sess. 19 pp. 4°. Referred to the Committee on Patents.

INTERNATIONAL COPYRIGHT

*Copyright
proclamations.*

Two copyright proclamations have been issued, one in favor of Finland, December 15, 1928 (effective January 1, 1929), and one in favor of the Irish Free State, September 28, 1929 (effective October 1, 1929).

These extend the copyright privileges of the United States to the nationals of those countries, official assurances having been received that similar privileges are now granted by those countries to citizens of the United States.

The texts are printed in this report at pages 77 and 79.
Respectfully submitted.

WILLIAM L. BROWN,
Acting 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, 1930

Month	Gross receipts	Refunds	Net receipts	Fees applied
1929				
July.....	\$25,616.20	\$385.70	\$25,230.50	\$25,004.20
August.....	25,336.75	467.67	24,869.06	25,668.70
September.....	23,875.81	630.98	23,244.83	23,056.90
October.....	30,881.26	752.38	30,128.88	29,036.80
November.....	24,407.16	663.17	23,743.99	26,129.80
December.....	31,878.25	624.80	31,253.45	27,733.90
1930				
January.....	37,295.40	757.11	36,538.29	30,356.10
February.....	23,150.14	598.25	22,551.89	26,598.40
March.....	29,269.25	856.45	28,412.80	29,835.90
April.....	29,550.25	664.67	28,885.58	28,415.80
May.....	26,212.37	677.13	25,535.24	27,613.50
June.....	29,507.91	510.07	28,997.84	28,179.90
Total.....	336,980.75	7,588.38	329,392.37	327,629.90

Balance brought forward from June 30, 1929.....	\$23,365.18
Net receipts July 1, 1929, to June 30, 1930:	
Gross receipts.....	\$336,980.75
Less amount refunded.....	7,588.38
	329,392.37
Total to be accounted for.....	352,757.55
Copyright fees applied July 1, 1929, to June 30, 1930.....	327,629.90
Balance carried forward to July 1, 1930:	
Trust funds.....	22,926.28
Unfinished business.....	2,201.37
	352,757.55

REPORT OF THE REGISTER OF COPYRIGHTS

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		
1929										
July.....	10,801	\$21,602.00	1,670	\$1,670.00	178	\$178.00	666	\$666.00	13,315	\$24,116.00
August.....	10,781	21,562.00	1,762	1,762.00	452	452.00	467	467.00	13,462	24,243.00
September.....	10,022	20,044.00	1,503	1,503.00	307	307.00	136	136.00	11,968	21,990.00
October.....	12,393	24,786.00	1,947	1,947.00	282	282.00	432	432.00	15,054	27,447.00
November.....	11,134	22,268.00	1,902	1,902.00	277	277.00	303	303.00	13,616	24,750.00
December.....	11,863	23,726.00	1,902	1,902.00	358	358.00	410	410.00	14,533	26,396.00
1930										
January.....	13,083	26,166.00	2,087	2,087.00	345	345.00	522	522.00	16,037	29,120.00
February.....	11,133	22,266.00	2,128	2,128.00	129	129.00	609	609.00	13,999	25,132.00
March.....	12,580	25,160.00	2,268	2,268.00	196	196.00	775	775.00	15,819	28,399.00
April.....	12,217	24,434.00	2,240	2,240.00	97	97.00	667	667.00	15,221	27,438.00
May.....	11,516	23,032.00	2,341	2,341.00	141	141.00	612	612.00	14,610	26,126.00
June.....	11,824	23,648.00	2,527	2,527.00	469	469.00	338	338.00	15,158	26,582.00
Total.....	139,347	278,694.00	24,277	24,277.00	3,231	3,231.00	5,937	5,937.00	172,792	312,139.00
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		
1929										
July.....	126	\$126.00	230	\$664.00	52	\$5.20	40	\$44.00	\$49.00	\$25,004.20
August.....	121	121.00	355	1,158.00	227	22.70	70	72.00	52.00	25,698.70
September.....	193	193.00	265	796.00	119	11.90	34	34.00	62.00	23,056.90
October.....	237	237.00	375	1,226.00	158	15.80	60	60.00	51.00	20,036.80
November.....	145	145.00	355	1,090.00	358	35.80	80	81.00	28.00	26,129.80
December.....	133	133.00	325	1,030.00	419	41.90	90	91.00	42.00	27,733.90
1930										
January.....	112	112.00	265	994.00	151	15.10	49	57.00	58.00	30,356.10
February.....	108	108.00	336	1,220.00	194	19.40	49	51.00	68.00	26,598.40
March.....	112	112.00	310	1,146.00	129	12.90	60	64.00	102.00	29,835.90
April.....	118	118.00	208	682.00	58	5.80	83	94.00	78.00	28,415.80
May.....	108	108.00	326	1,254.00	115	11.50	30	34.00	80.00	27,613.50
June.....	100	100.00	290	992.00	89	8.90	36	46.00	51.00	28,179.90
Total.....	1,613	1,613.00	3,640	12,222.00	2,069	206.90	681	728.00	721.00	327,629.90

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT C.—Statement of gross cash receipts, yearly fees, number of registrations, etc., for 33 fiscal years

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
897-98	\$61,090.56	\$55,926.50	75,545		
898-99	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	63,687.50	92,351		2,447
901-02	68,405.08	64,687.00	92,978	627	
902-03	71,533.91	68,874.50	97,979	5,001	
903-04	75,302.83	72,629.00	103,130	5,151	
904-05	80,440.56	78,058.00	113,374	10,244	
905-06	82,610.92	80,198.00	117,704	4,330	
906-07	87,384.31	84,685.00	123,829	6,125	
907-08	85,042.03	82,387.50	119,742		4,087
908-09	87,085.73	83,816.75	120,131	389	
909-10	113,662.83	104,644.95	109,074		11,067
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	114,980.60	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	112,986.85	115,967	774	
916-17	113,808.51	110,077.40	111,438		4,529
917-18	109,105.87	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	126,562	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
929-30	336,960.75	327,629.90	172,792	10,833	
Total	4,215,613.33	4,051,426.10	4,150,973		

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT D

Number of registrations made during the last five fiscal years

Class	Subject matter of copyright	1925-26	1926-27	1927-28	1928-29	1929-30
A	Books:					
	(a) Printed in the United States:					
	Books proper.....		10,649	13,401	13,501	15,221
	Pamphlets, leaflets, etc.....		32,019	30,585	25,205	26,155
	Contributions to newspapers and periodicals.....		29,335	26,986	13,574	14,587
	Total.....	68,776	72,003	70,972	52,280	55,963
	(b) Printed abroad in a foreign language.....	3,430	3,777	4,403	3,868	4,664
	(c) English books registered for ad interim copyright.....	1,249	1,356	1,704	1,466	1,228
	Total.....	73,455	77,136	77,081	57,614	61,855
B	Periodicals (numbers).....	41,169	41,475	47,364	44,161	43,959
C	Lectures, sermons, addresses.....	357	302	389	343	567
D	Dramatic or dramatico-musical compositions.....	4,130	4,475	4,473	4,594	5,734
E	Musical compositions.....	25,484	25,282	26,897	27,023	32,129
F	Maps.....	2,647	2,677	2,862	2,232	2,554
G	Works of art, models or designs.....	3,173	2,575	3,152	2,486	2,764
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	1,422	1,229	1,705	1,511	1,687
J	Photographs.....	6,784	7,415	7,968	4,850	4,311
K	Prints and pictorial illustrations.....	13,382	14,833	14,272	9,873	9,170
L	Motion-picture photoplays.....	1,238	1,271	1,288	1,087	896
M	Motion pictures not photoplays.....	385	644	1,016	1,232	1,307
R	Renewals.....	4,029	4,686	5,447	4,948	5,937
	Total.....	177,635	184,000	193,914	161,959	172,792

REPORT OF THE REGISTER OF COPYRIGHTS

19

EXHIBIT E

Number of articles deposited during the last five fiscal years

Class	Subject matter of copyright	1925-26	1926-27	1927-28	1928-29	1929-30
A	Books:					
	(a) Printed in the United States--					
	Books (proper).....	10,554	21,580	26,802	27,002	30,442
	Pamphlets, leaflets, etc.....	61,048	65,723	61,170	50,582	51,996
	Contributions to newspapers and periodicals.....	28,955	29,232	20,986	13,574	14,587
	Total.....	109,557	116,535	114,958	91,158	97,025
(b) Printed abroad in a foreign language.....	6,586	3,777	4,405	3,689	4,664	
(c) English works registered for ad interim copyright.....	1,239	1,356	1,704	1,466	1,228	
Total.....	117,382	121,668	121,067	96,313	102,917	
B	Periodicals.....	82,120	81,826	94,728	87,926	87,992
C	Lectures, sermons, etc.....	335	298	389	336	555
D	Dramatic or dramatic-musical compositions.....	4,653	5,117	5,156	5,205	6,504
E	Musical compositions.....	35,662	35,573	37,664	37,051	41,183
F	Maps.....	5,222	5,296	5,724	4,452	4,947
G	Works of art, models or designs.....	3,177	2,580	3,152	2,569	2,993
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	2,225	2,350	2,783	2,428	2,837
J	Photographs.....	13,042	14,379	15,414	9,337	8,032
K	Prints and pictorial illustrations.....	19,781	21,171	19,652	14,012	12,887
L	Motion-picture photoplays.....	8,975	8,665	2,552	2,196	1,779
M	Motion pictures not photoplays.....	592	1,040	1,938	2,379	2,588
Total.....		293,166	299,963	310,209	264,204	276,214

ADDENDA

	Page
I. 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. H. R. 6988.....	23
II. A bill to amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes. H. R. 9639.....	24
III. A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. H. R. 12549.....	25
IV. A bill amending the Statutes of the United States with reference to copyright registration of designs and styles. H. R. 7495.....	56
V. A bill amending the Statutes of the United States to provide for copyright registration of designs. H. R. 11852.....	66
VI. Copyright proclamation—Finland.....	77
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ADDENDUM I

[71st Cong., 2d sess. H. R. 6988. In the House of Representatives.
December 9, 1929]

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 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 any one of the countries of the said union, shall enjoy for their works published for the first time in one of the countries of the said union such rights as the laws of the United States now grant or shall hereafter grant to citizens of the United States.

SEC. 3. Copyright protection shall extend 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, first published after July 1, 1909: *Provided, however,* That with respect to such works no right or remedy given pursuant to this act shall prejudice lawful acts done or the continuance of enterprises lawfully undertaken within the United States prior to January 1, 1930, or any rights in copies lawfully made.

SEC. 4. 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*, 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.

ADDENDUM II

[71st Cong., 2d sess. H. R. 9639. In the House of Representatives. February 7, 1930]

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

A BILL To amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 1 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended (United States Code, title 17, section 1 (e)), is amended to read as follows:

"(e) (1) To perform the copyrighted work publicly for profit if it be a musical composition, and to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

SEC 2. The first paragraph of subsection (e) of section 25 of such act of March 4, 1909, as amended (United States Code, title 17, section 25 (e)), and any other pro-

vision of such act of March 4, 1909, as amended, in respect of the royalty of 2 cents on each part manufactured of instruments serving to reproduce mechanically a copyrighted musical composition are hereby repealed.

SEC. 3. This act shall take effect on July 1, 1930, and shall not affect parts of instruments serving to reproduce mechanically musical works manufactured prior to such date.

ADDENDUM III

[71st Cong., 2d sess. H. R. 12549. Report No. 2016. In the House of Representatives, May 22, 1930]

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

(May 28, 1930, reported with an amendment, referred to the House Calendar, and ordered to be printed; June 12, 1930, recommitted to the Committee on Patents and ordered to be printed; June 13, 1930, reported with amendments, referred to the House Calendar, and ordered to be printed; June 23, 1930, recommitted to the Committee on Patents and ordered to be printed; June 24, 1930, referred to the House Calendar and ordered to be printed.)

A BILL To amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever, from and after the creation of their work and for the term hereinafter provided, in all their writings, published or unpublished, in any medium or form or by any method through which the thought of the author may be expressed, and such copyright includes the exclusive right—

To copy, print, reprint, publish, produce, reproduce, perform, render, exhibit, or transmit the copyright work in any form by any means, and/or transform the same

from any of its various forms into any other form, and to vend or otherwise dispose of such work; and shall further include (but not by way of limitation because of the specific enumeration of the subject matter hereafter stated) the exclusive rights—

(a) To translate said work into other languages or dialects, or to make any other version thereof;

(b) To make any form of record in which the thought of an author may be recorded and from which it may be read, reproduced, performed, exhibited, represented, delivered, transmitted, or communicated;

(c) To dramatize or make a motion picture with or without sound and/or dialogue of said work if it be a non-dramatic work; or to convert said work into a non-dramatic or dramatic work expressed in words or physical action if it be a dramatic work in the form of a motion picture with or without sound and/or dialogue; or into a novel or nondramatic work, or motion picture with or without sound and/or dialogue, if it be a drama expressed in words or physical action;

(d) In the case of a musical composition, to arrange or adapt said work, to perform said work publicly for profit or to make any arrangement or setting thereof or of the melody thereof in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read, broadcast, produced, performed, exhibited, represented, delivered, transmitted or communicated: *Provided, however,* That the provisions of this act, so far as they secure copyright controlling the parts of instruments, being the instruments referred to in subsection (e) of section 1 of the act of March 4, 1909, as amended (U. S. C., title 17, sec. 1 (e)), serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the musical compositions of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen, grants, either by treaty, convention, agreement, or law, to citizens of the United States, similar rights: *And provided further,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes.

unless a fee is charged for admission to the place where the music is so used;

(e) To complete, execute, and finish said work;

(f) To deliver or authorize the delivery of said work in public if it be a lecture, sermon, or address prepared for oral delivery;

(g) To communicate said work to the public by radio broadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other methods or means for transmitting or delivering sounds, words, images, or pictures whether now or hereafter existing;

(h) To produce, reproduce, perform, represent, or exhibit said work publicly if it be a dramatic or dramatico-musical work in any manner or by any means or methods whatsoever: *Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

Sec. 2. Such copyright shall extend to all published and unpublished works of authors who are citizens of the United States, not in the public domain on the date when this act takes effect and all works of such citizens hereafter created and to the works of alien authors in the event that:

(a) Such work is first published in the United States or a foreign country adhering to the International Copyright Union described in section 60 61 of this act; or

(b) Such work, if unpublished, is created by a national of a foreign country adhering to said International Copyright Union; or

(c) Such author is a national of a foreign country not adhering to said International Copyright Union, which country by treaty or international agreement grants to citizens of the United States copyright on the same basis as to its own nationals; or

(d) Such author is a national of a foreign country not adhering to said International Copyright Union, but is residing at the time of the creation of such work in a country adhering to the International Copyright Union.

The existence or cessation of the reciprocal conditions aforesaid shall be determined by the President of the

United States by proclamation made from time to time, as the purposes of this act may require.

In the event that the United States shall at any time after adherence withdraw from said International Copyright Union, then the provisions of this section referring to said International Copyright Union shall thenceforth have no force and effect, but the other provisions of this section shall remain in full force and effect.

SEC. 3. Where any work, except a dramatico-musical or musical work, is created by an employee within the scope of his employment, his employer shall, as author, be the owner of the copyright in such work, in the absence of agreement to the contrary; but this provision shall not apply to works created on special commission where there is no relation of employer and employee, unless the parties shall agree otherwise.

SEC. 4. Copyright secured by this act shall extend to any work subject thereto to the extent to which it is original, notwithstanding it is based in part upon, or incorporates in whole or in part some previously existing work: *Provided, however,* That such use shall not extend the copyright, if any, in such previously existing work nor re-create copyright therein and the enjoyment and exercise of such copyright shall be subject and without prejudice to the rights of the owner of the copyright, if any, in the previously existing work, and/or of anyone deriving or who has derived any right or rights from said owner. This section shall not apply to works referred to in section 5 of this act.

SEC. 5. Any compilation, abridgment, adaptation, arrangement, or dramatization of a dramatico-musical or musical work, if the same be a work in the public domain, or of a copyright dramatico-musical or musical work when produced with the consent of the proprietor of the copyright in such work, shall be regarded as a new work subject to copyright under the provisions of this act; but the publication of any such new work shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works; nor shall copyright exist in the original text of any work which is in the public domain.

SEC. 6. The copyright is distinct from the property in any material reproduction of the work, and the sale or conveyance, by gift or otherwise, of the material reproduction shall not, of itself constitute a transfer of the copyright, nor shall the assignment or license of the copyright constitute a transfer of the title to the material reproduction unless expressly stipulated; except in the case of photographic portraits made for hire or on commission, in which case, in the absence of written agreement to the contrary, the copyright shall vest in the person whose portrait is reproduced or his legal representatives. Nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyright work the title to which has been lawfully obtained.

SEC. 7. If the United States Government reprints and distributes any copyright work or part thereof it shall secure the consent of the copyright owner and shall append thereto a reference as to such work, but such use shall not in any way authorize the use elsewhere of such copyright material or prejudice or limit the rights of the copyright owner. Subject always to the foregoing, no copyright shall subsist in any report or other publication of the United States Government.

SEC. 8. The copyright of a work of architecture shall cover only its artistic character and its design and shall not extend to processes or methods of construction, nor shall it prevent the making, exhibiting, or publishing of photographs, motion pictures, paintings, or other illustrations thereof, which are not in the nature of architectural drawings or plans, and the owner of the copyright shall not be entitled to obtain an injunction restraining the construction, substantially begun, or use, of an infringing building, or an order for its demolition or seizure.

ASSIGNMENT OF COPYRIGHT

SEC. 9. The author or other owner of any copyright secured under this act or of any copyright heretofore secured under any previous act of the United States may, to the extent of his interest therein, by written instrument signed by him or his duly authorized agent, executed after this act goes into effect, assign, mortgage,

license, or otherwise dispose of, the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and may bequeath the same by will. The author or other owner of any copyright or any person or persons deriving any right, title, or interest from any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his right, title, and interest is entitled to the remedies provided by this act: *Provided*, That no assignment by the author, where the author is an individual, of the copyright in any work and no grant by him of any interest therein (otherwise than by will), after the passage of this act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-eight years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest, shall be null and void.

SEC. 10. Assignments, grants, licenses, and mortgages of copyright or of any separate right therein, or any other instrument or paper writing relating to or affecting a copyright or right therein, may be recorded in the copyright office at any time after execution. A failure so to record shall not affect the validity of any such instrument: *Provided*, That no unrecorded assignment, grant, license, mortgage, or other instrument shall be valid or of any effect against any previously recorded assignment, grant, license, mortgage, or instrument to a purchaser, licensee, or other transferee for value and without notice, whether such unrecorded instrument be prior in date of execution or not, and whether subsequently recorded or not. Such proviso, however, shall not apply to unrecorded instruments by which periodical and/or newspaper publication rights are assigned or conveyed; but if, in addition thereto, such instruments also assign or convey other rights, and/or refer or pertain in any

way to any other rights, then such instruments to the extent of the provisions or agreements contained therein relating to such other rights shall be subject to such proviso.

After the effective date of this act, upon the purchase of a part, but not all, of the rights of the author in or under a copyright, unless the instrument assigning such rights by its terms expressly includes the right of first publication, the purchaser shall be deemed to have knowledge, at the time of such purchase, of the existence of such first publication right in or under such copyright, having priority as to time of publication over any right or rights so purchased: *Provided*, That rights of first publication shall be deemed to have expired by lapse of time as against a purchaser of any other rights in or under the same copyright if not exercised by commencement of publication within one year of the date of delivery of the entire copyright work of the purchaser of such right of first publication, unless within such period the purchaser of such right of first publication shall have recorded in the copyright office a notice or instrument of assignment signed by the author, or his agent duly authorized for the purpose, showing the name of the author, the name of the assignor if other than the author, the name of the assignee and the duration and general nature of such right of first publication. As between two or more innocent purchasers of right of first publication in the same copyright work, that one who shall have first recorded the notice or instrument of assignment as herein provided shall prevail, anything in this section 10 of this act to the contrary notwithstanding, and notwithstanding any provision hereinabove contained as to unrecorded instruments conveying periodical and/or newspaper rights: *Provided, however*, That for this purpose, where such notice or instrument of assignment is mailed by registered mail properly addressed to the copyright office in Washington, the date of such mailing shall be deemed the date of record. All assignments, grants, licenses, mortgages, and other instruments, notices, or paper writings hereinabove referred to, when recorded in the copyright office, shall be indexed in the name of the author and the assignor, licensor, or mortgagor, and in the name of the assignee, licensee, and mortgagee, and under the title of the copyright work.

SEC. 11. Instruments referred to in section 10 executed in a foreign country may be acknowledged or subscribed and sworn to by the assignor or licensor before a diplomatic or consular officer of the United States authorized by law to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country and whose authority shall be proved by certificate of diplomatic or consular officers of the United States. Such certificate shall be prima facie evidence of the execution of the instrument, and the instrument and certificate shall be admissible as evidence in any action or proceeding brought under this act.

TERM OF COPYRIGHT PROTECTION

SEC. 12. The term for which copyright is secured by this act shall be for the life of the author, if living, and for a period of fifty years after his death, except that where the author is not an individual the term shall be fifty years from the date of completion of the creation of the work; and except that in the case of a work by joint authors the copyright shall terminate at the expiration of fifty years from the date of the death of the joint author who first dies, or shall exist during the life of the author who dies last, whichever period is longer: *Provided*, That where the work is based in whole or in part upon a previously existing work in which a longer copyright term may endure, then the copyright in said work shall endure for a term equal to that of said previously existing work, or for the term of fifty years aforesaid, whichever term is longer: *Provided further*, That the term of copyright shall not in any case exceed the term granted in the country of the origin of the work.

SEC. 13. In the case of any posthumous work, such period shall be fifty years from the date of the death of the author.

SEC. 14. The copyright subsisting in any work when this act goes into effect shall be continued at the end of the subsisting term until the expiration of fifty years beyond the author's death, and such continuation of the copyright to the extent of any extension over and above the term of twenty-eight years subsisting on the date when this act takes effect and any renewal thereof regis-

tered prior to said date shall vest in the following persons: (a) If an application for renewal of the copyright shall have been duly registered prior to the date when this act takes effect, then such continuation shall vest in the person or persons who under the act heretofore in force were entitled to said renewal and extension of the copyright in such work; and (b) in all other cases such continuation shall vest in the author, if living, and if the author be not living, then in the author's executors or testamentary trustees, as the case may be, or, if there be no such executors or trustees, in a duly appointed administrator with the will annexed, and, in the absence of a will, then in the administrators or other legal representatives of said author's estate: *Provided*, That where, prior to the date when this act takes effect, the author or, if he be not living, the person or persons who upon his death became entitled thereto shall have parted with any or all of the author's rights for the first term under the act heretofore in force, and shall have agreed to part therewith or shall have parted therewith for the renewal term under said act, on a royalty basis, the assignee or licensee of such right or rights shall be entitled thereto throughout the full term provided by this act, upon condition that he pay royalties at the agreed rate and in the agreed manner to the author, if living, or if dead, to the person or persons in whom the continuation of the copyright shall vest as above specified, during the full term provided by this act; but this proviso shall not apply unless the said assignee or licensee shall have substantially fulfilled his contract with said author and/or with the person or persons (if any) who succeeded to said author's rights: *Provided further*, That where, prior to the date when this act takes effect, there has been an outright purchase of any right or rights (for a lump sum paid and not on royalty) for said first term and the author or, if he be not living, the person or persons who upon his death became entitled thereto have agreed to part therewith or have parted therewith for said renewal term, the assignee or licensee of such right or rights shall be entitled thereto throughout the remainder of the term provided by this act upon performance by him of such conditions as may be determined by an agreement between the purchaser and the author, if he be living, or his assignees or representatives, if he be dead, entered

into at least six months before the expiration of the subsisting term, or, in the absence of such agreement, as may be determined by a court of competent jurisdiction, as justice may require: *Provided further*, That in the case of any work the subsisting copyright of which was first secured by an employer for whom such work was made for hire or by a corporate body (otherwise than as assignee or licensee of the individual author) the copyright shall terminate fifty-six years from the date of first publication.

INFRINGEMENT OF COPYRIGHT AND REMEDIES

SEC. 15. If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable—

(a) To an injunction restraining such infringement except as otherwise provided in this ~~section~~ *act*: *Provided, however*, That no temporary restraining order shall be issued which would prevent the publication of a ~~daily~~ newspaper or periodical: *And provided further*, That in case of a newspaper or periodical reproduction of a copyrighted photograph, no injunction shall issue.

(b) To pay such damages to the owner of the right infringed as he may have suffered due to the infringement, as well as all or such part of the profits which the infringer shall have made from such infringement as the court may decree to be just and proper; and in proving profits the plaintiff shall be required to prove only sales, rentals, license fees and/or any other revenue derived from any disposition of an infringing work, and the defendant shall be required to prove every element of cost which he claims;

(c) To pay, at the option of the owner of the right infringed, in lieu of actual damages and profits, such statutory damages as to the court shall appear to be just: *Provided*, That such statutory damages, in the case of an unauthorized dramatic performance, or of an unauthorized motion picture exhibition with or without sound and/or dialogue, or the unauthorized performance for profit of a musical work, shall not exceed the sum of \$10,000 nor be less than \$250; and in the case of an unauthorized newspaper or periodical reproduction of a copyrighted photograph, shall not exceed the sum of \$200 nor be less than \$10; and in any other case shall not ex-

ceed the sum of \$5,000 nor be less than \$100; and such damages shall in no case be regarded as a penalty.

(d) In any action for infringement of copyright in any work, if defendant prove that he was not aware that he was infringing or has been subject to fraud or substantial imposition by any third person or persons other than one of said defendant's employees, and in either case that such defendant has acted in good faith, the plaintiff shall not be entitled to any remedy against such defendant other than to recover an amount equivalent to the fair and reasonable value of a license, but not less than \$50 nor more than \$2,500: *Provided, however,* That this subsection shall not apply, in the event of registration of copyright or recordation of an instrument relating to or affecting the same or any right therein, prior to such defendant's entering into or upon the undertaking which results in such infringement, or if the work alleged to have been infringed be a published work published with authority from the copyright owner, if notice of copyright be affixed thereto; or if the work alleged to have been infringed be a dramatic work, other than a motion picture, if such work has had a first-class public production in the United States of America of at least one week in a town of not less than one hundred thousand population.

(e) In case of the infringement of any creation of an author (except a dramatico-musical or musical composition) by any person or corporation engaged solely in printing, binding, or manufacturing the same in printed form, where such infringer shall show that he was not aware that he was infringing and that he was acting in good faith, and that such infringement could not have been reasonably foreseen, the person aggrieved shall be entitled only to an injunction against future printing, binding, and manufacturing the same in printed form, and to the delivery up of all such printed, bound, and manufactured material, and shall not be entitled to any profit made by such infringer from his contract or employment to print, bind, or manufacture in printed form, nor to damages, actual or statutory, against such infringer: *Provided,* That in case such printer is also the publisher, distributor, or seller of such creation, or in partnership or regularly engaged in business with such publisher, distributor, or seller, or is in any wise directly

or indirectly interested in the publication, distribution, sale, or exploitation of such creation (other than as derived solely from his contract or employment merely to print, bind, or manufacture the same in printed form) or in any profits to be derived from such publication, distribution, sale, or exploitation, then the person aggrieved shall be entitled to all the remedies provided by this act, and the immunity granted by this subsection (e) shall not apply: *Provided*, That any injunction against a newspaper publisher shall lie only against the continuation or repetition of such infringement in future issues of such newspaper, but not against the completion of the publication and distribution of any issue of such newspaper where actual printing of such issue has commenced; nor, where such actual printing has commenced, shall any order be granted to sequester, impound, or destroy the issue containing such infringing matter.

(f) In the event that any advertising matter of any kind carried by a newspaper or periodical shall infringe any copyright work, where the publisher of the newspaper or periodical shall show that he was not aware that he was infringing and that such infringement could not reasonably have been foreseen, the person aggrieved shall be entitled to an injunction only before ~~actual~~ work of manufacture of the issue has commenced and only against the continuation or repetition of such infringement in future issues of such newspaper or periodical, but shall not be entitled to any profit made by such publisher from his contract or employment to carry such advertising matter, nor to damages, actual or statutory against him: *Provided, however*, That no injunction shall lie against the completion of the publication and distribution of any issue of such newspaper or periodical containing alleged infringing matter where ~~actual printing~~ *work of manufacture* of such issue has commenced: *Provided further*, That this clause shall in no wise limit the remedies of the person aggrieved against the advertiser, advertising agency, or the person or corporation responsible for the infringement: *Provided further*, That if the publisher of the newspaper or periodical is in any-wise interested in the commodity or subject matter advertised, or is the advertiser or advertising agency, or engaged in business with the advertiser or advertising agency, in such wise that the publisher is entitled to any

profits or benefit from the sale of the subject matter advertised, or from the handling or placing of such advertising matter (other than profits derived by the publisher merely from his contract or employment to run such advertising matter in his newspaper or periodical), then the immunity granted by this subsection (f) shall not apply.

SEC. 16. *The Except as otherwise provided in this act, the infringer shall further be liable:*

(a) To deliver up, on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright or any right comprised therein.

(b) To deliver up, on oath, for destruction, as the court may order, all the infringing copies, records, rolls, and other contrivances or devices, as well as all plates, molds, matrices, or other means for making such infringing copies.

SEC. 17. In any action against publishers, distributors, or sellers of periodicals or newspapers for infringement of copyright, the plaintiff shall not be entitled to enjoin the alleged infringement as to any matter claimed to infringe such copyright when any part of such material has theretofore been included in any issue of such periodicals or newspapers upon which the work of manufacture has actually begun or to sequester, impound, or destroy any issue containing such alleged infringing matter, or the means for publishing such issue except upon proof to the satisfaction of the court that the manufacture of the issue containing such alleged infringing matter or the first installment thereof was commenced with actual knowledge that copyright subsisted in the work alleged to have been infringed: *Provided, however,* That the foregoing provision shall not apply as to a right of injunction asserted against the publication of subsequent installments of a serial in issues on which the work of manufacture has not actually begun, where the copyright material alleged to have been infringed has theretofore been published in a magazine or newspaper of general circulation in the United States.

SEC. 18. All actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the Supreme

Court of the District of Columbia, the district courts of Alaska, Hawaii, Panama Canal Zone, and Porto Rico, and the courts of first instance of the Philippine Islands, and any court given jurisdiction under this section may proceed in any action, suit, or proceeding instituted for violation of any provision of said laws to enter a judgment or decree enforcing the remedies provided by this act.

SEC. 19. Any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, including (but not by way of limitation) any person referred to in section 9 of this act, whether such person's rights were acquired heretofore or hereafter, to grant injunctions to prevent and restrain the violation of any right secured by this act, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any such injunction may be served upon the parties against whom it may be granted anywhere in the United States and its dependencies, and shall be operative throughout the United States and its dependencies and be enforceable by proceedings in contempt or otherwise by any court or judge having jurisdiction of the defendants.

SEC. 20. The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

SEC. 21. The proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, records, rolls, and other contrivances or devices, plates, molds, matrices, and so forth aforementioned, may be united in one action.

SEC. 22. In all actions, suits, or proceedings under this act, except when brought by or against the United States, or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

SEC. 23. In any action for infringement, where the plaintiff seeks an accounting of profits, or statutory damages, where any party shows that some third person or persons may claim to be entitled to said profits or statutory damages or some part thereof, by reason of alleged infringement of the same copyright or some right there-

under, or in case it shall appear to the satisfaction of the court that a complete determination can not be had in the absence of other persons claiming or having rights or interests in or under the copyright or some part thereof the court, on application of such party or on its own motion or on petition of such third person or persons, shall give notice to such person or persons of the pendency of such action and permit him or them to appear therein, and may make such provision with reference to such profits or statutory damages by way of division or otherwise, and adjudicate the respective rights and interests of the several parties to the action as justice may require. The court may require that notice of pendency of the action be given in such manner as the court shall direct to any and all persons of record in the copyright office who may claim to be assignees or licensees or the owners or holders of any rights in or under the copyright in connection with which a action may be brought, if the instruments under which such persons claim are registered in the copyright office, or if a claim to the copyright be so registered. The failure of any party directed to be brought in, to appear in the action or suit, or to participate therein, shall not delay the judgment to which the plaintiff is entitled nor debar the plaintiff from prosecuting his suit to a final determination nor from recovering profits or damages to which he may be entitled: *Provided*, That nothing herein contained shall in any way prejudice or delay the rights, if any, of the plaintiff to injunctive relief or any other remedy given under this act, other than for profits or statutory damages as aforesaid.

SEC. 24. Civil actions, suits, or proceedings arising under this act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

SEC. 25. The orders, judgments, or decrees of any court mentioned in section 18 of this act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

SEC. 26. Any person who willfully and for profit shall infringe the copyright in any work protected under the copyright laws of the United States, or who shall know-

ingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court: *Provided*, That no criminal proceeding shall be maintained under the provisions of this act unless the same is commenced within three years after the misdemeanor was committed and no civil proceeding unless the same is commenced within three years after the cause of action arose.

SEC. 27. The Supreme Court of the United States shall prescribe such rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement under the provisions of this act.

MANUFACTURE AND IMPORTATION

SEC. 28. Except as in this act otherwise expressly provided, all copies of any copyright material which shall be distributed in the United States in book, pamphlet, map, or sheet form shall be printed from type set within the limits of the United States or its dependencies, either by hand or by the aid of any kind of typesetting machine, and/or from plates made within the limits of the United States or its dependencies from type set therein; or, if the text be produced by lithographic, mimeographic, photogravure, or photo-engraving, or any kindred process or any other process of reproduction now or hereafter devised, then by a process wholly performed within the limits of the United States or its dependencies; and the printing or other reproduction of the text, and the binding of said book or pamphlet, shall be performed within the limits of the United States or its dependencies. Said requirements shall extend also to any copyright illustrations within any book, pamphlet, or sheet, except where the subjects represented are located in a foreign country and/or illustrate any scientific or technical work or reproduce a work of art. Said requirements shall not apply to works in raised characters for the use of the blind, nor to works by authors who are nationals of a foreign country.

SEC. 29. That whenever manufacture is required in the United States or its dependencies under the preceding sec-

tion, an affidavit under the official seal of any officer authorized to administer oaths within the United States or its dependencies, duly made by the author himself; or by the owner of any right to print or publish such work in the United States in book, pamphlet, map, or printed sheet form; or by any agent of such author or owner duly authorized for that purpose residing in the United States or its dependencies, shall be filed in the copyright office within sixty days after such publication setting forth the manner in which compliance has been had with all requirements of the preceding section. Such affidavit shall state also the place where, and the establishment or establishments in which, such type was set and/or plates where made or where lithograph, photo-gravure, photo-engraving, or reproduction of any kindred process or any other process of reproduction now or hereafter devised, and/or printing and binding, were performed, and the date of completion of printing of the work or the date of publication. At any time or times when compliance with such preceding section is requisite, unless said affidavit shall be filed or the court shall find the failure to file said affidavit was due to excusable neglect, no action in respect of an infringement of copyright in said work or any right or rights therein shall be instituted or maintained by any person who, under the provisions of this section, might have filed this affidavit. But nothing herein contained shall limit or suspend the right of the assignee or licensee of the author of any right under such copyright other than those in this section specified to bring any action or proceeding for the infringement of the rights which such assignee or licensee may own.

Sec. 30. During the existence of the copyright in any work when such work has been published and manufactured within the limits of the United States or its dependencies, under an assignment covering stated rights in the United States and its dependencies, or any of them, registered at the Copyright Office, and such assignment stipulates exclusive sales rights within the United States and its dependencies, or any of them, the importation into the United States of any copies thereof printed or produced by any of the processes mentioned in sections 28 and 29 of this act, or of plates or mediums of any kind for making copies thereof, whether or not authorized by

the author or proprietor of any foreign copyright, except used copies, shall be reported by the customs authorities at the port of importation to the Register of Copyrights, and if registration of a claim to copyright or rights under section 36 of this act and the deposit of two copies of the American edition shall have been accomplished prior to such importation, such imported copies, plates, or other mediums for making copies shall be subject to seizure at the instance of the assignee of publication rights in the United States. If found to be imported in violation of the terms of the contract of assignment, such copies, plates, or other mediums for making copies shall be forfeited to the assignee or otherwise disposed of at the discretion of the district court of the United States having jurisdiction of the case: *Provided, however,* That the foregoing provision shall not apply—

(a) To any work published in the country of origin with the authorization of the copyright proprietor, when imported, not more than one copy of any such work on any one invoice, for use and not for sale or hire, by and for any free public library or branch thereof, any privately owned or endowed library open to free use by the public or by scholars, or any school, college, society, or institution organized and conducted in good faith for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, and not for profit;

(b) To any work published in the country of origin with the authorization of the copyright proprietor, when imported, not more than one copy of any such work on any one invoice, for individual use and not for sale or hire, provided that within ten days prior to the date of the ordering of such copy for importation the proprietor of the United States copyright or rights to such work, within ten days after written demand for a copy of such work, specifying that such copy is desired for use and not for sale or hire, shall have declined or neglected to agree to supply the copy demanded at a price equivalent to the foreign price thereof and transportation charges, plus customs duties when subject thereto; or provided that at the date of the order of such copy for importation no such registration and deposit of such copies of the American edition shall have been made as aforesaid;

(c) To any work published in the country of origin with the authorization of the copyright proprietor when

imported by the proprietor of the United States copyright or rights for the purpose of filling demands for copies thereof made pursuant to the preceding subdivision (b) or of filling orders for copies thereof received from any library, school, college, society, or institution designated in the foregoing subdivision (a): *Provided*, That every such demand or order shall specify that the work is desired for use by the purchaser and not for resale or hire;

(d) To works which form parts of libraries or private collections purchased en bloc in a foreign country for the use of any libraries, schools, colleges, societies, or institutions designated in the foregoing subdivision (a), or which form a part of the personal baggage of any person arriving from a foreign country and which are not intended for sale or hire: *Provided, however*, That no one person shall so import more than five such works at any one time;

(e) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(f) To motion pictures and motion-picture photo-plays;

(g) To the authorized edition of a book in a foreign language or languages;

(h) To works in raised characters for the use of the blind;

(i) To works imported by the authority or for the use of the United States;

Provided further, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this act, and such unlawful use shall be deemed an infringement of copyright.

SEC. 31. The importation of any copies or substantial reproductions in whole or in part, of any work in which copyright exists, into the United States which if made, published, distributed, exhibited, or performed in the United States would infringe such copyright is hereby prohibited.

SEC. 32. Any and all copies of works prohibited importation by this act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however,* That all copies of authorized editions of copyright works imported in the mails or otherwise in violation of the provisions of this act may be reexported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury in a written application that such importation does not involve willful negligence or fraud.

SEC. 33. The Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright owners or injured parties, of the actual or contemplated importation of articles prohibited importation by this act which infringe the rights of such copyright owners or injured parties.

COPYRIGHT NOTICE, REGISTRATION OF CLAIMS TO COPYRIGHT,
AND DEPOSIT OF COPIES

SEC. 34. No notice of copyright shall be required on any work copyrighted under this act, nor after this act goes into effect, as to works copyrighted under previous acts. The omission of such notice from any work shall not be taken as evidence that no copyright is claimed therein nor affect the validity of the copyright therein. Nevertheless, a legible notice of copyright or a notice with reference to any right included in the copyright in any work may be placed on copies of the work by the owner of the copyright or an assignee or licensee. Such notice shall, if applied in the case of a book or other printed publication, be placed upon its title-page or the page immediately following, or upon any of the first ten or the last ten pages of text; or, in the case of a contribu-

tion to a periodical, such notice shall be either placed as aforesaid or under the title or at the foot of the first page of said contribution; but any person who, with fraudulent intent, shall insert or impress any notice of copyright or words of the same purport in or upon any article in which copyright for the United States does not subsist shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 nor more than \$1,000, and any person who shall knowingly issue or sell any article bearing such notice or words of the same purport when copyright in such article does not subsist in the United States shall be liable to a fine of \$100.

SEC. 35. In the event that prior to the passage of this act notices of copyright were placed upon any works which were defective in form or did not contain the name of the person or persons actually entitled to copyright or contained an incorrect name or date or in which the date was lacking or in the event that the registration of any copyright works prior to the passage of this act were in any way defective, such notices and/or registrations are hereby legalized, confirmed, made valid and effectual as fully as if none of the various errors, omissions, matters, and conditions hereinabove enumerated had occurred or existed: *Provided, however,* That where any person prior to the passage of this act has taken any action whereby he has incurred any expenditure or liability which but for the enactment of this section would be lawful, nothing contained in this section shall diminish or prejudice any such action or the continuance of any enterprise lawfully undertaken pursuant to the foregoing prior to the passage of this act: *And provided further,* That if this section be held invalid for any reason that such holding shall not affect any other provision of this act.

SEC. 36. The author or other owner of the copyright in any work or any right, title, or interest therein, may, if he so desires, obtain registration of a claim to copyright in such work or in any of the rights comprised therein, as the case may be, respectively, upon the deposit in the Copyright Office at Washington of an application accompanied by the registration fee provided by this act, and one copy of the work in which, or in connection with which, copyright is claimed, or the identifying matter prescribed in section 38 of this act.

Registration of a claim to copyright, or of any right therein, shall inure to the benefit of the author as well as all persons claiming through him or under him, as the case may be.

The Copyright Office shall have no discretion to refuse to receive any application nor to refuse to register such work upon any application being made.

If any person other than the author of any work shall apply for registration under this section, he shall at the time of making said application record in the Copyright Office any instrument or instruments under which he claims ownership of such copyright or right or rights thereunder, except that if such copyright or right or rights were acquired or contracted for by such person or by any predecessor of his in interest, other than the author, prior to the date on which this act shall take effect, he may record in the Copyright Office, in lieu of such instrument or instruments an affidavit setting forth the nature and extent of his ownership and the essential facts and circumstances upon which his claim to ownership is based: *And provided further*, That if a publisher of a newspaper or periodical shall apply for registration under this section of a claim to copyright in periodical and/or newspaper rights only in such newspaper or periodical, he may, in lieu of any instrument or instruments affecting serial rights, record in the Copyright Office an affidavit, setting forth the essential facts and circumstances upon which his claim is based. For the purposes of this section, if an instrument of assignment or license establishing the nature and extent of the rights claimed be recorded as hereinbefore provided, no other contracts or agreements relating to such transfer, assignment, or license need be recorded.

Sec. 37. The form of application for registration shall state to which of the following classes the work to be registered belongs. The classes of works enumerated below are expressly recognized as subject matter of copyright, but the following specifications shall not be held to limit the subject matter of copyright; nor shall any error in classification in such application affect any right comprised in the copyright:

(a) Books, including composite and encyclopedic works, directories, gazetteers, and other compilations, abridgements, adaptations, and translations;

- (b) Periodicals, and contributions to periodicals, including newspapers, and contributions thereto;
- (c) Lectures, sermons, addresses, or other matter prepared for oral delivery;
- (d) Dramatic compositions, dramatizations, and dramatico-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art;
- (h) Reproductions of a work of art, including engravings, lithographs, photo-engravings, photogravures, casts, plastic works, or copies by any other methods of reproduction;
- (i) Drawings and plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations, including prints or labels for articles of manufacture and trade-union labels;
- (l) Motion-picture photoplays, with or without sound and/or dialogue;
- (m) Motion pictures other than photoplays, with or without sound and/or dialogue.
- (n) Scenarios (so-called continuities) for motion pictures;
- (o) Works of architecture, models, or designs for architectural works;
- (p) Choreographic works and pantomimes, the scenic arrangement or acting form of which is fixed in writing or otherwise;
- (q) Phonographic records, perforated rolls, and other similar contrivances, by means of which sounds may be mechanically recorded for purposes other than public performance, exhibition, or transmission: *Provided*, Anything to the contrary in this act notwithstanding, that the copyright in such phonographic records, rolls, and contrivances shall consist solely of the exclusive right to print, reprint, publish, copy, and vend said phonograph records, rolls, and contrivances, and that any such copyright and each and every right thereunder, shall be subject to each and every right of the owner of the copyright in any existing or previously existing work, written on said records, rolls, or other contrivances, at all times, in the absence of express contract to the contrary.

(r) Works not specifically hereinabove enumerated.

SEC. 38. The copy deposited for registration may either be printed, typewritten, or be in legible handwriting, if the work be a book, or a dramatic, musical, or dramatico-musical composition; a scenario of a motion picture; a lecture, sermon, or address, or the acting form of a choreographic work or a pantomime. For a photograph there shall be deposited one print from the negative; for any work of art, or for a model or design for a work of art, or a drawing or plastic work of a scientific or technical character, or any work not particularly specified in this section, a photograph or other identifying reproduction; for a motion picture the title and a description or synopsis or prints sufficient for identification; for an architectural work, a photographic or other identifying representation of such work and such drawings as are necessary to identify it. For any work described in subsection (q) of section 37, a description of the work together with a copy of any work recorded thereon.

SEC. 39. The Register of Copyrights upon receipt of such application, and such copy or identifying matter and fee, shall make a full and complete record of the copyright claim and send a certificate of registration under the seal of the Copyright Office to the person indicated in the application.

SEC. 40. In the case of any work in connection with which application for registration of copyright is filed, where a copy thereof otherwise required or permitted which by reason of its character, bulk, fragility, or because of its dangerous ingredients, can not expediently be kept on file, the register of copyrights may determine that there shall be deposited with the application for registration, or on subsequent notice by registered mail, in lieu of a copy of such work, such identifying photographs or prints, together with such written, typewritten, or printed description of the work, as shall be sufficient to identify it.

SEC. 41. Whenever any literary, dramatic, dramatico-musical, musical, or artistic work has been published in book form, it shall be obligatory upon the publisher, except as below provided, to make a deposit in the Copyright Office or in the mail addressed to the register of copyrights, Washington, District of Columbia, within

thirty days after the date of publication, of two complete copies of the best edition thereof then published, for the use of the Library of Congress. Registration for such work may be secured if such copies are accompanied by the application and remittance prescribed in section 36 of this act: *Provided, however,* That the deposit of copies required in this and the following two sections shall not be obligatory in case of any work whose author is a national of a foreign country which is a member of the International Copyright Union or any work which is protected by copyright in the United States under this act by reason of first publication in any country which is a member of the said union, unless and until such work, if it be a book, shall have been republished in the United States under an assignment of the copyright for the United States or under a license to print and sell such book in the United States.

SEC. 42. That in the case of newspapers or other periodicals, one copy of each issue shall be deposited within thirty days after the date of publication for the use of the Library of Congress, which may be registered if accompanied by an application and remittance as provided in section 36: *Provided,* That if several editions of said newspapers are published on one day, a deposit of any one of said editions shall be in compliance with this section.

SEC. 43. Should the copies called for by sections 41 and 42 of this act not be deposited as herein provided, the Librarian of Congress may at any time after the date of the default in depositing the work require the publisher of said work to make such deposit, and after the said demand shall have been made, in default of the deposit of a copy or copies of the work in the Library of Congress within three months from any part of the United States, except an outlying Territorial possession or dependency of the United States, or within six months from any outlying Territorial possession or dependency of the United States, the publisher of said work shall be liable to a fine of \$100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, but failure to make such deposit shall not, in any way, affect the validity of the copyright in the said work.

SEC. 44. The United States postmaster to whom are delivered the articles to be deposited as provided in this act shall, if requested, give a receipt therefor and shall mail them, together with any application for registration of copyright and remittances and any accompanying papers, to the Copyright Office without cost to the copyright claimant.

SEC. 45. Registrations and recordations under this act shall be constructive notice, as of the date of registration or record, to all persons of the rights claimed therein.

SEC. 46. In the case of each work registered for copyright the person recorded as the claimant of the copyright or of any right or rights comprised therein shall be entitled to a certificate of registration under the seal of the Copyright Office, to contain the name and address of said claimant, the name of the author, the country of which the author of the work is a national, and when an alien author domiciled or residing in the United States at the time of the making of first publication or first public performance of his work, a statement of that fact, including his place of domicile, business address, or residence, or that of his duly authorized representative; the title of the work for which registration is claimed; the date of the deposit of the copy or copies of such work; the date of publication or performance if the work has been reproduced in copies for sale or publicly distributed or performed; and such marks as to class designation and entry number as shall fully identify the entry. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this act goes into effect, which certificate, sealed with the seal of the Copyright Office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and a similar certificate shall be supplied on request in the case of all previous registrations so far as the Copyright Office record books shall show such facts. In addition to such certificate, the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copy or copies of any work deposited under this or previous acts of the United States. Said certificate and receipt shall be admitted in any court as prima facie evidence of the facts stated therein.

SEC. 47. Subject to this act, the Supreme Court of the District of Columbia or a judge thereof, may on the application of any person aggrieved, by writ of mandamus upon due cause shown, order that any registration or record made under this act may be canceled, annulled, and expunged or similarly order the correction of any omission, error, or any defect in any registration or record or attempted registration or record. An appeal shall lie to the Court of Appeals of the District of Columbia from any final order made under this section.

SEC. 48. The register of copyrights shall fully index all registrations of claims to copyright or rights therein and all assignments, grants, licenses, mortgages, or other instruments recorded, and shall print at periodic intervals a catalogue of the names of the authors, where known, and of the titles of works deposited and registered, together with suitable indices, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries. Both the current catalogues and the complete and indexed catalogues for each class of copyright entries shall be furnished to all persons desiring them at reasonable prices.

SEC. 49. The record books of the Copyright Office, together with the indices to such record books, and all works deposited and retained in the Copyright Office, shall be open to public inspection, and copies may be taken of the entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

SEC. 50. That of the articles deposited in the Copyright Office under the provisions of the previous copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 51. That of any article undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register

of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from January to November, inclusive, a statement of the year of receipt of such articles and a notice to permit any author, copyright owner, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright owner of record, permitting him to claim and remove it.

COPYRIGHT OFFICE

SEC. 52. All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the Copyright Office, Library of Congress, Washington, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the supervision and approval of the Librarian of Congress, perform all the duties relating to the optional registration of copyrights and shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this Act and to prescribe the form of application for such registration.

SEC. 53. There shall be appointed by the Librarian of Congress a register of copyrights, at a salary of \$8,000 per annum, and one assistant register of copyrights, at a salary of \$6,000 per annum, who shall have authority during the absence of the register of copyrights to attach the Copyright Office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

SEC. 54. The register of copyrights shall make daily deposits with the Treasurer of the United States of all

money received to be applied as copyright fees, and shall make weekly transfers to the Treasurer of the United States, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters; and he shall make monthly reports to the Comptroller General of the United States and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

SEC. 55. The register of copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

SEC. 56. The register of copyrights shall make an annual report to the Librarian of Congress of all copyright business for the previous fiscal year, which report shall be printed promptly after the close of the fiscal year and also be printed in the annual report on the Library of Congress.

SEC. 57. The register of copyrights shall provide and keep such record books in the Copyright Office as are required to carry out the provision of this act.

SEC. 58. The register of copyrights shall, upon payment of the prescribed fee, record any assignment of copyright, or any grant, license, or mortgage of any right pertaining to the copyright in any work protected under this act or any previous acts of the United States, and shall return it after recordation to the sender, with a certificate of record attached under seal of the Copyright Office, and upon the payment of the fee prescribed by this act he shall furnish to any person requesting the same a certified copy thereof under said seal. The register of copyrights shall have no discretion to refuse to record any instrument presented to him for record as aforesaid.

SEC. 59. The register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of a claim to copyright or rights therein under the provisions of this act, \$2, which sum is to include a certificate of registration under seal: *Provided*, That in the

case of any unpublished work registered under the provisions of section 10 the fee for registration with certificate shall be \$1, and in the case of a published photograph the fee shall be \$1 where a certificate is not desired. For every additional certificate of registration made, \$1. For recording and certifying any written instrument provided for in section 10 or 11 of this act or for any copy of such assignment, grant, mortgage, license, duly certified, if not over three hundred words in length, \$1; if more than three hundred and less than one thousand words in length, \$2; if more than one thousand words in length, \$1 additional for each additional one thousand words or fraction thereof over three hundred words. For comparing any copy of an assignment with the record of such document in the Copyright Office and certifying the same under seal, \$2. For indexing the transfer of the ownership of copyrighted work or of any right therein, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument evidencing the same. For any requested search of Copyright Office records, indices, and deposits, \$1 for each full hour of time consumed in making such search.

SEC. 60. A seal shall be provided and used in the Copyright Office and be the seal thereof, and by it all papers issued from the Copyright Office requiring authentication shall be authenticated.

ENTRY OF THE UNITED STATES INTO THE INTERNATIONAL
COPYRIGHT UNION

SEC. 61. Copyright shall subsist in the work of alien authors by virtue of adherence to the International Copyright Union, signed at Berne, Switzerland, September 8, 1886, and revised at Berlin, Germany, November 13, 1908, and to the "Additional protocol" to the said convention executed at Berne, Switzerland, March 20, 1914, as provided by this act, on and after the date on which the adherence of the United States to the convention creating an international union for the protection of literary and artistic works goes into force: *Provided, however,* That the duration of copyright in the United States shall not in the case of the work of any such alien author, extend beyond the date at which such work has fallen into the public domain in the country of origin as defined by said

convention: *And provided further*, That as to copyrights in works not previously copyrighted in the United States no right or remedy given pursuant to this act shall prejudice lawful acts done or rights in or in connection with copies lawfully made or the continuance of business undertakings or enterprises lawfully undertaken within the United States prior to the date of said proclamation, and the author or other owner of such copyrights or persons claiming under him shall not be entitled to bring action against any person who has, prior to such date, taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred any substantial expenditure or liability.

SEC. 62. This act shall not apply to designs or patterns for wearing apparel, nor pictorial representations thereof, nor to any other designs capable of being patented, except designs which though capable of being so patented are not used or intended to be used as models or patterns to be multiplied by any industrial process other than the printing-press processes referred to in section 28 of this act.

SEC. 63. That the copyright provided by this act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright.

SEC. 64. The provisions of this act apply to existing copyrights save as expressly indicated in this act. All other acts or parts of acts relating to copyrights are hereby repealed, as well as all other laws or parts of laws in conflict with the provisions of this act, except that subsection (e) of sections 1 and 25 of the act of March 4, 1909, as amended (U. S. C., title 17, secs. 1 (e) and 25 (e)), shall continue in full force and effect in respect of musical compositions copyrighted subsequent to July 1, 1909, and up to January 1, 1932. Nothing in this act shall affect suits, actions, or proceedings for infringement of copyright heretofore committed now pending in the courts of the United States; but such suits, actions, or proceedings shall be prosecuted to a conclusion in the manner heretofore provided by law.

SEC. 65. That this act shall go into effect on the 1st day of April, 1931.

ADDENDUM IV

[71st Cong., 2d sess. H. R. 7495. In the House of Representatives,
December 13, 1929]

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

A BILL Amending the statutes of the United States with reference to copyright registration of designs and styles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is a citizen of or domiciled in the United States, or who is a citizen or subject of a foreign state or nation with which the United States shall have established reciprocal copyright relations, and who created or is the author of any creation, style, and/or design as hereinafter defined, or the legal representative or assignee of such creator and/or author, may secure copyright therein upon compliance with the provisions of this act.

Within the meaning of this act—

(a) An author or creator is one who creates or originates a new style or design and in so doing contributes intellectual effort to the composition thereof.

(b) A design is a pattern, shape, or form of a manufactured product or the manufactured article itself called a new creation or style, or dies, molds, or devices by which or from which such a pattern, shape, or form may be produced and reproduced original in its application to or embodiment in such manufactured product and which produces an artistic or ornamental article, effect or decoration or style, but shall not include shapes or forms which have merely a functional or mechanical purpose.

SEC. 2. The owner of a design copyright shall have within all the territory which is under the jurisdiction and control of the United States, for the periods and subject to the limitations hereinafter prescribed, the right to exclude others from selling or distributing manufactured products which embody or contain copies or colorable imitations of the copyrighted design, style or article or any characteristic original feature thereof, if such

manufactured products are in the same class as, or are similar to, the product to which the copyrighted style or design has been applied or in which it has been embodied.

SEC. 3. As prerequisites to copyright protection under this act the author or his legal representative or his assignee must (1) actually cause the creation, style, or design to be applied to or embodied in the manufactured product or to be the manufactured product; (2) mark such product in the manner specified in section 5 of this act; (3) introduce such product to the public by selling it or offering it for sale; and (4) within six calendar months of the time when such manufactured product was first actually so introduced to the public, file an application in the copyright office in the form prescribed under authority of section 20 of this act, and in such application state (a) that he is the author of the creation, style, or design for which he solicits registration or (b) that he is the assignee or legal representative of such author and verily believes the author named in the application to be the originator of such creation, style, or design. Such application shall include the prescribed number of copies of a photograph or other identifying representation of the creation, style, or design as applied to or embodied in the said manufactured product and shall give the date when such manufactured product was so introduced to the public; and copyright shall be secured upon and from the date of such introduction of the manufactured product to the public, subject to the provisions of this act.

SEC. 4. Upon each entry of a claim for copyright in any creation, style, or design made subject matter of copyright by this act the person recorded as the claimant of copyright shall be entitled to a certificate of registration under the seal of the copyright office, which shall state the name, citizenship, and address of the author of the creation, style, and/or design and of the owner of the copyright in such creation, style, and/or design, if other than the author or creator; the name or designation of the class of manufactured product in which the creation, style, and/or design has been embodied or to which it has been applied; the date when the application for registration was filed in the copyright office; the date when copyright was secured as provided in section 3 of this act; and such marks as to class designation and

entry number as shall fully identify the entry of the claim of copyright. Said certificate shall be prima facie evidence of the facts stated therein. A duplicate certificate under the seal of the copyright office shall be supplied to any person requesting the same upon payment of the fee. When a creation, style, and/or design actually embodied in or applied to one manufactured product is in substantially the same form to be embodied in or applied to a set of articles of the same general character ordinarily on sale together or intended to be used together, a single application for registration and one certificate of registration shall suffice.

SEC. 5. It shall be the duty of the owner of a creation, style, and/or design in which copyright is secured under this act or his licensee to give notice to the public that the creation, style, and/or design is protected under this act by affixing to the manufactured product the mark "Design copyrighted," "Creation copyrighted," "Style copyrighted," and by adding thereto with reasonable promptness after registration the number of the registration entry. When the nature of the product will not permit the affixing of these marks in full it shall be sufficient to use the abbreviation "D. copr." or the letter "D" inclosed within a circle, this © with or without the registration number.

When such abbreviation or symbol is used, or when the product itself will not permit the affixing of any of these marks, it shall be necessary to attach a label or tag to the product or to the package or cover containing the product in which the creation, style, and/or design is embodied or to which it is applied, containing the name of the manufactured product and plainly marked with the words "Design copyrighted," to which must be added with reasonable promptness after registration the registration number.

In the case of any manufactured product in which the design is repeated, such as wall paper or textiles, one marking upon the roll, bale, or parcel of the manufactured product embodying or containing the design shall suffice.

In any action or suit for infringement by a party failing so to mark the manufactured product, no recovery shall be adjudged the plaintiff, and no injunction shall be granted except on proof that the failure to mark was

merely occasional and inadvertent and in no wise affecting the general notice intended by the accustomed marking.

SEC. 6. Copyright secured under this act shall initially endure for a term of two years from the first sale or offer for sale of the manufactured product to which the design is applied or in which it is embodied. At any time before the expiration of the two-year term an extension of the copyright may be registered for a further period of eighteen years to secure a total period of protection of twenty years upon filing an application for such extension and paying the fees prescribed in section 21 of this act.

SEC. 7. Every copyright secured under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright owner may, in like manner, grant and convey an exclusive right under such copyright for the whole or any part of the United States.

Such assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the copyright office within three calendar months after its execution in the United States, or within six calendar months after its execution without the limits of the United States, or prior to such subsequent purchase or mortgage. If such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any dependencies of the United States, or before any officer authorized to administer oaths in the United States or its dependencies and the Panama Canal Zone or the Philippine Islands, or any clerk or commissioner of any United States district court, or before a secretary in the diplomatic service or a diplomatic or consular officer of the United States authorized by law to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country whose authority shall be proved by the certificate of a secretary in the diplomatic service or a diplomatic or consular officer of the United States, the certificate of such acknowledgment or the record thereof in the copyright office, when made, shall

be prima facie evidence of the execution of such assignment, grant, or conveyance.

SEC. 8. Infringement shall include unlicensed copying or colorable imitation of the copyrighted creation, style and/or design or of any characteristic original feature thereof in manufactured products in the same class, or any similar product, for the purpose of sale or public distribution; or selling or publicly distributing or exposing for sale or public distribution any such product embodying or containing such a copy or colorable imitation.

If such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after actual notice in writing that the design is copyrighted.

SEC. 9. The following shall not be held infringing acts;

(a) Repairing manufactured articles protected under this act, or making or selling parts of such manufactured articles, whether individually protected or not, for use as repair parts;

(b) Illustrating designs by pictorial representation, or publicly distributing or exhibiting such illustrations or pictorial representations of creation, style, and/or designs otherwise than in connection with the advertising or sale or distribution of infringing goods: *Provided, however,* That the exhibition or publication, as authorized in subsection (b) above shall not affect the force or validity of any copyright in any creation, style, and/or design involved, but to obtain the benefit of said subsection a notice to that effect shall be printed on the pattern or its envelope or in the work containing such illustration or pictorial representation by the person who makes such pattern or who publishes such illustration or pictorial representation of any creation, style, and/or design;

(d) Making any reproduction, copy, use, sale, or public distribution of any creation, style, and/or design copyrighted under this act in any motion picture, provided it shall be with the consent of the copyright proprietor or his assigns and in whatever form used in connection with the advertisement, distribution, or sale or other disposition of motion pictures.

SEC. 10. Anyone who shall infringe any copyrighted creation, style, and/or design shall be liable—

- (a) To an injunction restraining such infringement;
- (b) To account for and pay the profits and damages resulting from the infringement, which in the discretion of the court, may be trebled.

The court may dispense with an accounting—

(1) In cases where the plaintiff may so request, or where from the record it is apparent to the court that an accounting would not find damages or profits to exceed \$100. In such case the defendant may be held liable to pay to the plaintiff not less than \$100 nor more than \$250 as compensation and not as a penalty;

(2) In cases where the copying complained of was without knowledge or notice of the copyright.

The court may order to be delivered up and destroyed or otherwise disposed of, as shall be just as between the parties, all infringing articles, products, or parts, and all dies, models, and devices useful only in producing the infringing article or product, and all labels, prints, or advertising matter relating to the infringing article or product.

SEC. 11. No relief shall be granted where an infringement has continued with the knowledge of the owner of the copyright for a period of two years prior to the commencement of the suit or action; and in no event shall there be a recovery of profits or damages for acts of infringement committed more than three years prior to the commencement of the suit or action.

SEC. 12. When registration has been made in the copyright office of any creation, style, and/or design as provided in this act, written, printed, or photographic copies of any papers, drawings, or photographs relating to such creation, style, and/or design preserved in the copyright office shall be given to any person making application therefor and paying the fees required by this act, and such copies when authenticated by the seal of the copyright office shall be evidence of the same force and effect as originals.

SEC. 13. In an action or suit for infringement of copyright in a creation, style, and/or design registered under this act there shall be a presumption of originality in the registered creation, style, and/or design and of validity

in the registration thereof; and a presumption of copying may arise from substantial resemblance to the registered creation, style, and/or design in defendant's creation, style, and/or design.

SEC. 14. The district and territorial courts of the United States and its insular possessions, including the courts of first instance of the Philippine Islands and the Supreme Court of the District of Columbia, shall have original jurisdiction, and the Circuit Court of Appeals of the United States, the Court of Appeals of the District of Columbia, and the Supreme Court of the Philippine Islands shall have appellate jurisdiction of proceedings respecting creation, style, and/or designs protected under the provisions of this act.

SEC. 15. Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided in the Judicial Code as amended by the act of February 13, 1925.

SEC. 16. After adjudication and entry of a final decree by any court in any action brought under this act, any of the parties thereto may, upon payment of the legal fees, have the clerk of the court prepare a certified copy or copies of such decree, or of the record, or any part thereof, and forward the same to any of the designated courts of the United States, and any such court to which such copy or copies may be forwarded under the provisions of this section shall forthwith make the same a part of its record; and any such record, judgment, or decree may thereafter be made, as far as applicable, the basis of an application to that court for injunction or other relief by any court in which such copies shall have been recorded; and in the preparation of such copies the printed copies of the record of either party on file with the clerk may be used without charge other than for the certificate. When the necessary printed copies are not on file with the clerk either party may file copies which shall be used for the purpose, and in such cases the clerk shall be entitled to charge a reasonable fee for comparing such copies with the original record before certification and for certifying the same.

SEC. 17. After the registration of a creation, style, and/or design, if the copyright in said creation, style, and/or design shall have been adjudged invalid and a

judgment or decree shall have been entered for the defendant, the clerk shall forward a certified copy of such judgment or decree to the register of copyrights, who shall forthwith make the same a part of the records of the copyright office.

SEC. 18. (a) Any person who shall register a creation, style, and/or design under this act, knowing that the creation, style, and/or design is not an original work of authorship of the person named as author in the application for registration, shall be guilty of a misdemeanor punishable by a fine of \$500, or such part thereof as the court may determine.

(b) Any person who shall bring an action or suit under a certificate of registration procured for a creation, style, and/or design known by the plaintiff to be not an original work of authorship of the person named as the author in the application, shall, upon due showing of such knowledge, be liable in the sum of \$500, or such part thereof as the court may determine, as compensation to the defendant, to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

(c) Any person who, with fraudulent intent, marks a manufactured product which is not protected by creation, style, and/or design copyright, so as falsely to indicate that it is so protected shall be guilty of a misdemeanor and for every such offense shall be punishable by a fine not exceeding \$500.

SEC. 19. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 20. The register of copyrights shall be authorized to determine and designate the different classes of manufactured products under which registration may be made, and, subject to approval by the Librarian of Congress, to make rules and regulations for such registrations and for the form of the required certificate.

SEC. 21. The register of copyrights shall receive, and the persons to whom the services designated in this act are rendered, shall pay the following fees: (1) For the registration for the first term of two years under this act, \$3; (2) for the registration of the extension of the period of protection to twenty years, as provided herein, \$50; and the payment of the said fees shall include, in each case, the certificate provided for in this act; (3) for

a duplicate certificate of any registration made, \$1; (4) for recording any document in the copyright office, as provided in section 7 of this act, or for furnishing certified copies of any such document, \$1 for each copyright office record-book page or fraction thereof up to five pages, and 50 cents for each such page or fraction thereof beyond five pages; (5) for copies of any registration made, or of drawings or photographs or other identifying reproductions filed in relation to any creation, style, and/or design registered, and for comparing such copies with the original before certification, a reasonable fee and 50 cents additional for certification of each such copy under seal of the copyright office.

SEC. 22. All creations, styles, and/or designs registered for the first term of two years shall be listed in the Catalogue of Copyright Entries prepared and printed under the provisions of the act of March 4, 1909, and shall be further identified by a representation of the creation, style, and/or design, and each extension registration shall be listed in said catalogue. The periodic issues of said catalogue may be subscribed for upon application to the Superintendent of Public Documents, at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding \$10 for the complete Catalogue of Copyright Entries provided by the act approved March 4, 1909, or \$10 for the catalogue of designs registered under this act. The Catalogue of Copyright Entries for designs shall be submitted in any court as prima facie evidence of the facts therein stated as regards any copyright registration for a creation, style, and/or design made under the provision of this act.

SEC. 23. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, office rental and equipment, stationery and supplies, for carrying into effect this act for the fiscal year ending June 30, 1929, \$100,000 or so much thereof as may be necessary, the same to be available immediately upon the approval of this act, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 24. The Librarian of Congress shall annually submit estimates in detail for all expenses of carrying this act into effect, and he is hereby authorized to appoint

such subordinate assistants to the register of copyrights as shall be necessary for the prompt and efficient execution of the work involved.

SEC. 25. The following sections of the United States Revised Statutes are hereby repealed: Section 4929, as amended by the act of May 9, 1902; sections 4930 and 4931; and section 4934, as amended by the acts of February 18, 1922, and February 14, 1927, is further amended by striking out the words "except in design cases," wherever they appear, and also by striking out the following words: "In design cases, for three years and six months, \$10; for seven years, \$15; for fourteen years, \$30": *Provided, however,* That notwithstanding the six months' limitations in section 3 of this act, an applicant who has duly filed in the Patent Office an application for a creation, style, and/or design patent, and whose application has not become abandoned when this act goes into effect, or his assigns and legal representatives, may within six months after this act goes into effect elect either to demand a creation, style, and/or design patent which may be granted him and have full force and effect as if the section herein repealed were still in effect, or to abandon said application for a creation, style, and/or design patent and secure copyright protection under this act by complying with the provisions of this act, so far as applicable, and upon payment of the fee or fees prescribed in section 21 of this act, filing an application for registration of said creation, style, and/or design under this act, or two or more applications in different classes the initial term of such copyright protection under this act to commence with the sale or offer for sale of manufactured products to which the creation, style, and/or design has been applied or in which it is embodied, marked in the manner specified in section 5 of this act. No creation, style, and/or design copyright under the provisions of this act shall be valid to an author or to the legal representative or assignee of such author to whom shall have been issued a creation, style, and/or design patent in this country for the same creation, style, and/or design.

SEC. 26. This act shall go into effect on July 1, 1930, and may be cited as the design copyright act of 1930.

ADDENDUM V

[71st Cong., 2d sess. H. R. 11852. In the Senate of the United States
July 3, 1930]

AN ACT Amending the statutes of the United States to provide for copyright registration of designs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is a citizen of or domiciled in the United States, or who is a citizen or subject of a foreign state or nation with which the United States shall have established reciprocal copyright relations, and who is the author of any design as hereinafter defined, or the legal representative or assignee of the author of such a design, may secure copyright thereon upon compliance with the provisions of this act.

Within the meaning of this act—

(a) An author is one who originates a design and who is doing contributes intellectual or artistic effort to the composition thereof.

(b) A design is a pattern applied to or a shape or form of a manufactured product which is not of itself a work of art, and shall include dies, molds, or devices by which such a pattern, shape, or form may be produced, original in its application to or embodiment in such manufactured product, by reason of an artistic or intellectual effort, and which produces an artistic or ornamental effect or decoration, but shall not include patterns or shapes or forms which have merely a functional or mechanical purpose.

SEC. 2. The owner of a design copyright shall have the right within all the territory which is under the jurisdiction and control of the United States, for the periods and subject to the limitations hereinafter prescribed, the right to exclude others from selling or distributing manufactured products which embody or contain copies of colorable imitations made by copying the copyright design or any characteristic original feature thereof, such manufactured products are in the same class or are similar to, the product to which the copyright design has been applied or in which it has been embodied.

SEC. 3. As prerequisites to copyright protection under this act the author or his legal representative or his

signee must (1) actually cause the design to be applied to or embodied in the manufactured product; (2) mark such product in the manner specified in section 5 of this act; (3) introduce such product to the public in territory under the jurisdiction and control of the United States, by selling it or offering it for sale; and (4) within six calendar months of the time when such manufactured product was first actually so introduced to the public, file an application in the copyright office in the form prescribed under authority of section 21 of this act, and in such application state under oath (a) that he is the author of the design for which he solicits registration or (b) that he is the assignee or legal representative of such author and verily believes the author named in the application to be the originator of such design. Such application shall include the prescribed number of copies of a photograph or other identifying representation of the design as applied to or embodied in the said manufactured product and shall give the date when such manufactured product was so introduced to the public; and copyright shall be secured upon and from the date of such introduction of the manufactured product to the public, subject to the provisions of this act: *Provided, however,* That such application is filed within six calendar months of any sale in any country of such manufactured product and of any publication not under copyright protection in any country of such design, if such sale or such publication is made by or with the consent of the author, his assignee, or legal representative.

SEC. 4. Upon each entry of a claim for copyright in any design made subject matter of copyright by this act, the person recorded as the claimant of copyright shall be entitled to a certificate of registration under the seal of the copyright office, which shall state the name, citizenship, and address of the author of the design and of the owner of the copyright in such design, if other than the author; the name or designation of the class of manufactured product in which the design has been embodied or to which it has been applied; the date when the application for registration was filed in the copyright office; the date when copyright was secured as provided in section 3 of this act; and such marks as to class designation and entry number as shall fully identify the entry of the claim of copyright. Said certificate shall be *prima facie*

evidence of the facts stated therein. A duplicate certificate under the seal of the copyright office shall be supplied to any person requesting the same upon payment of the fee. When a design actually embodied in or applied to one manufactured product is in substantially the same form to be embodied in or applied to a set of manufactured products of the same general character ordinarily on sale together or intended to be used together, a single application for registration and one certificate of registration shall suffice.

SEC. 5. It shall be the duty of the owner of a design in which copyright is secured under this act or his licensee to give notice to the public that the design is protected under this act by affixing to the manufactured product the mark "Design copyrighted" and by adding thereto with reasonable promptness after registration the number of the registration entry. When the nature of the product will not permit the affixing of these marks in full it shall be sufficient to use the abbreviation "D. copr." or the letter "D" inclosed within a circle, thus © with or without the registration number.

When such abbreviation or symbol is used, or when the product itself will not permit the affixing of any of these marks, it shall be sufficient and necessary to attach a label or tag to the product or to the package or cover containing the product in which the design is embodied or to which it is applied, containing the name of the manufactured product and plainly marked with the words "Design copyrighted," to which must be added with reasonable promptness after registration, the registration number.

In the case of any manufactured product in which the design is repeated, such as wall paper or textiles, one marking on the manufactured product embodying or containing the design, shall suffice.

In any action or suit for infringement by a party failing to comply with the above-stated provisions of this section no recovery shall be adjudged the plaintiff and no injunction shall be granted except on proof that the failure to mark was merely occasional and inadvertent: *Provided, however,* That there shall be no recovery against an innocent infringer who has been misled by the omission of the notice, and in such case no permanent injunction shall be had unless the copyright owner shall

reimburse to the innocent infringer his reasonable outlay innocently incurred, if the court, in its discretion, shall so direct.

Sec. 6. Copyright secured under this act shall initially endure for a term of two years from the first sale or offer for sale of the manufactured product to which the design is applied or in which it is embodied. At any time before the expiration of the two-year term an extension of the copyright may be registered for a further period of eighteen years to secure a total period of protection of twenty years upon filing an application for such extension and paying the fees prescribed in section 22 of this act.

Sec. 7. Every copyright secured under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright owner may, in like manner, grant and convey an exclusive right under such copyright for the whole or any part of the United States.

Such assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the copyright office within three calendar months after its execution in the United States, or within six calendar months after its execution without the limits of the United States, or prior to such subsequent purchase or mortgage. If such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any dependencies of the United States, or before any officer authorized to administer oaths in the United States or its dependencies and the Panama Canal Zone or the Philippine Islands, or any clerk or commissioner of any United States district court, or before a secretary in the Diplomatic Service or a diplomatic or consular officer of the United States authorized by law to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country, whose authority shall be proved by the certificate of a secretary in the Diplomatic Service or a diplomatic or consular officer of the United States, the certificate of such acknowledgment or the record thereof in the copyright office, when made, shall be prima facie evidence of

the execution and delivery of such assignment, grant, or conveyance.

SEC. 8. Infringement shall include unlicensed copying of or colorable imitation by copying the copyrighted design or any characteristic original feature thereof in manufactured products in the same class, or any similar product, for the purpose of sale or public distribution; or selling or publicly distributing or exposing for sale or public distribution any such product embodying or containing such a copy or colorable imitation: *Provided, however,* That if such sale or public distribution or exposure for sale or public distribution is by any one other than the manufacturer or importer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after written notice of a restraining order or preliminary injunction, or of an order granting a preliminary injunction, or of a decree by any court having jurisdiction in the premises, in any action brought under this act by the copyright owner for infringement of such copyright, or of any order or decision in such an action in which the court, although refusing injunctive relief, states that in its opinion, based on the affidavits or testimony submitted, such copyright is for an original design and otherwise valid, and in the absence of such notice the remedies and penalties provided for in section 10 of this act shall not apply; the words "manufacturer" and "importer" as used in this section shall be construed as including anyone who induces or acts in collusion with a manufacturer to make, or an importer to import, a colorable imitation or an unauthorized copy of a copyrighted design, but purchasing or giving an order for purchase in the ordinary course of business shall not in itself be construed as constituting such inducement or collusion: *Provided, however,* That to obtain the benefit of this exemption a prompt and full disclosure must be made to the copyright owner upon request as to the source and all particulars of the purchase of the goods, and the evidence thereof must be given if requested in any suit or action against the manufacturer or importer.

SEC. 9. The following shall not be held infringing acts:

(a) Repairing manufactured articles protected under this act, or making or selling parts of manufactured articles, whether individually protected or not, for use as repair parts;

(b) Making and/or illustrating or selling patterns for dressmaking, or making a garment from such a pattern or embodying a copyrighted design for the individual use of the maker or a member of the family of the maker, or having such a garment made by an individual employee for the use of the employer or a member of the family of the employer;

(c) Illustrating designs by pictorial representation, or publicly distributing or exhibiting such illustrations or pictorial representations of designs;

(d) Making any reproduction, copy, use, sale, or public distribution of any design copyrighted under this act in any motion picture, and in whatever form used in connection with the advertisement, distribution, or sale or other disposition of motion pictures: *Provided, however,* That none of the acts specified in this section shall affect the force or validity of any copyright in any design under this act.

SEC. 10. Anyone who shall infringe any copyrighted design shall be liable—

(a) To an injunction restraining such infringement;

(b) To account for and pay the profits and damages resulting from the infringement, which in the discretion of the court may be trebled.

The court may dispense with an accounting—

(1) In cases where the plaintiff may so request or where from the record it is apparent to the court that an accounting would not find damages or profits to exceed \$2,500 where defendant is a manufacturer or importer and \$100 in any other case. In any such case where the defendant is a manufacturer or importer, the defendant shall be held liable to pay to the plaintiff not less than \$2,500, and in any other such case the defendant shall be held liable to pay the plaintiff not less than \$100, as compensation and not as a penalty.

(2) In cases where the copying complained of was without knowledge or notice of the copyright.

The court may order to be delivered up and destroyed or otherwise disposed of, as shall be just as between the parties, all infringing articles, products, or parts, and all dies, models, and devices useful only in producing the infringing article or product, and all labels, prints, or advertising matter relating to the infringing article or product.

SEC. 11. No relief shall be granted where an infringement has continued with the knowledge of the owner of the copyright for a period of two years prior to the commencement of the suit or action; and in no event shall there be a recovery of profits or damages for acts of infringement committed more than three years prior to the commencement of the suit or action.

SEC. 12. When registration has been made in the copyright office of any design as provided in this act, written, printed, or photographic copies of any papers, drawings, or photographs relating to such design preserved in the copyright office shall be given to any person making application therefor and paying the fees required by this act, and such copies when authenticated by the seal of the copyright office shall be evidence of the same force and effect as originals.

SEC. 13. In an action or suit for infringement of copyright in a design registered under this act there shall be a presumption of originality in the registered design and of validity in the registration thereof; and a presumption of copying may in the discretion of the court be held to arise from substantial resemblance to the registered design in defendant's design.

SEC. 14. The district and territorial courts of the United States and its insular possessions, including the courts of first instance of the Philippine Islands, the district court of the Canal Zone, and the Supreme Court of the District of Columbia, shall have original jurisdiction, and the Circuit Courts of Appeals of the United States, the Court of Appeals of the District of Columbia, and the Supreme Court of the Philippine Islands shall have appellate jurisdiction of proceedings respecting designs protected under the provisions of this act.

SEC. 15. Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided in the Judicial Code as amended by the act of February 13, 1925.

SEC. 16. After adjudication and entry of a final decree by any court in any action brought under this act, any of the parties thereto may, upon payment of the legal fees, have the clerk of the court prepare a certified copy or copies of such decree, or of the record, or any part thereof, and forward the same to any of the designated

courts of the United States, and any such court to which such copy or copies may be forwarded under the provisions of this section shall forthwith make the same a part of its record; and any such record, judgment, or decree may thereafter be made, as far as applicable, the basis of an application to that court for injunction or other relief; and in the preparation of such copies the printed copies of the record of either party on file with the clerk may be used without charge other than for the certificate. When the necessary printed copies are not on file with the clerk either party may file copies which shall be used for the purpose, and in such cases the clerk shall be entitled to charge a reasonable fee for comparing such copies with the original record before certification and for certifying the same.

SEC. 17. If the copyright in a design shall have been adjudged invalid and a judgment or decree shall have been entered for the defendant, the clerk shall forward a certified copy of such judgment or decree to the register of copyrights, who shall forthwith make the same a part of the records of the copyright office.

SEC. 18. (a) Any person who shall register a design under this act, knowing or having reason to know that the design is not an original work of authorship of the person named as author in the application for registration, or knowing or having reason to know that the ownership of the copyright therein is falsely stated in the application for registration, shall be guilty of a misdemeanor punishable by a fine of \$2,500, or such part thereof as the court may determine.

(b) Any person who shall bring an action or suit for infringement of a design alleged to be protected under this act, and known by the plaintiff to be not an original work of authorship of the person alleged to be the author of said design, shall, upon due showing of such knowledge, be liable in the sum of \$2,500, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

(c) Any person who shall, because of notice given under section 8 of this act by the owner of a copyright secured under this act, or by his licensee, discontinue the purchase, sale, or distribution of products alleged by such owner or licensee to be an infringement of such copy-

right, shall recover from such owner and/or licensee such damages as he shall have sustained by reason of compliance with such notice, if such owner or licensee knew, or had reason to know, that the design alleged to be protected under this act was not an original work of authorship of the person alleged to be the author of said design.

(d) Any person who, with fraudulent intent, marks one or more manufactured products which are not protected by design copyright, so as falsely to indicate that they are so protected, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding \$500.

SEC. 19. Nothing in this act shall be construed to impair, limit, or annul the right of an author of a design, or the legal representative or assignee of such author, prior to the copyrighting of such design under this act, to prevent unauthorized application or embodiment of such design or any characteristic original feature thereof, to or in any manufactured product, and the exposure for sale or public distribution, or the sale or public distribution of such manufactured product, as a result of the confidential disclosure of such design, and to recover the profits and damages arising therefrom by suit in equity or action at law; and the marking upon a drawing or other representation of such design of the name of the author and the words "design copyright reserved" is hereby authorized as reserving the right to have the design copyrighted under this act as and when applied to or embodied in a manufactured product and introduced to the public pursuant to this act.

SEC. 20. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 21. The register of copyrights shall be authorized, for convenience of copyright-office administration, to determine and designate the different classes of manufactured products under which registration may be made, and, subject to approval by the Librarian of Congress, to make rules and regulations for such registration, and for the form of the required certificate: *Provided, however,* That such classification shall not be held to limit or extend the rights of the author of the design or his legal representative or assignee.

SEC. 22. The register of copyrights shall receive, and the persons to whom the services designated in this act

are rendered, shall pay the following fees: (1) For the registration for the first term of two years under this act, \$3; (2) for the registration of the extension of the period of protection to twenty years, as provided herein, \$20; and the payment of the said fees shall include, in each case, the certificate provided for in this act; (3) for a duplicate certificate of any registration made, \$1; (4) for recording any document in the copyright office, as provided in section 7 of this act, or for furnishing certified copies of any such document, \$1 for each copyright office record-book page or fraction thereof up to five pages, and 50 cents for each such page or fraction thereof beyond five pages; (5) for copies of any registration made, or of drawings or photographs or other identifying reproductions filed in relation to any design registered, and for comparing such copies with the originals before certification, a reasonable fee and 50 cents additional for certification of each such copy under seal of the copyright office.

SEC. 23. All designs registered for the first term of two years shall be listed in the Catalogue of Copyright Entries prepared and printed under the provisions of the act of March 4, 1909, and shall be further identified by a representation of the design, and each extension registration shall be listed in said catalogue. The periodic issues of said catalogue may be subscribed for upon application to the Superintendent of Public Documents, at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding \$10 for the complete Catalogue of Copyright Entries provided by the act approved March 4, 1909, or \$10 for the catalogue of designs registered under this act. The Catalogue of Copyright Entries for designs shall be admitted in any court as prima facie evidence of the facts therein stated as regards any copyright registration for a design made under the provisions of this act.

SEC. 24. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, office rental and equipment, stationery and supplies, for carrying into effect this act for the fiscal year ending June 30, 1931, \$100,000, or so much thereof as may be necessary, the same to be available immediately upon the approval of this act, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 25. The Librarian of Congress shall annually submit estimates in detail for all expenses of carrying this act into effect, and he is hereby authorized to appoint such subordinate assistants to the register of copyrights as shall be necessary for the prompt and efficient execution of the work involved.

SEC. 26. The following sections of the United States Revised Statutes are hereby repealed: Section 4929, as amended by the act of May 9, 1902; sections 4930 and 4931; and section 4934, as amended by the acts of February 18, 1922, and February 14, 1927, is further amended by striking out the words "except in design cases" wherever they appear, and also by striking out the following words: "In design cases: For three years and six months, \$10; for seven years, \$15; for fourteen years, \$30": *Provided, however,* That design patents issued under the sections herein repealed shall have full force and effect as if said sections were still in effect: *And provided further,* That notwithstanding the six months' limitations in section 3 of this act, an applicant who has duly filed in the Patent Office an application for a design patent, and whose application has not become abandoned when this act goes into effect, or his assigns and legal representatives may within six months after this act goes into effect elect either to demand a design patent which may be granted him and have full force and effect as if the section herein repealed were still in effect, or to abandon said application for a design patent and secure copyright protection under this act by complying with the provisions of this act, so far as applicable, and upon payment of the fee or fees prescribed in section 21 of this act, filing an application for registration of said design under this act, or two or more applications in different classes, if the design as disclosed in said application is entitled to registration in such different classes, the initial term of such copyright protection under this act to commence with the sale or offer for sale of manufactured products to which the design has been applied or in which it is embodied, marked in the manner specified in section 5 of this act. No design copyright under the provisions of this act shall be valid to an author or to the legal representative or assignee of such author to whom shall have been issued a design patent in this country for the same design.

SEC. 27. This act shall go into effect on January 1, 1931, and may be cited as the design copyright act of 1931.

Passed the House of Representatives July 2, 1930.

Attest:

WM. TYLER PAGE, *Clerk.*

ADDENDUM VI

COPYRIGHT—FINLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the copyright secured by the act, except the benefits under section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may at its pleasure become a party thereto;

And whereas it is provided by section 1 (e) of the said act of Congress, approved March 4, 1909, that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compo-

sitions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights”;

And whereas the President is authorized by the said section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require;

And whereas satisfactory official assurances have been received that on and after January 1, 1929, citizens of the United States shall be entitled to obtain copyright for their works in Finland which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (c) of the copyright act of the United States, approved March 4, 1909.

Now, therefore, I, Calvin Coolidge, President of the United States of America, do declare and proclaim

That on and after January 1, 1929, the conditions specified in sections 8 (b) and 1 (c) of the act of March 4, 1909, will exist and be fulfilled in respect to the citizens of Finland and that on and after January 1, 1929, citizens of Finland shall be entitled to all the benefits of the act of March 4, 1909, including section 1 (c) thereof and the acts amendatory of the said act.

Provided that the enjoyment by any work of the rights and benefits conferred by the act of March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

And provided further that the provisions of section 1 (c) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to January 1, 1929, on any contrivance by means of which the work may be mechanically performed.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of
December, in the year of Our Lord one
[SEAL.] thousand nine hundred and twenty-eight and
of the independence of the United States of
America the one hundred and fifty-third.

CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,
Secretary of State.

ADDENDUM VII

COPYRIGHT—IRISH FREE STATE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the copyright secured by the act, except the benefits under section 1 (e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is provided by section 1 (e) of the said act of Congress approved March 4, 1909, that the provisions of the act, "so far as they secure copyright con-

trolling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights";

And whereas the President is authorized by the said section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require;

And whereas satisfactory official assurances have been received that on and after October 1, 1929, citizens of the United States will be entitled to copyright protection in the Irish Free State which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (e) of the act of Congress approved March 4, 1909, relating to copyright.

Now, therefore, I, Herbert Hoover, President of the United States of America, do declare and proclaim

That on and after October 1, 1929, the conditions specified in sections 8 (b) and 1 (e) of the act of March 4, 1909, will exist and be fulfilled in respect to the citizens of the Irish Free State and that from October 1, 1929, they will be entitled to all the benefits of the act of March 4, 1909, including section 1 (e) thereof and the acts amendatory of the said act.

Provided that the enjoyment by any work of the rights and benefits conferred by the act of March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

And provided further that the provisions of section 1 (e) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to October 1, 1929, on any contrivance by means of which the work may be mechanically performed.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-eighth day of September, in the year [SEAL] of our Lord one thousand nine hundred and twenty-nine, and of the independence of the United States of America the one hundred and fifty-fourth.

By the President:

HERBERT HOOVER.

HENRY L. STIMSON,
Secretary of State.

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