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"To promote the Progress of Science and useful Arts...."

Report to the Librarian of Congress by the Register of Copyrights

THE COPYRIGHT OFFICE

The most dramatic occurrence of the year in the Copyright Office was perhaps the completion, on September 30, 1982, of a major move toward on-line access to the record of copyright registrations by discontinuing the manual filing of cards in the Copyright Office Card Catalog, an index to the registrations from 1870 forward. All registrations made after January 1, 1978, are now available through the computerized filing system of the Copyright Office. With this changeover to computerized filing, the Copyright Office has ended 112 years of manual filing into one of the nation's oldest and largest active card catalogs. The Copyright Office Card Catalog will continue to be accessible as an index to the copyright registrations made between 1870 and 1977; thus, its 41 million cards track a great number of the literary, musical, and pictorial works of the United States and of many foreign countries. Its bibliographic records of registrations, renewals, transfers, and other documents relating to copyright not only are invaluable to copyright searchers but also are an important supplement to the other catalogs of the Library of Congress. Registrations and other records from January 1, 1978, onward are now accessible on-line through the Copyright Office History Monograph (COHM) and Copyright Office History Document (COHD) files. Periodicals, not yet accessible on-line, will continue for the present to be manually filed into the Card Catalog.

WORKLOAD AND PRODUCTION

Registrations made during fiscal 1982 totaled 468,149, a decrease of less than 1 percent compared to the previous year. There was an increase in the totals for original registrations of unpublished works and for renewal registrations: 150,334 unpublished (148,072 in 1981) and 36,332 renewals (34,243 in 1981). The decrease was in the number of original registrations for published works, the total being 281,483 in 1982 as against 288,863 in 1981; indeed, this was the second consecutive year in which the number of original registrations for published works has decreased, the total for 1980 having been 293,143.

GENERAL OPERATIONS

The Copyright Office performs its major line functions through six operating divisions. Their effort to increase production, with a reduced staff and without a loss in quality, was the essential challenge. Shown below are some of the notable things that occurred as they strove to achieve this goal.

Acquisitions and Processing Division

This division is charged, among other things, with enforcement of the mandatory deposit provision of the copyright law, under which works published in the United States with notice of copyright are obtained to enrich the collections of the Library of Congress. During fiscal 1982 the division acquired, through this provision, materials valued at more than $1,875,000.

Examining Division

The task of determining whether the registration requirements of the copyright law have been met is that of the Examining Division. Applications for registration of machine-readable works continue to reflect the increasing importance of new modes of communication. For example, during the year claims were registered in forty weekly updates of West Publishing Company's

automated data base, and in approximately thirty automated data bases from other applicants. Registrations for computer programs numbered four thousand; authors of such works ranged from a twelve-year-old child to the largest corporations, and subject matter varied from charting one's astrological rising sign to complex weather forecasting; also received were some two hundred videogames, including computer-assisted audiovisual works. A group of examiners was assigned to make a study of the applications for computer programs in order to identify issues and policy questions; the group focused on such areas as the presence of preexisting material and the use of special technical terms in the applications.

Cataloging Division

This division, which catalogs all copyright registrations and recorded documents, had virtually eliminated its backlog by the end of the fiscal year through use of special "expedited cataloging procedures." The decision had been taken earlier to publish in the form of microfiche the forthcoming parts of the *Catalog of Copyright Entries*, which is prepared by this division; thirteen parts await publication as soon as production problems outside the Copyright Office are resolved.

Information and Reference Division

The functions of this division include dealing with members of the public who are seeking general information about copyright, either by visit to the Copyright Office, by letter, or by telephone. During the year, 12,176 members of the public visited the Public Information Office, an increase of almost 20 percent as against last year. While the number of letters (123,195) decreased by 6 percent, the number of telephone calls (117,745) increased by 7 percent, reflecting the growing national trend toward oral, rather than written, communication. Indeed, the division is seeking and trying various new means of coping with the increasing volume of calls, many of which are necessarily quite time-consuming.

Records Management Division

Since one of the functions of this division has been the filing of cards into the Copyright Office Card Catalog and since, as mentioned above, that function was abolished, considerable effort was devoted to such tasks as aiding in the placement of the filers in other positions; in fact, all those who so chose were placed in other jobs within the Library of Congress. Moreover, substantial progress was made in developing recommendations for a retention schedule for published copyright deposits and other record material. Also, new microfilm cameras have been acquired and should greatly facilitate the work of this division's Preservation Section.

Licensing Division

The principal activity of this division is to deal with payments made to the Copyright Office under the compulsory licensing provisions of the copyright law relating to coin-operated phonorecord players (jukeboxes) and cable systems.

During the year litigation which had sought to block the jukebox rate adjustment from eight to twenty-five dollars per year, set by the Copyright Royalty Tribunal, came to an unsuccessful end, and it was necessary for the division to take steps to issue supplemental certificates for 1982 payments made earlier at the smaller amount and also to issue new certificates at the larger amount. For the fourth consecutive year there was a decline in the number of jukeboxes licensed, the total for 1982 being 120,000 as against 129,000 in 1981.

Litigation which had challenged the new cable royalty rates set by the tribunal also came to a conclusion, and the division is in the process of revising its plans to meet the impact of the new rates.

Further details concerning these provisions

are set forth below as a part of the description of changes in Copyright Office Regulations, and the most recent financial statements concerning royalties paid under these provisions are included at the end of this report.

COMPENDIUM OF COPYRIGHT OFFICE PRACTICES

Progress continued on the development of a new *Compendium of Copyright Office Practices* to reflect the examining and related practices of the office under the new copyright law. At the end of the fiscal year well over half of the work on this project has been completed by the Copyright Office. The public will be invited to comment on the new compendium before its issuance. It will be published in loose-leaf form to facilitate updating and will be sold by the Government Printing Office as a priced publication.

SPECIAL HANDLING FEES

On June 1, 1982, the Copyright Office began charging a special handling fee when an applicant asks that the processing of an application for registration be expedited. The fee, established under a provision of the copyright law permitting the Register of Copyrights to fix fees for special services, was set at $120 (in addition to the registration fee) and is chargeable for each application for which special handling is requested and granted. The total in special handling fees received between June 1 and the end of the fiscal year was $34,560.

SECTION 108(i) REPORT

During fiscal 1982 the Copyright Office completed several projects as part of its preparation of the report which it will submit to the Congress in January 1983. The report will address the many issues raised in the course of the examination of the question posed by Congress when it enacted the Copyright Act of 1976: Has section 108 of that act, which concerns library and archival photocopying, achieved the intended statutory balance between the rights of creators and the needs of users of copyrighted works?

Among the significant developments during fiscal 1982 which bear directly or indirectly upon the preparation of the report were the receipt and preliminary evaluation of the results of several statistical surveys conducted by King Research, Inc.; the formation of a group of librarians', publishers', and authors' representatives who met on several occasions to discuss those areas affected by section 108 about which they disagree; and the closing of the extensive public record created by the several previous public hearings on these matters.

The King report, prepared under contract to the Copyright Office, was designed to examine those aspects of libraries', users', and publishers' photocopying-related behavior which might lend themselves to objective measurement and statistical analysis. To that end, three surveys of libraries and their employees, two of their users, and one of publishers were carried out. An advisory committee of experts familiar with the issues aided the Copyright Office and King Research, Inc., in preparing the overall plan for the surveys and some of the detailed questions which were asked. The surveys, as might be expected, generated a large quantity of data, much of which will prove to be a major component of the report to the Congress.

A series of meetings, which began in January 1982, was held at the Copyright Office and was attended by some two dozen persons representing libraries, publishers, and authors.

After receipt of the King report, the final in a series of comment periods was announced in the *Federal Register* so that any interested persons could contribute their interpretation of the data contained therein to the discussion and resolution of the many issues raised in the evaluation of the success or failure of section 108 in creating the desired balance. As had happened in most of the previous comment periods, a number of written submissions were made. They addressed both the King report and the issues which will be discussed in the Copyright Office

report to Congress. At the conclusion of fiscal 1982 the staff of the Copyright Office had begun work on the first draft of that report.

COPYRIGHT OFFICE REGULATIONS

Fiscal 1982 produced important regulatory activity. Several major points concerning the registration of renewal claims were clarified in a rule that became final in December 1981, superseding the interim rule on renewals. The new rule makes clear the effect of failure to renew on a timely basis, the relationship of renewal requirements to the provisions of the law which implement the Universal Copyright Convention, the meaning of "posthumous works," the practice with respect to multiple renewal claims, and the identity of proper renewal claimants. It also ends the practice of accepting renewal applications by telephone.

Additional rulemaking activity occurred with respect to the manner and place of affixation of the notice of copyright on copies of published works. After accepting public comments, the Copyright Office amended its proposed regulation and adopted a final version in December. It provides examples of where the notice should be affixed with respect to many kinds of copyrightable works.

In order to provide a mechanism for the Library of Congress to acquire copies of unpublished transmission programs in accordance with section 407(e) of the copyright law, a proposed rule was published and a public hearing was held on March 24, 1982. The proposed rule sets forth standards under which the Library of Congress could make videotapes off the air from unpublished transmission programs and also demand copies from owners of the transmission rights. In addition, the proposal states rules for the disposition and use of copies acquired under the regulation and for the use of such copies in the registration of claims to copyright. A number of witnesses presented their views at the public hearing. These statements, together with the written comments that were received, will be considered in adopting a final regulation.

On September 11, 1980, the Federal Communications Commission removed the cable television distant signal limitations and syndicated program exclusivity rules from its regulations. Because the commission's actions had an immediate impact on the responsibilities of cable systems under the copyright compulsory license, the Copyright Office decided to issue regulations concerning this impact on an interim basis. The interim regulations, adopted on May 20, 1982, proposed revisions to the Statement-of-Account forms relating to computation of distant signal equivalents and logging of programming carried on a part-time basis.

On June 9, 1982, the Copyright Office amended its regulations to reflect the new fees for recordation and certification of coin-operated phonorecord players in accordance with the final ruling of the Copyright Royalty Tribunal. The new schedule calls for payment of twenty-five dollars per jukebox per year in 1982 and 1983 and fifty dollars per jukebox per year thereafter, with the fees subject to a cost-of-living adjustment on January 1, 1987.

On August 24, 1982, the Copyright Office published amendments to its Freedom of Information Act and Privacy Act regulations. The changes are generally of a technical housekeeping nature, reflecting the current address and telephone numbers of the Copyright Office and the present organizational structure. The two substantive changes are a specific prohibition of the disclosure of the Copyright Office mailing lists and a clarification that some of the Copyright Office systems of records are not public records.

LEGISLATIVE DEVELOPMENTS

Legislative activity dealing with copyright is summarized below.

The Manufacturing Clause

The so-called manufacturing clause, which has been a part of American copyright law since 1891, provides that certain nondramatic literary

works in the English language by U.S. citizens or domiciliaries must be manufactured in the United States or Canada in order to have full copyright protection. Pursuant to the new copyright statute, which took effect in 1978, this provision would expire on July 1, 1982, unless the law was amended. At the request of Congress, the Copyright Office prepared a report on this provision, in which the conclusion was reached that the manufacturing clause should be allowed to expire and that, if the U.S. printing industry needs protection, other remedies such as subsidies, duties, import quotas, or tax credits would be more appropriate. Nevertheless, Congress enacted a bill on June 30, 1982, to retain the provision for another four years in order to protect jobs in the U.S. printing and book manufacturing industries. Pres. Ronald Reagan vetoed the bill, but on July 13 Congress overrode the veto, thereby extending the manufacturing clause until July 1, 1986.

Cable Television

Section 111 of the copyright statute provides a compulsory license covering certain secondary transmissions made by cable television systems. The effectiveness and need for this provision continued to be examined during fiscal 1982 by the House of Representatives. On December 8, 1981, the Register of Copyrights testified before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice to comment upon an agreement reached among the National Cable Television Association, the Motion Picture Association of America, and the National Association of Broadcasters. The agreement, which subsequently was incorporated in an amended version of H.R. 3560, 97th Congress, 1st Session (1981), introduced by Rep. Robert W. Kastenmeier, essentially retains the compulsory license, restores by statute a limited form of syndicated program exclusivity, and codifies the must-carry and sports program exclusivity rules of the Federal Communications Commission. In his testimony, the Register reiterated his preference for the use of marketplace negotiations in place of the compulsory license. Nevertheless, he viewed the agreement as "a thoughtful and carefully crafted analysis of the issues determined most critical to the needs of the respective industries."

A revised version of H.R. 3560, now designated as H.R. 5949, 97th Congress, 2d Session (1982), introduced by Representative Kastenmeier, was approved by the House Committee on the Judiciary on March 30, 1982. The bill was then referred to the House Energy and Commerce Committee, which reported it with amendments on September 24, 1982. The House of Representatives passed H.R. 5949 on September 28, 1982. The proposed legislation has been jointly referred to the Senate Committee on the Judiciary and the Senate Committee on Commerce, Science, and Transportation. The two committees are expected to consider the bill early in fiscal 1983.

In a related matter, S. 2881, 97th Congress, 2d Session (1982), was introduced jointly by Sen. Arlen Specter and Sen. Howell Heflin. The bill is intended to clarify the existing exemption in section 111(a)(3) of the copyright law governing secondary transmissions made by passive carriers. The Senate did not consider this proposed legislation during fiscal 1982.

Increased Penalties for Piracy and Counterfeiting

Several bills were introduced in the 97th Congress proposing to strengthen the laws and increase the deterrent against record, tape, and motion picture piracy and counterfeiting. S. 691, 97th Congress, 1st Session (1981), introduced by Sen. Strom Thurmond, and H.R. 3530, 97th Congress, 1st Session (1981), introduced by Rep. Barney Frank, were patterned after H.R. 8285, a bill introduced in the 96th Congress by Rep. Robert F. Drinan. Both measures amend titles 17 and 18 of the United States Code to raise substantially the penalties for criminal copyright infringement provided for in section 506(a) of the copyright law. After hearings in the summer of 1981, the House Subcommittee on Courts,

Civil Liberties, and the Administration of Justice reported H.R. 3530 with amendments to the House Judiciary Committee. The Senate passed S. 691 with amendments on December 1, 1981. The Senate version was passed by the House, and President Reagan approved the bill on May 24, 1982.

Copyright Application Filing Fee

At the request of the Library of Congress, H.R. 4441, 97th Congress, 1st Session (1981), to amend the copyright law to change the present copyright registration fee to a filing fee, was introduced on September 9, 1981, by Rep. Peter W. Rodino, Jr. Section 708 of the copyright law would be changed to allow the Copyright Office to retain the fee submitted on filing each application for original, supplementary, and renewal registration under sections 408 and 304(a) in cases where registration is not made. The House passed the measure on May 10, 1982. On June 30, 1982, the Senate passed the bill with an amendment to section 110 of the copyright law which would exempt nonprofit veterans' and fraternal organizations from performance royalties for the performance of nondramatic literary works and musical works in the course of their activities. Upon the recommendation of the Conference Committee, which met on October 1, 1982, the House agreed to the Senate-passed bill. The bill was approved by the President on October 25, 1982.

Off-Air Home Taping

In October 1981 the Court of Appeals for the Ninth Circuit, in *Universal City Studios, Inc. v. Sony Corporation of America*, 659 F.2d 963 (9th Cir.), *cert. granted*, 50 U.S.L.W. 3982 (U.S. June 14, 1982) (No. 81–1687), held that off-air home videotaping of copyrighted television programs for private use infringes the copyright in the motion pictures or other audiovisual works embodied in the programs, and that the manufacturers, distributors, and retail vendors of the videocassette recorders used to tape the copyrighted works were also liable as contributory copyright infringers. Immediately after the decision was announced, bills were introduced in both Houses, H.R. 4783, H.R. 4794, and S. 1758, which would exempt home videorecorders from copyright liability whenever copies were made for private noncommercial use. Thereafter other bills were introduced, H.R. 5705 and Amendment 1242 to S. 1758, which would predicate such exemptions, for both audio- and videorecordings, upon payments of royalties, on both the recording devices and the blank tapes used to make the copies. Hearings have been held both in the Senate and in the House, but no votes have been taken. The Register of Copyrights testified on April 21, 1982, before the Senate Judiciary Committee and on June 24, 1982, before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice. At both hearings the Register supported the Amendment to S. 1758.

Works Made for Hire

On February 2, 1982, Sen. Thad Cochran introduced S. 2033, 97th Congress, 2d Session (1982), to amend the definition of a "work made for hire" as it now appears in the copyright law. Under the proposed legislation a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, or as an instructional text would no longer be a "work made for hire." A hearing on the bill was held by the Senate Judiciary Committee on October 1, 1982.

Other Legislative Activities

On April 6, 1982, Rep. Sam Gibbons introduced H.R. 6093, 97th Congress, 2d Session (1982), to give effect to the Nairobi protocol to the Florence Agreement on the importation of educational, scientific, or cultural materials. On August 12, 1982, Representative Kastenmeier introduced

H.R. 6983, 97th Congress, 2d Session (1982), which proposes to amend the copyright law to provide greater protection to computer software. On June 23, 1982, Rep. Thomas J. Downey introduced H.R. 6662, 97th Congress, 2d Session (1982), to amend the Internal Revenue Code of 1954 by removing certain limitations on charitable contributions of literary, musical, or artistic expressions or similar intellectual property.

JUDICIAL DEVELOPMENTS

The Copyright Office is involved in a number of ongoing suits either as a party or as amicus curiae. A mandamus action commenced in 1979, *Nova Stylings v. Ladd*, CV 79–3798 (C.D. Cal., Aug. 12, 1980), involves the Register's refusal to register claims to copyright in ten of plaintiff's jewelry designs. The Register moved for dismissal of this action for lack of subject matter jurisdiction, arguing that section 411(a) of the copyright statute provides the plaintiff an adequate remedy at law to review the refusal of the Copyright Office to register its claims to copyright. In August 1980 the court granted the government's request to dismiss for lack of subject matter jurisdiction. The plaintiff has appealed, arguing that in a case where the Copyright Office rejects a claim to copyright and there is no subsequent infringement action, section 411(a) is not applicable and that therefore there is no adequate remedy to review the Register's refusal to register. The appeal was argued in December 1981, and the decision is awaited.

Nova Stylings v. Midas Creations, Inc. and David Ladd, Civ. No. 80–03820 (C.D. Cal. 1980), involves two of the same jewelry designs included in the case discussed above that were allegedly infringed by *Midas*. The Register was made a party in order to compel registration if the plaintiff should prevail. On November 19, 1981, the court granted the Copyright Office motion for summary judgment. The plaintiff has filed a motion to reconsider the order granting summary judgment, and the Copyright Office has filed its motion in opposition. The court had taken no further action by the end of the fiscal year.

The question whether the retransmission of a television signal by a common carrier to cable systems constitutes a public performance was addressed in two important cases. In *Eastern Microwave, Inc. v. Doubleday Sports, Inc.*, 691 F.2d 125 (2nd Cir. 1982), the court of appeals reversed the lower court decision. The issue in the district court was whether retransmission by Eastern Microwave, Inc. (EMI) of television broadcasts of baseball games was a public performance and, if so, whether it falls within the common carrier exemption of section 111(a)(3) of the copyright law. EMI is in the business of retransmitting television signals to approximately six hundred cable systems across the country. Doubleday is the copyright owner of the television broadcasts of the New York Mets which are carried under contract by station WOR–TV in New York. WOR–TV is one of the signals EMI retransmits to the six hundred cable systems it serves. The parties agree that EMI "performs" the WOR broadcasts of the games when it retransmits them as part of the WOR signals. The question was whether it does so publicly. The district court found that it was a public performance. The court of appeals did not discuss the question of whether transmission by an intermediate resale transmitter (EMI) constitutes a public performance. The Register of Copyrights filed an amicus curiae brief limited to an argument that EMI's retransmission service constitutes a public performance of the audiovisual work transmitted. The court stated that "in view of our disposition, we need not and do not decide that question in this case." However, the court did say that the common carriers whose equipment is used to distribute signals to cable system subscribers have a continuing need for the common carrier exemption of section 111(a)(3) to avoid copyright liability. Section 111(a)(3) provides that not all "public" performances of copyrighted works constitute copyright infringement. The performance is not an infringement if the secondary transmission is made by a carrier which has no direct or indirect control over the content or selection of the primary

transmission or over the particular recipients of the secondary transmission, and whose activities with respect to the secondary transmission consist solely of providing wires, cables, or other communications channels for the use of others. The district court found that EMI exercised control over the selection of the signal it would retransmit and the recipients of the retransmitted signal. In addition, the court found that EMI was using its facilities not as a passive carrier but to market the WOR signal. The appeals court found that EMI's choice of the WOR signal was in response to a demand for that signal from its cable system subscribers who chose that signal over others. The decision to retransmit the WOR signal whatever its content, the court said, did not evidence the control by EMI over the content and selection of the primary transmission intended to be precluded by section 111(a)(3). There was no alteration of the signal by EMI. Also, the record in the case indicates that no reasonable request for its services was ever refused by EMI. Thus, EMI has not exercised control over the particular recipients of its transmissions. On the question of whether EMI was a passive carrier or was itself marketing the WOR signal, the court found that EMI merely provided the wires, cables, or other communications channels for the use of others, namely, the receiving cable systems who cannot afford their own wires, cables, and channels. An analysis of the compulsory license and royalty schemes of the cable television provisions of the Copyright Act buttressed the court's belief that its decision is consistent with congressional intent.

The district court in *WGN Continental Broadcasting Co. v. United Video, Inc.*, 523 F. Supp. 403 (N.D. Ill. 1981), held that retransmissions by United Video, Inc., of plaintiff's television signals to cable systems was not a public performance. On appeal, *WGN Continental Broadcasting Co. v. United Video, Inc.*, 685 F.2d 218 (7th Cir. 1982), the court of appeals reversed the lower court and held that the United Video retransmission was a public performance. The Copyright Office had entered the case as amicus curiae in support of this position. The appeals court found that the copyright law defines "perform or display . . . publicly" broadly enough to encompass indirect transmission to the ultimate public. The defendant also argued that its retransmission was exempt from liability under section 111(a)(3), which provides that a secondary transmission made by any carrier is exempt from copyright liability if the signal of the primary transmitter is not altered or changed. The plaintiff's signal contained, in addition to the copyright program, certain teletext material (known as vertical blanking material or VBI) which has various functions, such as to synchronize television receivers with the broadcast signal, provide closed captions for the deaf, or carry an additional broadcast signal. In this case the WGN teletext carried a WGN program guide and local news reports paralleling the national news reports carried on the copyrighted news program. WGN argued that the teletext was part of the copyrighted program. United Video claimed that it was not part of the WGN signal but was a separate broadcast. The appeals court found that United Video's deletion of the teletext signal from WGN's 9:00 P.M. news broadcast was an alteration of the copyrighted work. It found the teletext to be an integral part of the 9:00 P.M. news program even though the teletext was intended to be shown on a different channel from the 9:00 P.M. news. The court held that the teletext was an integral part of the 9 o'clock news program and therefore that its deletion was an alteration or change which made the exemption from infringement liability under section 111(a)(3) inapplicable.

In *Norris Industries, Inc. v. International Telephone and Telegraph Corporation*, 212 USPQ 754 (N.D. Fla. 1981), the Copyright Office had refused registration of plaintiff's automobile wheel-cover design on the ground that it was a useful article which did not contain separable sculptural features which could be considered a work of art. The Copyright Office entered the case to clarify its position on the registrability of plaintiff's wheel-cover design. After oral argument on June 4, 1981, the district court granted the Copyright Office motion for summary judgment. ITT's motion for partial summary judgment was also granted. Plaintiff appealed

and oral argument was held in the Court of Appeals for the 11th Circuit in December 1981.

The Copyright Office was brought into *National Conference of Bar Examiners v. Multistate Legal Studies, Inc.*, 495 F. Supp. 34 (N.D. Ill. 1980), when the defendant questioned the validity of plaintiff's registration for its secure tests. The Copyright Office regulation on deposit for secure tests, 37 C.F.R. 202.20, was alleged to be inconsistent with the statute in that complete copies of the tests were not required to be retained as deposit copies. In order to resolve this question and make the decision binding on the Copyright Office, the court requested that the Register of Copyrights be made a party to the action. The district court found that section 408(c)(1) of the copyright law, permitting the deposit of identifying material in lieu of copies, is sufficiently broad to encompass the regulation permitting the deposit of identifying portions of plaintiff's secure tests. The Register's motion to dismiss was granted. The plaintiff appealed the case—including the ruling dropping the Register as a party—and oral argument before the Court of Appeals for the 7th Circuit was held on February 13, 1982.

The plaintiff in *Proulx v. Hennepin Technical Centers District and David L. Ladd*, No. 4–79–637 (D. Minn., Feb. 9, 1982), sued for copyright infringement of his videotaped lectures after having applied for copyright registration, but before any final action was taken by the Copyright Office. In correspondence, the Copyright Office questioned the basis of the claim and the completeness of the deposit. The plaintiff did not respond, but shortly thereafter filed suit. The Register of Copyrights was joined in this action at the request of the court. The Register moved for dismissal of the copyright infringement claims, alleging that the Copyright Office had not made a final determination on the registrability of the claims to copyright. Section 411(a) of the copyright law permits an infringement action to be brought only if the copyright claim has been registered or if the Copyright Office has refused the registration. The court found that plaintiff's application was not in proper form; and that there were inconsistencies between the application and deposit copies, as well as uncertainty regarding the scope of the copyright claimed, which warranted further inquiry by the Copyright Office. The plaintiff's complaint was dismissed for failure to exhaust administrative remedies and obtain either a registration or a final refusal of registration.

In a recently filed case, *The Authors League of America, Inc. v. Ladd*, 82 Civ. 5731 (S.D.N.Y., Aug. 30, 1982), the plaintiffs questioned the constitutionality, under the First and Fifth Amendments to the U.S. Constitution, of the so-called "manufacturing clause" of the copyright law. The provision in question prohibits, with certain exceptions, the importation into and public distribution in the United States of copies of any work consisting preponderantly of copyrighted nondramatic literary material in the English language by authors who are United States nationals or domiciliaries, if the copies are manufactured in any country other than the United States or Canada. The plaintiffs allege that this provision deprives U.S. authors of rights guaranteed by the First Amendment because it restricts the author's right to import and distribute First Amendment protected literary works; that it deprives U.S. authors of their exclusive rights to reproduce and distribute copies granted by the general provisions of the copyright law; that it imposes an importation restriction only on copyrighted literary works by U.S. authors; and that it deprives U.S. publishers of the right to import and publicly distribute foreign-manufactured copies. The plaintiffs further allege violation of Fifth Amendment rights in that the manufacturing clause imposes a discriminatory prohibition of importation and public distribution on a restricted class of works which violates the right of such authors to due process.

The Copyright Office has intervened in *Tomy Corp. v. Astra Trading Corp.*, Civ. 82–1101 (S.D.N.Y., Feb. 23, 1982), pursuant to 17 U.S.C. section 411(a) of the copyright law, which permits the Copyright Office to enter an infringement action involving a work in which the office had refused registration. The work involved in this case is a tetrahedron-shaped puzzle, each side of which is brightly colored and composed

of nine triangular parts. Each triangular component is moveable about a central pivot located at the center of the tetrahedron body. The work was refused registration on the ground that simple variations of standard designs and their simple arrangement, while they may be aesthetically pleasing, do not furnish sufficient original authorship to support a claim to copyright.

The most celebrated ongoing copyright case continues to be *Universal City Studios, Inc. v. Sony Corp. of America*, 659 F.2d 963 (9th Cir. 1981), *cert. granted*, 50 U.S.L.W. 3982 (U.S. June 14, 1982) (No. 81–1687). On June 14, 1982, the Supreme Court agreed to hear the case. The owners of copyrighted motion pictures and other audiovisual material brought an infringement action, based on the off-air home videotaping for private use of television programs embodying their works, against manufacturers, distributors, and retail vendors of the videocassette recorders used to tape the works, and against an individual who recorded such works in his home. The district court holding for the defendants was reversed by the court of appeals, which saw in the case three main issues.

Firstly, did the Congress intend to create a blanket exemption for home video recording from the general rights granted copyright owners in the copyright law? The district court held that it did. The appeals court disagreed, reasoning that the language of the copyright law is clear and unambiguous and that there is no exemption for videorecording in the statute. The court stated that the legislative history of the law, which took effect in 1978, is silent regarding any such exemption and that, although the legislative history of the Sound Recording Act of 1971 was instructive regarding congressional intent not to restrict home *audiotaping* off the air, it was "entirely beside the point" in analyzing videotaping issues.

Secondly, if home videorecording is not exempt from protection, does the doctrine of fair use apply? The appeals court said it does not because of the purpose and nature of the copying. The court drew a distinction between copying for a "productive use" and copying for "convenience," "entertainment," or "increased access." It stated that the courts generally make a finding of fair use only in cases where one author uses part of another author's material in a new work and that fair use has generally not been applied where the user has reproduced copyrighted material for its intrinsic purpose.

Lastly, if home videorecording is not exempt or a fair use, are the corporate defendants who manufacture and sell home videorecorders liable for contributory copyright infringement? The appeals court held that they are because videotape recorders are manufactured, advertised, and sold for the primary purpose of reproducing television programming, virtually all of which is copyrighted, and that such use is intended, expected, encouraged, and the source of the product's consumer appeal.

A decision on the merits was rendered by the district court in *Encyclopaedia Britannica Educational Corp. v. Crooks*, 542 F. Supp. 1156 (W.D.N.Y. 1982), which involved large-scale copying of copyrighted audiovisual works by the Board of Educational Services of Erie County, New York (BOCES). The defendant BOCES videotaped the plaintiff's copyrighted works from the television airwaves, maintained a library of these videotaped works, and made copies of the tapes for classroom use. Indeed, BOCES videotaped entire programs, including the copyright notice. The court found that the acts of BOCES were harmful to the plaintiffs and that the defense of nonprofit use relying on *Williams & Wilkins Co. v. United States*, 420 U.S. 376 (1975), was not well founded. The court found that while the nonprofit use in *Williams & Wilkins* was a reasonable use under the facts of that case, the use of the material by the defendant in this case could not be considered reasonable.

In *D.C. Comics, Inc. v. Reel Fantasy, Inc.*, 539 F. Supp. 141 (S.D.N.Y. 1982), the court found that the defendant's depiction of the likenesses of characters from a comic book was a fair use since the purpose of the use was to advertise sales of books containing works involving the characters and did not harm the plaintiff.

The City Council of Santa Ana, California, was charged with infringement in *Jartech, Inc. v.*

Clancy, 666 F.2d 403 (9th Cir. 1982), when it made abbreviated copies of plaintiff's films for evidence to be used in a nuisance abatement proceeding. The court, relying on the distinctions in use made in *Universal City Studios, Inc. v. Sony Corp. of America*, 659 F.2d 963 (9th Cir. 1981), *cert. granted* 50 U.S.L.W. 3982 (U.S. June 14, 1982) (No. 81–1687), found that the council's use of the excerpts was not the same intrinsic use of the copied work for which the copyright holders could expect protection.

The court denied a motion for summary judgment in *Pacific and Southern Co. v. Duncan*, Copyright L. Rptr. (CCH) ¶25,421 (N.D. Ga., June 25, 1982), because it could not determine from the pleadings whether or not defendant's use of plaintiff's film clips was a fair use. Plaintiff's work is a half-hour news broadcast. As a separate service, it makes and sells copies of individual news clips from its broadcast. The defendant operates a news clipping service which monitors and records television news and provides copies of short excerpts to clients. The court said that the most important question was the extent to which the plaintiff engages in a business that is comparable to defendant's and whether the defendant's use has a significant impact on the potential market for plaintiff's work.

The Attorney General of California (Opinion No. 81–503, Feb. 5, 1982) determined that the showing of videocassette tapes of motion pictures to prison inmates is a "public performance" within the meaning of that term in the copyright law since it represents a gathering in a place of substantial number of persons outside of a normal family and its social acquaintances. He concluded that the showing of copyrighted motion pictures to the inmates would amount to their being performed "publicly" within the meaning of the copyright statute and that the public performance is an infringement.

The district court in *Gay Toys, Inc. v. Buddy L Corp.*, 522 F. Supp. 622 (E.D. Mich. 1981), held that a toy airplane was not subject to copyright protection. The court reasoned that a toy airplane is useful and possesses utilitarian and functional characteristics in that it "permits a child to dream and to let his or her imagination soar," and that the basic elements are mandated by the overall shape required to simulate a real airplane. After concluding that a toy airplane is a useful article, the court faced the question whether it contained any sculptural features capable of existing independently of the utilitarian aspects of the airplane. The court held that the sculptural features of the airplane such as its stubby wings and short, fat body are part of the utility of the plane as a toy and are also part of the effort to provide economies in packaging and shipping. It found that none of the sculptural features of the airplane can exist, physically or conceptually, independently of the utilitarian aspect of the airplane.

The question whether a claimant who intentionally published its work without a notice of copyright could correct that deficiency by registration and addition of the copyright notice to future copies was presented in *O'Neill Developments, Inc. v. Galen Kilburn, Inc.*, 524 F. Supp. 710 (N.D. Ga. 1981). After the work was infringed, the plaintiff notified the defendant by mail of its claim to copyright in the work, completed registration, and began adding notices to future copies. The court believed that the language of the provision of the copyright statute relating to the omission of the copyright notice is ambiguous and does not clearly resolve the question whether registration of the claim in the Copyright Office and the addition of notice would correct an intentional omission of notice. Therefore, the court went to the legislative history which indicates that Congress intended this provision to apply to both unintentional and deliberate omissions of the copyright notice.

In *Roy Export Co. Establishment of Vaduz, Liechtenstein v. Columbia Broadcasting System, Inc.*, 672 F.2d 1095 (2d Cir. 1982), defendant Columbia Broadcasting System (CBS) claimed that by virtue of a privilege under the First Amendment of the U.S. Constitution it could air certain copyrighted film clips without regard to the limitation of the doctrine of fair use. After Charlie Chaplin died in 1977, the defendant aired a compilation of film clips memorializing

his death. Copyrights in the film clips were held by the plaintiff. These film clips had been shown at the 1972 Academy Awards ceremony, when Charlie Chaplin was honored upon his return to the United States after a twenty-year absence. CBS claimed that the showing of the film clips at the ceremony was an "irreducible single news event" which CBS could rebroadcast under the First Amendment privilege without incurring copyright liability. The court said that no circuit that has considered the question has ever held that the First Amendment provides a privilege distinct from the fair use doctrine, and that even if it were inclined to recognize some narrow exception on extraordinary facts, it would not do so given the facts in this case.

In denying a motion for a preliminary injunction the court in *Apple Computer, Inc. v. Franklin Computer Corp.*, 545 F. Supp. 812 (E.D. Pa. 1982), expressed doubt about the copyrightability of plaintiff's computer programs. The works in this case are in object code stored in Read Only Memory (ROM) chips or on disks. In its analysis the court distinguished between "operating" programs and "application" programs. An "application" program has a specific task, ordinarily chosen by the user, such as to maintain records, perform certain calculations, or display graphic images. An "operating" program, by contrast, is generally internal to the computer and is designed only to facilitate the operation of the "application" program. The court found that without a trial it is not possible to determine the copyrightability of plaintiff's "operating" programs. It appeared to the court that the "operating" programs are an essential part of the machine—mechanical devices that make the machine work and make it possible for the machine to use "application" programs. If they are mechanical devices which are engaged in the computer to become an essential part of the mechanical process they cannot be considered "works of authorship" under the copyright law.

The recent interest in electronic videogames has spawned a number of infringement suits in which the copyrightability or copying of the games is in question. In *Williams Electronics, Inc. v. Artic International, Inc.*, 685 F.2d 870 (3d Cir. 1982), the defendant admitted it had copied plaintiff's work but claimed that the images in plaintiff's audiovisual game are transient and cannot be fixed and that the videogame generated or created new images each time the game is played. The court rejected this contention, finding that the audiovisual features of the game are fixed in the memory device of the game and repeat themselves over and over. The defendant's argument that the memory device of the game (ROM) is a utilitarian object and thus not subject to copyright was found to be misdirected. The court said that the memory device is only the material object or copy in which the copyrighted audiovisual work is fixed, and that the copyrightability of the audiovisual work is not affected by the status of the memory device. The same issue was involved in the district court case of *Midway Mfg. Co. v. Artic International, Inc.*, 211 USPQ 1152 (N.D. Ill. 1981), with the same result. Videogame cases involving the question of copying but not the question of copyrightability include *Atari, Inc. v. Amusement World, Inc. et al.*, 547 F. Supp. 222 (D. Md. 1981); *Atari Inc. v. Armenia, Ltd.*, Copyright L. Rptr. (CCH) ¶25,328 (N.D. Ill., Nov. 3, 1981); *Atari, Inc. v. North American Philips Consumer Electronics Corp.*, 672 F.2d 607 (7th Cir. 1982).

The courts had to deal with three different kinds of problems relating to derivative works during the year. In *Gracen v. The Bradford Exchange, Ltd.*, Copyright L. Rptr. (CCH) ¶25,431 (N.D. Ill., April 23, 1982), the question was the amount of authorship required for a derivative work to be separately copyrightable. The court found no "consequential variations" from the source material. In *Eden Toys, Inc. v. Florelee Undergarment Co.*, 526 F. Supp. 1187 (S.D.N.Y. 1981), a nonexclusive licensee was held not to be the proper party to bring suit because its work was a derivative work and its copyright was limited to its new contributions to the original work. The effect of termination of a grant in a derivative work was the issue in *Harry Fox Agency, Inc. v. Mills Music, Inc.*, 543 F. Supp. 844 (S.D.N.Y. 1982), which required an interpretation of 17 U.S.C. 304(c)(6)(A). When derivative

works are created under authority of a grant before its termination, the derivative work may continue to be utilized under the terms of the grant after its termination. The court held that this section expressly makes continued utilization of old derivative works subject to the grant. Termination under section 304(c) is a means of giving authors "an opportunity to share" in the extended term of copyright. Congress limited the benefits that revert to authors where derivative works have been prepared before termination, and it provided for a continuing sharing of these benefits between the author and the grantee under whose authorization the derivative work was created.

The copyrightability of a translation of individual words and short phrases made for an electronic translator was questioned in *Signo Trading International, Ltd. v. Gordon*, 535 F. Supp. 362 (N.D. Cal. 1981). The court held that the translation from one language to another of individual words and short phrases is not what makes translations copyrightable; it is rather the originality embodied in the translator's contribution, for example, conveying nuances and subtleties in the translated work as a whole, that makes it copyrightable. The court also held that the transliteration from Arabic into Roman letters was not copyrightable.

In *National Business Lists, Inc. v. Dun & Bradstreet, Inc.*, 215 USPQ 595 (N.D. Ill. 1982), the issue was what constitutes fair use of a compilation of listings. The court found the use not to be fair use since there was substantial copying and some of the information was appropriated without independent verification.

The court in *Swarovski America Limited v. Silver Deer Limited*, 537 F. Supp. 1201 (D. Colo. 1982), held that each instrument in a chain of title need not be recorded as a prerequisite to instituting a copyright infringement action; the transferee need only record the instrument of transfer under which it claimed ownership of copyright in order to satisfy the recordation requirement for bringing an infringement action. In *Skor-Mor Products, Inc. v. Sears, Roebuck and Co.*, Copyright L. Rptr. (CCH) ¶25,397 (S.D.N.Y., May 12, 1982), the court held that recordation, after the suit had been filed, of the instrument transferring a copyright to the plaintiff may be reflected in a supplemental complaint, and that the supplemental complaint relates back to the date of the original complaint and establishes the right to bring the action as of that date.

In *Groucho Marx Productions, Inc. v. Day and Night Co.*, 689 F.2d 317 (2d Cir. 1982), the court held that, under California law, an individual's right of publicity terminates at his death. In *Cher v. Forum International, Ltd.*, 7 Med. L. Rptr. 2593 (C.D. Cal., Jan. 15, 1982), the court upheld the right of a living celebrity to control the publicity and establish the conditions for the use of his or her name and likeness when he or she has given an exclusive interview to a particular magazine and held that any other use of the interview without the celebrity's permission is a wrongful appropriation of the commercial value of the celebrity's identity and right of publicity.

Amusement and Music Operators Association v. Copyright Royalty Tribunal, 676 F.2d 1144 (7th Cir. 1982), upheld the rule of the Copyright Royalty Tribunal (CRT) raising the license fee for jukeboxes in stages to $50, finding that it was not "arbitrary or capricious." The first CRT distribution of cable royalties under the 1976 Copyright Act was upheld in the consolidated cases of *National Association of Broadcasters v. Copyright Royalty Tribunal*, 675 F.2d 367 (D.C. Cir. 1982). Only a $50,000 award to National Public Radio was remanded to the CRT for further proceedings. When the CRT raised the royalty rates cable operators pay for the retransmission of distant television signals they carry by 20 percent, those who pay and those who receive the royalties were both dissatisfied. The court, however, upheld the rates in *National Cable Television Association v. Copyright Royalty Tribunal*, and *American Society of Composers, Authors and Publishers v. Copyright Royalty Tribunal*, 689 F.2d 1077 (D.C. Cir. 1982).

The line of demarcation between trade secret protection and copyright protection was the issue in *M. Bryce & Associates, Inc. v. Gladstone*, 107 Wis.2d 241, 319 N.W.2d 907 (Ct.

App. 1982), *cert. denied*, 51 U.S.L.W. 3304 (U.S. Oct. 19, 1982)(No. 82–340). The subject matter of the trade secret was the plaintiff's methodology for the design of management information systems. The trade secret was included in a presentation made to the defendant's staff consisting of an oral presentation plus printed textual material containing notices of copyright. Before the presentation, the defendant was required to sign a nondisclosure form. The court first found that a trade secret existed and that it was used by the defendant. After concluding that there was a general publication of the printed textual material, the copyright issue presenting itself was whether plaintiff's voluntary use of the federal copyright notice on its printed material prevents the state of Wisconsin from applying its trade secret law to bar use by others of the information contained in the work. The court ruled that trade secret law protects content irrespective of form of expression while copyright protects form of expression but not underlying ideas, that trade secret law prohibits unauthorized disclosure or use of protected ideas only by persons who are privy to the trade secret by reason of some relationship to the owner which legally limits use or disclosure by them, and that copyright law prohibits unauthorized copying by anyone of the form of expression in which the ideas are fixed by the authors. Therefore, the court reasoned, if trade secret protection was preempted by federal copyright law, its value in protecting trade secrets would be limited. The court concluded that a preemption of trade secret law by federal copyright law would disrupt an area of property protection which has been found to be of great value and that trade secret law was not disturbed by the new copyright law, which took effect in 1978. The court stated:

> Since no "unmistakable indication" has been given to the contrary by Congress and the weight of the evidence points to the recognition by Congress and other authorities of the value of state protection of trade secrets, we conclude that state trade secret protection has not been preempted by the federal copyright laws.

INTERNATIONAL DEVELOPMENTS

This year's issues in international copyright are, with few exceptions, still those which first emerged in the early 1970s: accommodating copyright to the needs of developing countries; new technologies (cable television, videorecording, satellites, and computer uses of works) and their impact on author's rights; and protection of folklore. Few programs were initiated at the international level this year and only one preexisting issue before the Intergovernmental Copyright Committee of the Universal Copyright Convention (UCC) was resolved.

In November 1981 the biennial joint meetings of the Executive Committee of the Berne Union and the UCC Intergovernmental Copyright Committee, held in Geneva, dealt with a number of substantial issues on the countries' joint and separate agendas.

One of the activities of the UCC Intergovernmental Copyright Committee was to come to grips, finally, with a problem raised by the United States in 1977: the availability of protection under the UCC for works of the United States Government (that is, works prepared by officers or employees of the U.S. Government as a part of their official duties), which are in the public domain here. Students of the legislative history of the new U.S. copyright law, which took effect in 1978, may recall that as early as 1965 a number of federal agencies asked that the prohibition against copyright in U.S. Government works be modified to permit limited copyright in such works, generally on a selective basis. In 1975, shortly before passage of the new law, the National Technical Information Service (NTIS) sought a specific exemption from its strictures in the form of a special five-year copyright on NTIS publications. During the debates on this proposal, it became clear that significant commercial exploitation of NTIS publications was taking place in a number of foreign countries. The purpose of the proposed amendment, it was asserted, was to lay a sure legal basis selectively to enforce foreign rights where the use was commercial in nature.

The assumptions, both in 1975 and 1965, were

that it was quite possible that U.S. Government works would be protected in other UCC states, notwithstanding their public domain status here. These assumptions rested on interpretations of Article IV(4) of the UCC, which concerns reconciling different terms of protection among states party to the convention. The rule which emerges from these provisions has been aptly called "the rule of the shorter term." In effect, no UCC state need protect foreign works for any longer period than that class of works receives in its country of origin.

While the rule of the shorter term seems fair—after all, when a UCC state cuts back its term of protection for a foreign work originating in a state with a shorter term, it is only giving what its own authors receive in that other state—it is based upon reciprocity, a principle not widely supported in international copyright. However valuable reciprocity is in other areas of law, the preference in copyright has long been to strive for protection based upon national treatment. National law is generally shaped at the international level through minimum requirements in multilateral copyright treaties. The rule of the shorter term in the UCC is the only significant exception to a convention otherwise generally based on national treatment.

How U.S. Government works come into this picture is itself interesting. By putting such works into the public domain in our country, have we created thereby an identifiable "class of works" whose term of protection is zero? If so, would UCC states be able to apply the rule of the shorter term to U.S. Government works with the result of zero protection?

The "fiction of a zero term" and its relevance to the rule of the shorter term had been a very serious sticking point in the drafting of the UCC. And, while the Diplomatic Conference had paid considerable attention to the question, reconciling their compromise with the basic premises of the convention is still a troublesome task.

Although the problem had been explored in a 1979 study entitled "Applicability of the Universal Copyright Convention to Certain Works in the Public Domain in their Country of Origin," by Barbara Ringer, then Register of Copyrights, and Lewis I. Flacks, International Copyright Officer, which concluded that the convention should be interpreted in a way which admitted of protection for U.S. Government works in other UCC member states, the discussion of the issue was not conclusive, there being wide divergences of view expressed in the committee, as indeed there had been among the comments previously elicited from the member states.

In the final analysis, it appears clear that the extent to which U.S. Government agencies may exercise foreign copyrights in their works under the UCC can be determined only on a country-by-country basis.

Other subjects the UCC Intergovernmental Copyright Committee considered concerned ongoing programs of study.

The effort to develop an international recommendation for the protection of folklore was approved, and at the end of October 1981, a group of experts met to refine further earlier draft model statutory provisions to be recommended to national legislatures. The thrust of these provisions is toward some form of comprehensive licensing at the national level, for two purposes: 1) to ensure authenticity of works incorporating material expressions of folklore, and 2) to provide remuneration derived from the commercial exploitation of such folklore derivative works for the indigenous communities historically associated with the particular folklore motif used. While these goals are generally laudable, they raise profound conceptual problems in drafting appropriate provisions consistent with modern copyright jurisprudence. A central problem is to protect indigenous materials containing folkloric elements in a way that does not inhibit modern creation. Also important is the problem of identifying protectible subject matter and fixing ethnic authorship for purposes of remuneration. The draft recommendations were prepared principally by ethnologists and folklore specialists; and in 1983 their draft will be submitted to the scrutiny of the governmental copyright officials of Berne and UCC member states.

The study of problems arising from the use of copyrighted works in electronic computers, which the World Intellectual Property Organization (WIPO) and UNESCO have been pursuing,

was also reviewed at the Geneva meetings. Again, the program is formative. The committee of governmental experts which examined the copyright computer uses issue in December 1980 was unable, in the limited time available, to formulate detailed preliminary recommendations for national lawmakers. As a result, the draft recommendation, completed by the secretariats and officers of the governmental experts meeting, has only recently been circulated to states for their comment. The discussions at the Intergovernmental and Berne Executive Committee meeting revealed the view of important delegations that the division of computer proprietary rights and liabilities questions into two groups (that is, use of works in computers and protection of software) was somewhat artificial. Inquiry into computer software protection has been conducted principally within the framework of the Paris Union for Protection of Industrial Property. A number of delegations, stressing the relationship between software protection under any sort of regime and copyright protection for data bases, urged that the mandate of the governmental experts studying computer uses be expanded to include protection under copyright of computer software. In fact, the distinction between computer uses and software protection will in all probability be maintained for the time being. The software protection issues which arise out of consideration of computer use of copyrighted works will doubtlessly be noted at the governmental experts' meetings, but the topic will not be systematically analyzed or made a part of the experts' recommendations.

Between 1973 and 1977, WIPO and UNESCO provided a forum for preliminary examination of the copyright problems created by cable television. With cable a relatively new service and national legislation in Berne and UCC states either untested or otherwise undeveloped, relatively little could be settled by 1977. However, beginning anew in 1980, WIPO convened a series of meetings of independent experts, intended to develop recommendations to national legislatures for treatment of cable television's copyright obligations and privileges. With cable television growing rapidly in Europe and the new U.S. copyright law finally in force, the copyright issues considered first in 1973 had a more concrete basis. As a result, the new look at cable television begun in 1980 has moved toward developing an international consensus on copyright aspects of this technology. In May 1982, the Association Littéraire et Artistique Internationale (ALAI), one of the world's oldest and most prestigious associations of authors and artists, held an international symposium on cable television. Copyright specialists from Europe, North America, and Japan contributed papers on national copyright measures applicable to cable, while the symposium as a whole sought to distill common principles from state practices. David Ladd, the Register of Copyrights, delivered a paper at the symposium entitled "Pavan for Print: Accommodating Copyright to the Tele-Technologies." The paper, along with a number of other contributions to the ALAI Symposium, was published in the February 1982 issue of the *Bulletin of the Copyright Society of the U.S.A.*

The complex problem of copyright in works created by employee-authors was first raised in the context of the creation of computer-assisted works in 1979. In September 1982 a working group of experts met in Geneva to begin analysis of the legal treatment of employee-authors, on a broad basis rather than limited to computer contexts. The three sponsoring international organizations, WIPO, UNESCO, and the International Labor Organization, commissioned detailed studies of the copyright status of employee-authors under three general legal traditions: Anglo-Saxon, Continental, and Socialist. The first study was prepared by Harriet Oler, Kent Dunlap, and Marilyn Kretsinger of the Copyright Office, under the editorial supervision of the Copyright Office general counsel, Dorothy Schrader. Ms. Schrader attended the meeting of the working group as an independent expert.

Respectfully submitted,

DAVID LADD
Register of Copyrights and
Assistant Librarian of Congress
for Copyright Services

International Copyright Relations of the United States as of September 30, 1982

This table sets forth U.S. copyright relations of current interest with the other independent nations of the world. Each entry gives country name (and alternate name) and a statement of copyright relations. The following code is used:

Bilateral	Bilateral copyright relations with the United States by virtue of a proclamation or treaty, as of the date given. Where there is more than one proclamation or treaty, only the date of the first one is given.
BAC	Party to the Buenos Aires Convention of 1910, as of the date given. U.S. ratification deposited with the government of Argentina, May 1, 1911; proclaimed by the President of the United States, July 13, 1914.
UCC Geneva	Party to the Universal Copyright Convention, Geneva, 1952, as of the date given. The effective date for the United States was September 16, 1955.
UCC Paris	Party to the Universal Copyright Convention as revised at Paris, 1971, as of the date given. The effective date for the United States was July 10, 1974.
Phonogram	Party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, Geneva, 1971, as of the date given. The effective date for the United States was March 10, 1974.
Unclear	Became independent since 1943. Has not established copyright relations with the United States, but may be honoring obligations incurred under former political status.
None	No copyright relations with the United States.

Afghanistan
None

Albania
None

Algeria
UCC Geneva Aug. 28, 1973
UCC Paris July 10, 1974

Andorra
UCC Geneva Sept. 16, 1955

Angola
Unclear

Antigua Barbuda
Unclear

Argentina
Bilateral Aug. 23, 1934
BAC April 19, 1950
UCC Geneva Feb. 13, 1958
Phonogram June 30, 1973

Australia
Bilateral Mar. 15, 1918
UCC Geneva May 1, 1969
UCC Paris Feb. 28, 1978
Phonogram June 22, 1974

Austria
Bilateral Sept. 20, 1907
UCC Geneva July 2, 1957
Phonogram Aug. 21, 1982

Bahamas, The
UCC Geneva July 10, 1973
UCC Paris Dec. 27, 1976

Bahrain
None

Bangladesh
UCC Geneva Aug. 5, 1975
UCC Paris Aug. 5, 1975

Barbados
Unclear

Belau
Unclear

Belgium
Bilateral July 1, 1891
UCC Geneva Aug. 31, 1960

Belize
Unclear

Benin
(formerly Dahomey)
Unclear

Bhutan
None

Bolivia
BAC May 15, 1914

Botswana
Unclear

Brazil
Bilateral Apr. 2, 1957
BAC Aug. 31, 1915
UCC Geneva Jan. 13, 1960
UCC Paris Dec. 11, 1975
Phonogram Nov. 28, 1975

Bulgaria
UCC Geneva June 7, 1975
UCC Paris June 7, 1975

Burma
Unclear

Burundi
Unclear

Cambodia
(See entry under Kampuchea)

Cameroon
UCC Geneva May 1, 1973
UCC Paris July 10, 1974

Canada
Bilateral Jan. 1, 1924
UCC Geneva Aug. 10, 1962

Cape Verde
Unclear

Central African Empire
Unclear

Chad
Unclear

Chile
Bilateral May 25, 1896
BAC June 14, 1955
UCC Geneva Sept. 16, 1955
Phonogram March 24, 1977

China
Bilateral Jan. 13, 1904

Colombia
BAC Dec. 23, 1936
UCC Geneva June 18, 1976
UCC Paris June 18, 1976

Comoros
Unclear

Congo
Unclear

Costa Rica [1]
Bilateral Oct. 19, 1899
BAC Nov. 30, 1916
UCC Geneva Sept. 16, 1955
UCC Paris Mar. 7, 1980
Phonogram June 17, 1982

Cuba
Bilateral Nov. 17, 1903
UCC Geneva June 18, 1957

Cyprus
Unclear

Czechoslovakia
Bilateral Mar. 1, 1927
UCC Geneva Jan. 6, 1960
UCC Paris Apr. 17, 1980

Denmark
Bilateral May 8, 1893
UCC Geneva Feb. 9, 1962
Phonogram Mar. 24, 1977
UCC Paris July 11, 1979

Djibouti
Unclear

Dominica
Unclear

Dominican Republic [1]
BAC Oct. 31, 1912

Ecuador
BAC Aug. 31, 1914
UCC Geneva June 5, 1957
Phonogram Sept. 14, 1974

Egypt
Phonogram Apr. 23, 1978
For works other than sound recordings, none

El Salvador
Bilateral June 30, 1908, by virtue of Mexico City Convention, 1902
UCC Geneva Mar. 29, 1979
UCC Paris Mar. 29, 1979
Phonogram Feb. 9, 1979

Equatorial Guinea
Unclear

Ethiopia
None

Fiji
UCC Geneva Oct. 10, 1970
Phonogram Apr. 18, 1973

Finland
Bilateral Jan. 1, 1929
UCC Geneva Apr. 16, 1963
Phonogram Apr. 18, 1973

France
Bilateral July 1, 1891
UCC Geneva Jan. 14, 1956
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Gabon
Unclear

Gambia, The
Unclear

Germany
Bilateral Apr. 15, 1892
UCC Geneva with Federal Republic of Germany Sept. 16, 1955
UCC Paris with Federal Republic of Germany July 10, 1974
Phonogram with Federal Republic of Germany May 18, 1974
UCC Geneva with German Democratic Republic Oct. 5, 1973
UCC Paris with German Democratic Republic Dec. 10, 1980

Ghana
UCC Geneva Aug. 22, 1962

Greece
Bilateral Mar. 1, 1932
UCC Geneva Aug. 24, 1963

Grenada
Unclear

Guatemala [1]
BAC Mar. 28, 1913
UCC Geneva Oct. 28, 1964
Phonogram Feb. 1, 1977

Guinea
UCC Geneva Nov. 13, 1981
UCC Paris Nov. 13, 1981

Guinea-Bissau
Unclear

Guyana
Unclear

Haiti
BAC Nov. 27, 1919
UCC Geneva Sept. 16, 1955

Honduras [1]
BAC Apr. 27, 1914

Hungary
Bilateral Oct. 16, 1912
UCC Geneva Jan. 23, 1971
UCC Paris July 10, 1974
Phonogram May 28, 1975

Iceland
UCC Geneva Dec. 18, 1956

India
Bilateral Aug. 15, 1947
UCC Geneva Jan. 21, 1958
Phonogram Feb. 12, 1975

Indonesia
Unclear

Iran
None

Iraq
None

Ireland
Bilateral Oct. 1, 1929
UCC Geneva Jan. 20, 1959

Israel
Bilateral May 15, 1948
UCC Geneva Sept. 16, 1955
Phonogram May 1, 1978

Italy
Bilateral Oct. 31, 1892
UCC Geneva Jan. 24, 1957
Phonogram Mar. 24, 1977
UCC Paris Jan. 25, 1980

Ivory Coast
Unclear

Jamaica
None

Japan [2]
UCC Geneva Apr. 28, 1956
UCC Paris Oct. 21, 1977
Phonogram Oct. 14, 1978

Jordan
Unclear

Kampuchea
UCC Geneva Sept. 16, 1955

Kenya
UCC Geneva Sept. 7, 1966
UCC Paris July 10, 1974
Phonogram Apr. 21, 1976

Kiribati
Unclear

Korea
Unclear

Kuwait
Unclear

Laos
UCC Geneva Sept. 16, 1955

Lebanon
UCC Geneva Oct. 17, 1959

Lesotho
Unclear

Liberia
UCC Geneva July 27, 1956

Libya
Unclear

Liechtenstein
UCC Geneva Jan. 22, 1959

Luxembourg
Bilateral June 29, 1910
UCC Geneva Oct. 15, 1955
Phonogram Mar. 8, 1976

Madagascar
(Malagasy Republic)
Unclear

Malawi
UCC Geneva Oct. 26, 1965

Malaysia
Unclear

Maldives
Unclear

Mali
Unclear

Malta
UCC Geneva Nov. 19, 1968

Mauritania
Unclear

Mauritius
UCC Geneva Mar. 12, 1968

Mexico
Bilateral Feb. 27, 1896
BAC Apr. 24, 1964
UCC Geneva May 12, 1957
UCC Paris Oct. 31, 1975
Phonogram Dec. 21, 1973

Monaco
Bilateral Oct. 15, 1952
UCC Geneva Sept. 16, 1955
UCC Paris Dec. 13, 1974
Phonogram Dec. 2, 1974

Mongolia
None

Morocco
UCC Geneva May 8, 1972
UCC Paris Jan. 28, 1976

Mozambique
Unclear

Nauru
Unclear

Nepal
None

Netherlands
Bilateral Nov. 20, 1899
UCC Geneva June 22, 1967

New Zealand
Bilateral Dec. 1, 1916
UCC Geneva Sept. 11, 1964
Phonogram Aug. 13, 1976

Nicaragua [1]
BAC Dec. 15, 1913
UCC Geneva Aug. 16, 1961

Niger
Unclear

Nigeria
UCC Geneva Feb. 14, 1962

Norway
Bilateral July 1, 1905
UCC Geneva Jan. 23, 1963
UCC Paris Aug. 7, 1974
Phonogram Aug. 1, 1978

Oman
None

Pakistan
UCC Geneva Sept. 16, 1955

Panama
BAC Nov. 25, 1913
UCC Geneva Oct. 17, 1962
UCC Paris Sept. 3, 1980
Phonogram June 29, 1974

Papua New Guinea
Unclear

Paraguay
BAC Sept. 20, 1917
UCC Geneva Mar. 11, 1962
Phonogram Feb. 13, 1979

Peru
BAC Apr. 30, 1920
UCC Geneva Oct. 16, 1963

Philippines
Bilateral Oct. 21, 1948
UCC status undetermined by Unesco. (Copyright Office considers that UCC relations do not exist.

Poland
Bilateral Feb. 16, 1927
UCC Geneva Mar. 9, 1977
UCC Paris Mar. 9, 1977

Portugal
Bilateral July 20, 1893
UCC Geneva Dec. 25, 1956
UCC Paris July 30, 1981

Qatar
None

Romania
Bilateral May 14, 1928

Rwanda
Unclear

Saint Lucia
Unclear

Saint Vincent and the Grenadines
Unclear

San Marino
None

São Tomé and Príncipe
Unclear

Saudi Arabia
None

Senegal
UCC Geneva July 9, 1974
UCC Paris July 10, 1974

Seychelles
Unclear

Sierra Leone
None

Singapore
Unclear

Solomon Islands
Unclear

Somalia
Unclear

South Africa
Bilateral July 1, 1924

Soviet Union
UCC Geneva May 27, 1973

Spain
Bilateral July 10, 1895
UCC Geneva Sept. 16, 1955
UCC Paris July 10, 1974
Phonogram Aug. 24, 1974

Sri Lanka
Unclear

Sudan
Unclear

Surinam
Unclear

Swaziland
Unclear

Sweden
Bilateral June 1, 1911
UCC Geneva July 1, 1961
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Switzerland
Bilateral July 1, 1891
UCC Geneva Mar. 30, 1956

Syria
Unclear

Tanzania
Unclear

Thailand
Bilateral Sept. 1, 1921

Togo
Unclear

Tonga
None

Trinidad and Tobago
Unclear

Tunisia
UCC Geneva June 19, 1969
UCC Paris June 10, 1975

Turkey
None

Tuvalu
Unclear

Uganda
Unclear

United Arab Emirates
None

United Kingdom
Bilateral July 1, 1891
UCC Geneva Sept. 27, 1957
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973

Upper Volta
Unclear

Uruguay
BAC Dec. 17, 1919

Vanuatu
Unclear

Vatican City
(Holy See)
UCC Geneva Oct. 5, 1955
Phonogram July 18, 1977
UCC Paris May 6, 1980

Venezuela
UCC Geneva Sept. 30, 1966

Vietnam
Unclear

Western Samoa
Unclear

Yemen (Aden)
Unclear

Yemen (San'a)
None

Yugoslavia
UCC Geneva May 11, 1966
UCC Paris July 10, 1974

Zaire
Phonogram Nov. 29, 1977
For works other than sound recordings, unclear

Zambia
UCC Geneva June 1, 1965

Zimbabwe
Unclear

[1] Effective June 30, 1908, this country became a party to the 1902 Mexico City Convention, to which the United State also became a party effective the same date. As regards copyright relations with the United States, this convention is considered to have been superseded by adherence of this country and the United States to the Buenos Aires Convention of 1910.

[2] Bilateral copyright relations between Japan and the United States, which were formulated effective May 10, 1906, ar considered to have been abrogated and superseded by the adherence of Japan to the Universal Copyright Convention, Geneva 1952, effective April 28, 1956.

Section 104 of the copyright law (title 17 of the United States Code) is reprinted below:

§ 104. Subject matter of copyright: National origin

(a) UNPUBLISHED WORKS.—The works specified by sections 102 and 103, while unpublished, are subject to protection under this title without regard to the nationality or domicile of the author.

(b) PUBLISHED WORKS.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

(1) on the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person, wherever that person may be domiciled; or

(2) the work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention; or

(3) the work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or

(4) the work comes within the scope of a Presidential proclamation. Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may by proclamation extend protection under this title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

Number of Registrations by Subject Matter of Copyright, Fiscal Year 1982

Category of material	Published	Unpublished	Total
Nondramatic literary works			
Monographs	91,911	24,405	116,316
Serials	112,430		112,430
Machine-readable works	1,181	1,490	2,671
Total	205,522	25,895	231,417
Works of the performing arts			
Musical works	25,647	99,824	125,471
Dramatic works, including any accompanying music	954	7,746	8,700
Choreography and pantomimes	24	108	132
Motion pictures and filmstrips	6,880	737	7,617
Total	33,505	108,415	141,920
Works of the visual arts			
Two-dimensional works of fine and graphic art, including prints and art reproductions	14,065	7,365	21,430
Sculptural works	1,492	467	1,959
Technical drawings and models	390	273	663
Photographs	425	364	789
Cartographic works	538	1	539
Commercial prints and labels	5,510	189	5,699
Works of applied art	9,906	1,303	11,209
Total	32,326	9,962	42,288
Sound recordings	7,971	5,907	13,878
Multimedia works	2,159	155	2,314
Grand total	281,483	150,334	431,817
Renewals			36,332
Total, all registrations			468,149

Disposition of Copyright Deposits, Fiscal Year 1982

Category of material	Received for copyright registration and added to copyright collection	Received for copyright registration and forwarded to other departments of the Library	Acquired or deposited without copyright registration	Total
Nondramatic literary works				
Monographs, including machine-readable works	88,298	123,781	14,504	226,583
Serials	none	224,860	191,677	416,537
Total	88,298	[1] 348,641	[2] 206,181	643,120
Works of the performing arts				
Musical works; dramatic works, including any accompanying music; choreography and pantomimes	134,561	26,367	155	161,083
Motion pictures and filmstrips	3,166	[3] 4,451	286	7,903
Total	137,727	30,818	441	168,986
Works of the visual arts				
Two-dimensional works of fine and graphic art, including prints and art reproductions; sculptural works; technical drawings and models; photographs; commercial prints and labels; works of applied art	71,363	2,174	834	74,371
Cartographic works	1	1,076	666	1,743
Total	71,364	3,250	1,500	76,114
Sound recordings	13,878	7,971	586	22,435
Total, all deposits [3]	311,267	390,680	208,708	910,655

[1] Of this total, 73,729 copies were transferred to the Exchange and Gift Division for use in its programs.
[2] Of this total, 5,119 copies were transferred to the Exchange and Gift Division for use in its programs.
[3] Includes 3,405 motion pictures returned to remitter under the Motion Picture Agreement.

Summary of Copyright Business, Fiscal Year 1982

	Registration	Fees
Published works at $10.00	281,483	$2,814,830.00
Unpublished works at $10.00	150,334	1,503,340.00
Renewals at $6.00	36,332	217,992.00
Total registrations for fee	468,149	4,536,162.00
Fees for recording documents		167,130.50
Fees for certified documents		31,340.00
Fees for searches made		109,028.00
Fees for import statements		663.00
Fees for deposit receipts under 17 U.S.C. 407		582.00
Fees for full-term storage of deposits		none
Fees for special handling		34,560.00
Total fees exclusive of registrations		343,303.50
Total fees		4,879,465.50

Statement of Gross Cash Receipts and Number of Registrations for the Fiscal Years 1977–1982

Fiscal year	Gross receipts	Number of registrations	Percentage of increase or decrease in registrations
1977	$2,946,492.04	452,702	+10.2
1978	[*] 3,957,773.66	[*] 331,962	[*] −26.7
1979	4,934,173.29	429,004	+29.2
1980	4,961,982.34	464,743	+ 8.3
1981	5,248,907.76	471,178	+ 1.4
1982	5,360,515.54	468,149	− 0.6

[*] Reflects changes in reporting procedure.

Financial Statement of Royalty Fees for Compulsory Licenses for Secondary Transmissions by Cable Systems for Calendar Year 1981

Royalty fees deposited	$26,122,391.26	
Interest income paid on investments	2,576,983.42	
		$28,699,374.68
Less: Operating costs	355,916.00	
Refunds issued	61,313.69	
Investments purchased at cost	28,057,441.72	
		28,474,671.41
Balance as of September 30, 1982		224,703.27
Face amount of securities purchased		29,635,000.00
Cable royalty fees for calendar year 1981 available for distribution by the Copyright Royalty Tribunal		29,859,703.27

Financial Statement of Royalty Fees for Compulsory Licenses for Coin-Operated Players (Jukeboxes) for Calendar Year 1982

Royalty fees deposited	$2,656,101.36	
Interest income paid on investments	228,718.14	
		$2,884,819.50
Less: Operating costs	130,029.00	
Refunds issued	1,561.00	
Investments purchased at cost	2,647,811.47	
		2,779,401.47
Balance as of September 30, 1982		105,418.03
Face amount of securities purchased		2,460,000.00
Estimated interest income due September 30, 1983		385,600.00
Jukebox royalty fees for calendar year 1982 available for distribution by the Copyright Royalty Tribunal		2,951,018.03

Copyright Registrations, 1790–1982

	District Courts [1]	Library of Congress [2]	Patent Office [3]			Total
			Labels	Prints	Total	
1790–1869	150,000					150,000
1870		5,600				5,600
1871		12,688				12,688
1872		14,164				14,164
1873		15,352				15,352
1874		16,283				16,283
1875		15,927	267		267	16,194
1876		14,882	510		510	15,392
1877		15,758	324		324	16,082
1878		15,798	492		492	16,290
1879		18,125	403		403	18,528
1880		20,686	307		307	20,993
1881		21,075	181		181	21,256
1882		22,918	223		223	23,141
1883		25,274	618		618	25,892
1884		26,893	834		834	27,727
1885		28,411	337		337	28,748
1886		31,241	397		397	31,638
1887		35,083	384		384	35,467
1888		38,225	682		682	38,907
1889		40,985	312		312	41,297
1890		42,794	304		304	43,098
1891		48,908	289		289	49,197
1892		54,735	6		6	54,741
1893		58,956		1	1	58,957
1894		62,762		2	2	62,764
1895		67,572		6	6	67,578
1896		72,470	1	11	12	72,482
1897		75,000	3	32	35	75,035
1898		75,545	71	18	89	75,634
1899		80,968	372	76	448	81,416
1900		94,798	682	93	775	95,573
1901		92,351	824	124	948	93,299
1902		92,978	750	163	913	93,891
1903		97,979	910	233	1,143	99,122
1904		103,130	1,044	257	1,301	104,431
1905		113,374	1,028	345	1,373	114,747
1906		117,704	741	354	1,095	118,799
1907		123,829	660	325	985	124,814
1908		119,742	636	279	915	120,657
1909		120,131	779	231	1,010	121,141
1910		109,074	176	59	235	109,309
1911		115,198	576	181	757	115,955
1912		120,931	625	268	893	121,824
1913		119,495	664	254	918	120,413
1914		123,154	720	339	1,059	124,213

Copyright Registrations, 1790–1982

	District Courts [1]	Library of Congress [2]	Patent Office [3]			Total
			Labels	Prints	Total	
1915		115,193	762	321	1,083	116,276
1916		115,967	833	402	1,235	117,202
1917		111,438	781	342	1,123	112,561
1918		106,728	516	192	708	107,436
1919		113,003	572	196	768	113,771
1920		126,562	622	158	780	127,342
1921		135,280	1,118	367	1,485	136,765
1922		138,633	1,560	541	2,101	140,734
1923		148,946	1,549	592	2,141	151,087
1924		162,694	1,350	666	2,016	164,710
1925		165,848	1,400	615	2,015	167,863
1926		177,635	1,676	868	2,544	180,179
1927		184,000	1,782	1,074	2,856	186,856
1928		193,914	1,857	944	2,801	196,715
1929		161,959	1,774	933	2,707	164,666
1930		172,792	1,610	723	2,333	175,125
1931		164,642	1,787	678	2,465	167,107
1932		151,735	1,492	483	1,975	153,710
1933		137,424	1,458	479	1,937	139,361
1934		139,047	1,635	535	2,170	141,217
1935		142,031	1,908	500	2,408	144,439
1936		156,962	1,787	519	2,306	159,268
1937		154,424	1,955	551	2,506	156,930
1938		166,248	1,806	609	2,415	168,663
1939		173,135	1,770	545	2,315	175,450
1940		176,997	1,856	614	2,470	179,467
1941		180,647				180,647
1942		182,232				182,232
1943		160,789				160,789
1944		169,269				169,269
1945		178,848				178,848
1946		202,144				202,144
1947		230,215				230,215
1948		238,121				238,121
1949		201,190				201,190
1950		210,564				210,564
1951		200,354				200,354
1952		203,705				203,705
1953		218,506				218,506
1954		222,665				222,665
1955		224,732				224,732
1956		224,908				224,908
1957		225,807				225,807
1958		238,935				238,935
1959		241,735				241,735
1960		243,926				243,926

Copyright Registrations, 1790–1982

	District Courts [1]	Library of Congress [2]	Patent Office [3]			Total
			Labels	Prints	Total	
1961		247,014				247,014
1962		254,776				254,776
1963		264,845				264,845
1964		278,987				278,987
1965		293,617				293,617
1966		286,866				286,866
1967		294,406				294,406
1968		303,451				303,451
1969		301,258				301,258
1970		316,466				316,466
1971		329,696				329,696
1972		344,574				344,574
1973		353,648				353,648
1974		372,832				372,832
1975		401,274				401,274
1976		410,969				410,969
1976 Transitional qtr. [4]		108,762				108,762
1977		452,702				452,702
1978		[5] 331,942				[5] 331,942
1979		429,004				429,004
1980		464,743				464,743
1981		471,178				471,178
1982		468,149				468,149
Total	150,000	18,612,634	55,348	18,098	73,446	18,836,080

[1] Estimated registrations made in the offices of the Clerks of the District Courts (source: pamphlet entitled *Records in the Copyright Office Deposited by the United States District Courts Covering the Period 1790–1870*, by Martin A. Roberts, Chief Assistant Librarian, Library of Congress, 1939).

[2] Registrations made in the Library of Congress under the Librarian, calendar years 1870–1897 (source: *Annual Reports* of the Librarian). Registrations made in the Copyright Office under the Register of Copyrights, fiscal years 1898–1971 (source: *Annual Reports* of the Register).

[3] Labels registered in Patent Office, 1875–1940; Prints registered in Patent Office, 1893–1940 (source: memorandum from Patent Office, dated Feb. 13, 1958, based on official reports and computations).

[4] Registrations made July 1, 1976, through September 30, 1976, reported separately owing to the statutory change making the fiscal years run from October 1 through September 30 instead of July 1 through June 30.

[5] Reflects changes in reporting procedure.

* U.S. GOVERNMENT PRINTING OFFICE: 1984 0 - 430-238 (382)