SIXTY-SIXTH

ANNUAL REPORT OF THE

REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR ENDING JUNE 30, 1963

COPYRIGHT OFFICE

The Library of Congress

WASHINGTON : 1964

L.C. Card No. 10-35017

This report is reprinted from the
Annual Report of the Librarian of Congress
for the fiscal year ending June 30, 1963

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Meeting on April 11, 1963, of the Panel of Consultants on General Revision of the Copyright Law in the Woodrow Wilson Room at the Library of Congress. (Photo by Charles E. Rotkin, courtesy of American Society of Magazine Photographers.)

The Copyright Office

Report to the Librarian of Congress by the Register of Copyrights

General Revision of the Copyright Law

As the fiscal year began, the program for general revision was approaching a turning point. *Copyright Law Revision, Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law* had been published for more than a year, a considerable body of comments on its proposals had been collected, and several meetings had been held to discuss the recommendations in detail. Some of the *Report's* proposals, as expected, had proved to be extremely controversial, and nearly all of these were criticized for one reason or another.

Concentrated discussions of the issues raised by the *Report* were held during a 3-day period preceding the Annual Meeting of the American Bar Association in San Francisco in August 1962. These discussions, which were attended by the Register and the Deputy Register of Copyrights and the General Counsel of the Copyright Office, were most illuminating. In particular, they showed the strength of the opposition to, and lack of support for, certain of the *Report's* recommendations. It had become apparent, for example, that the prevailing sentiment favored a single Federal copyright system, with protection commencing upon the creation of a work and ending 50 years after the author's death. This view was in direct conflict with the Register's proposal for copyright to begin with "public dissemination" and to last for a first term of 28 years, renewable for a second term of 48 years.

These recommendations were, as the *Report* itself made clear, tentative and subject to further consideration. At the same time, they had not been reached lightly; indeed, they represented "our best thinking at the time." To undertake the necessary reevaluation and revision of these recommendations required a thorough analysis and review of all the arguments, criticisms, and comments that had been advanced in connection with them. This process has taken a good deal of time.

Any long-range program for legislative reform encounters decisive periods that shape its eventual direction. In the fall of 1962 the copyright revision program met just such a period when its future was somewhat in doubt.

It emerged stronger and better founded than before. The Copyright Office, for its part, was pressed to reach decisions and to speed up the drafting of a revision statute. On the other side, there was increased realization of the time and effort needed to produce a bill that has some chance of enactment. Most important, the growth in respect and understanding on both sides improved the atmosphere of accommodation and cooperative effort which, as last year's report pointed out, is essential to general revision.

In November 1962, at the outset of the drafting phase of the revision program, the Copyright Office announced that it was prepared to change its position on some

debatable questions, and to draft alternative language on others. The Register indicated, for example, that the Office was prepared to revise its recommendations concerning "public dissemination" and the retention of common law protection, and that "at least one alternative version of our draft bill will adopt the life-plus basis for computing the term—in conjunction with a system of notice, deposit, and registration that we consider essential." He also made clear that, in order to resolve differences with respect to language and substance, a series of meetings with an enlarged Panel of Consultants on General Revision would be held at which the draft language would be considered in detail.

The drafting procedure has been an arduous one. After dividing the subject matter of the copyright statute into segments roughly corresponding to the chapters of the Register's *Report,* the Office undertook an intensive analysis and evaluation of all comments received on a particular segment and of any equivalent language in foreign laws and previous revision bills. Preliminary draft sections were then prepared and were painstakingly reviewed for both language and content before being circulated for discussion by the Panel of Consultants. During the fiscal year there were four all-day meetings of the Panel—on January 16, February 20, April 11 and June 11, 1963—to discuss draft sections on copyrightable works, exclusive rights, and ownership. Written comments on these drafts were also collected. In addition, officials of the Copyright Office participated actively in the discussions of various subcommittees formed under the American Bar Association Committee on the Program for General Revision of the Copyright Law and of several *ad hoc* committees formed to discuss particular points in issue.

Like the recommendations of the Register's *Report,* the draft sections now being circulated and discussed are preliminary and experimental. There has been a deliberate attempt to make them inclusive and detailed in order to provoke comments on as many problems of substance and language as possible. In some cases alternative sections have been presented for discussion.

As soon as all of the sections of the first draft have been commented upon by the Panel, a complete review and revision of every section in the light of the comments received will follow. On questions of substance a choice will be made between alternatives or, on a few points, an entirely new approach adopted. The sections must also be substantially redrafted and the language boiled down to make the bill simple and clear without leaving gaps or making it over-generalized. It is hoped that, by the time a final version is ready for introduction in the Congress, this long and difficult process of adjustment on matters of substance and of critical scrutiny on matters of language will have produced a bill that will be worthy of widespread and genuine support.

The Year's Copyright Business

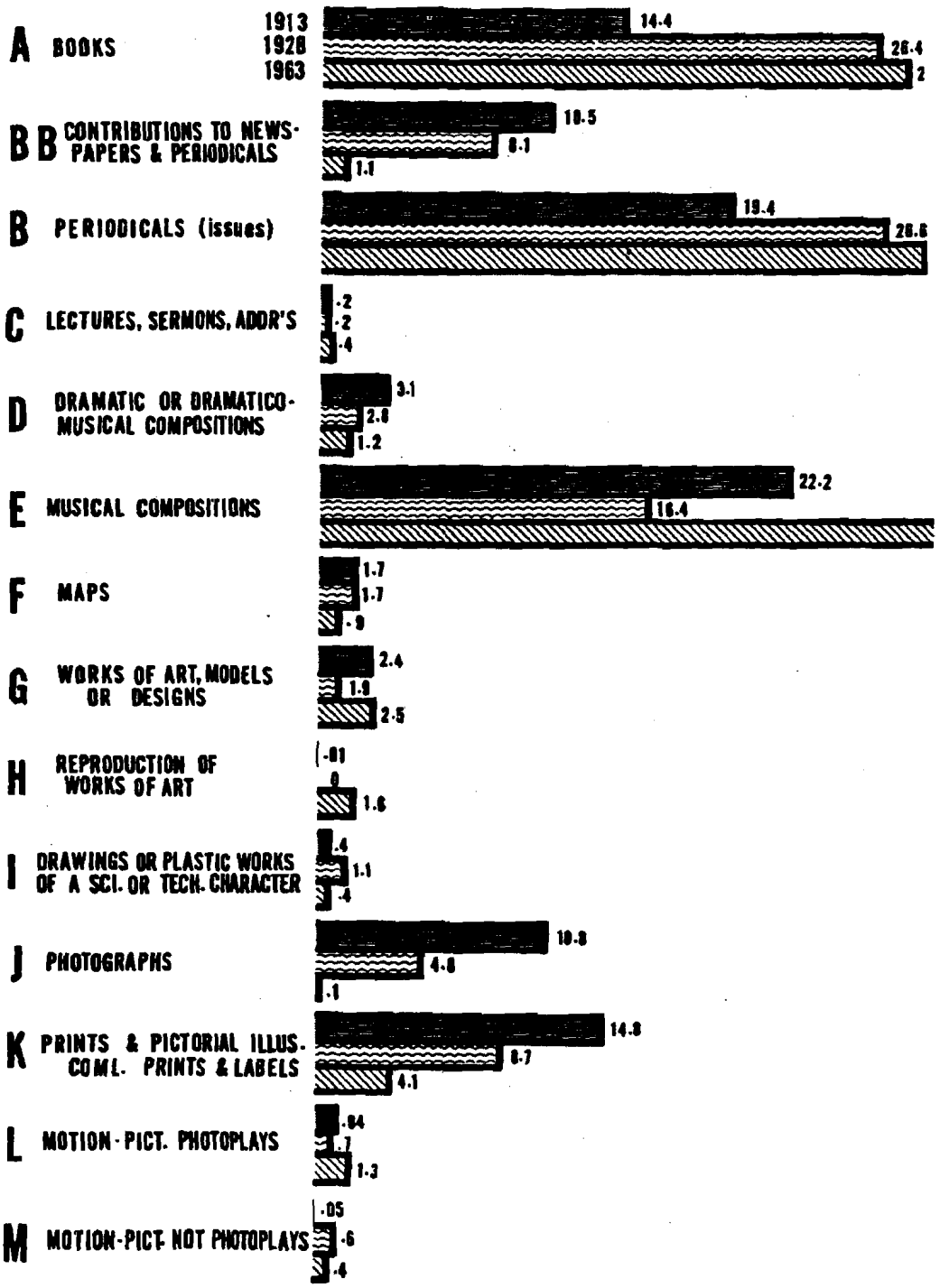
After passing the quarter–million mark in fiscal 1962, copyright registrations rose to an all-time high of 264,845 in 1963. Completed registrations increased by slightly more than 10,000, or approximately 4 percent. Detailed figures are given in the tables at the end of this report.

The most significant gains last year were in all classes of music; total registrations for musical compositions rose by more than 7 percent, with increases of 9 percent in published music, 7 percent in unpublished music, and 8 percent in foreign music. The accompanying chart, which graphically illustrates how this category has grown to become the largest single class of copyrighted material, reflects fluctuations in the commercial value of various classes of works over the past 50 years.

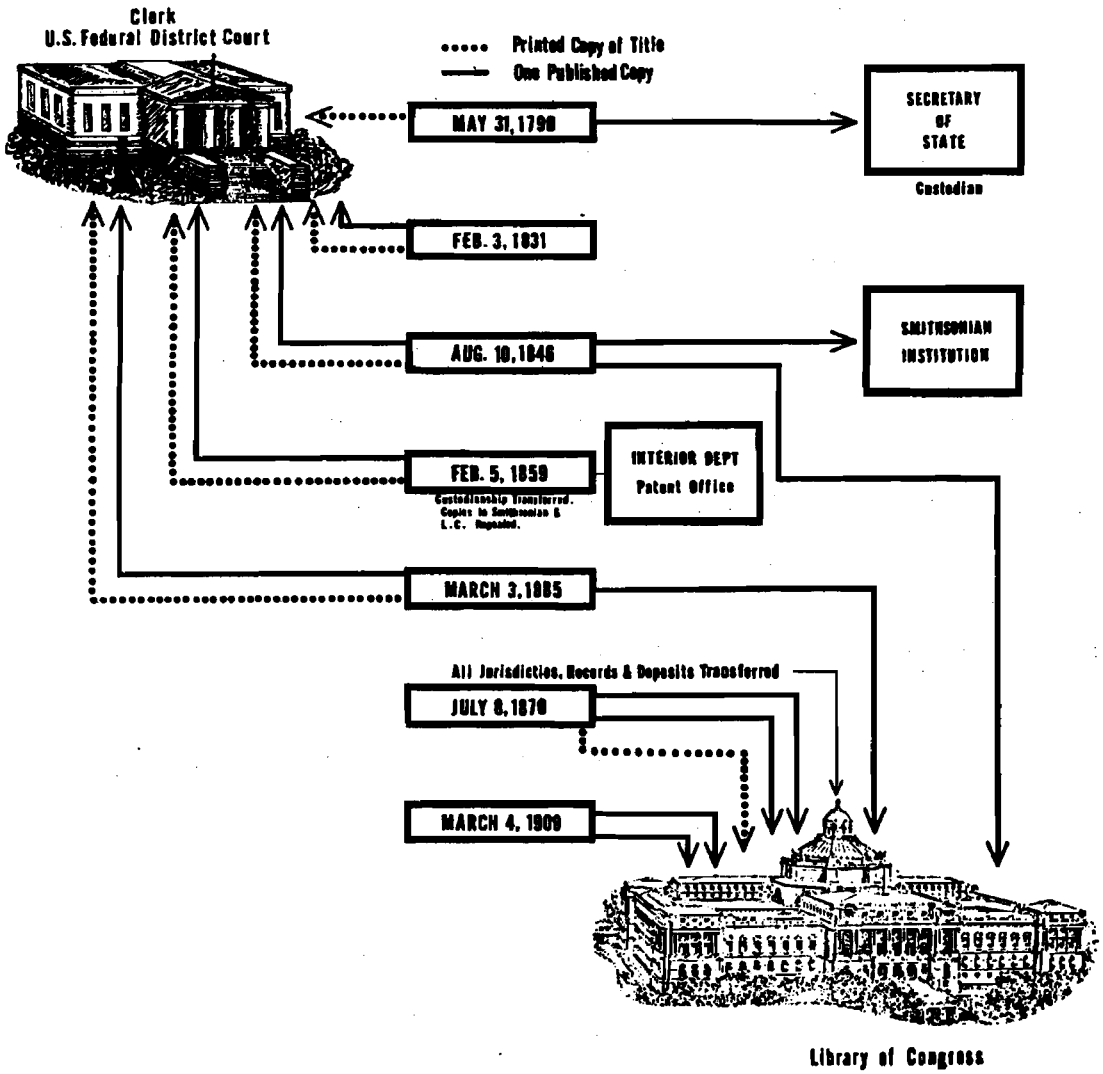
Substantial gains of 3 percent were also shown in registrations of both books and periodicals. The upward trend in renewal registrations, which began last year, continued with another increase of 5 percent. Registrations of motion pictures grew by nearly 16 percent and those of commercial prints and labels, which have shown a marked decline during the past decade, re-

Percentage of Total Registration in Each Class

Years 1913, 1928, 1963



Historical Evolution of the Deposit Requirements
United States Copyright Laws
1790–1909



versed the trend by increasing 2 percent. Decreases, where they occurred, were in the smaller miscellaneous classes and in the recordation of assignments and notices of use. Registrations for "designs" (*i.e.*, works of art embodied in useful articles) grew by nearly 10 percent, and now represent some 60 percent of all "art" registrations.

Of the applications received in fiscal 1963, 85.6 percent were registered without correspondence, 2.13 percent were rejected, and 12.27 percent required correspondence before the claim could be entered. Fees earned for registrations and related services reached the all-time high of $1,077,747.79, an increase of $34,160.04 over the previous year. April 1963 was the biggest month in the history of the Copyright Office in terms of earned fees, and the second biggest in terms of registrations.

The Cataloging Division produced and distributed more than 1.5 million catalog cards, of which some 575,000 were added to the Copyright Card Catalog, 54,000 were furnished to the Library of Congress, and more than 700,000 were used to prepare over 5,000 pages of copy for the semiannual issues of the 8 parts of the Catalog of Copyright Entries.

During the fiscal year the Reference Search Section received 9,644 search requests, a slight increase over 1962. These inquiries resulted in 10,042 searches involving a total of 56,234 titles, the latter representing a drop of 15 percent over the previous year. Fees received for search services remained about the same, again totalling more than $22,000.

Official Publications

Probably the major new publication of fiscal 1963 was Part 2 of *Copyright Law Revision,* containing discussion and comments on the Register's *Report* on revision. It included transcripts of the four meetings held in 1961 and 1962 to discuss the proposals made in it, together with the text of most of the written comments received. This 419-page publication was issued by the House Committee on the Judiciary and not by the Copyright Office, but it should provide a valuable adjunct to the *Report* itself, which went through a third printing during the year.

During 1963 the Office also published the last of the series initiated as part of the program for general revision of the copyright law. This was *The Manufacturing Clause of the U.S. Copyright Law* by Mrs. Marjorie McCannon, Assistant Chief of the Reference Division, with the assistance of Benjamin W. Rudd, General Attorney-Librarian. It was issued by the Office in multilith form only but is included in the Arthur Fisher Memorial Edition of the studies published under private auspices.

Publication of the *Catalog of Copyright Entries* continued on schedule despite delays caused by staff shortages and administrative adjustments. One issue of the *Catalog* (*Maps and Atlases,* July–December 1962) was a casualty of an extraordinary sort, when the negatives from which printing plates were to be made were destroyed in a fire in a Philadelphia printing plant. The Office managed to reconstitute the copy, and the *Catalog* was published in April 1963.

Copyright Contributions to the Library of Congress

Of the 428,767 articles deposited for copyright registration during the year, over 51 percent or 222,197 were transferred to the Library of Congress for its collections or for use by the Exchange and Gift Division. The total number of these articles, which include most of the books, periodicals, music, and maps issued by publishers during fiscal 1963, represents a decrease of about 2 percent. The attached chart illustrates the development of the copyright deposit system from 1790 to the present.

More than 11,000 registrations were made in 1963 as a result of the efforts of the Compliance Section of the Reference Division to secure compliance with the registration and deposit requirements of the law. These registrations involved a total of $48,242 in fees and the deposit of material for the Library of Congress valued

at more than $200,000. A new compliance project, involving phonograph record sleeves and album jackets, was initiated during the year. In the past 15 years the activities of the Compliance Section have led to more than 150,000 registrations and the deposit of fees and material for the Library of Congress valued at $2½ million.

Administrative Developments

Great stress was laid on training during fiscal 1963. All divisions in the Office participated in a variety of programs aimed at developing better management, increased efficiency, and the potential of individual employees. Three officials attended week-long seminars in source data automation offered by the General Services Administration.

A problem involving the currency and scope of search reports supplied by the Copyright Office was made the subject of intensive consideration by the Office and by the Copyright Office Affairs Committee of the American Bar Association. The Committee is concerned by the lag between the date on which the report is made and the last date of the period covered by information available in the Office records. It was agreed, following a number of meetings devoted to this subject, that the basic solution lies in finding some means of speeding up the processing of material from the time it is received until it becomes a matter of record in the catalogs and indexes of the Office.

The Copyright Office continued its program of active cooperation with the Bureau of Customs on questions arising under those portions of the copyright statute administered by the Bureau. There were fewer problems relating to artificial flowers, a source of great difficulty last year, but activity increased in the book area as a result of a continued influx of piratical copies from Taiwan and Hong Kong. Major attention also continued to be devoted to the issue of publications written by Government employees. The Office, on the basis of considerable practical experience, continues to ask for information concerning the status of a work that appears to have been produced in any substantial part by an employee of the United States Government within the scope of his duties, but does not do so in cases where the work's only connection with the Government appears to be in the allocation of public funds and where the author appears to be an independent contractor.

Proposals for improving the catalog entries for book-form materials were developed by the Cataloging Division and were put into practice in January 1963. The changes were aimed at making the catalog entry a more positive means of identifying a deposited work. Rules for cataloging unpublished music were adjusted to provide a clearer statement of the nature of authorship. To speed up alphabetizing of cards, a Keytronic sorting machine was placed in operation after an experimental trial in the Cataloging Division had proved its usefulness. The division also did much further work in coordinating and clarifying its cataloging rules.

In July, as part of a large-scale study undertaken by the Library, a Computer Task Force Committee was established in the Copyright Office to determine the possibilities of using computer and electronic data processing equipment in connection with its functions. The Committee concluded, after intensive investigation, that the equipment now available is not suited to the Office's needs, but it acquired a great deal of valuable information concerning the future possibilities of computer applications.

On February 5, 1963, the Register of Copyrights, together with the Chief and Assistant Chief of the Examining Division, conducted a full-day seminar on the practical problems of copyright registration for members of the American Book Publishers Council and the American Textbook Publishers Institute. The seminar, which was held in New York City, was attended by more than 150 persons. It was agreed that the meeting was most successful in promoting understanding between the Copyright Office and those in the book in-

dustry that deal with problems of copyright registration on the working level.

A number of lengthy bibliographic searches were conducted during the year, including those for the works of Edgar Rice Burroughs, Bertolt Brecht, William Faulkner, W. C. Handy, and Frank Loesser. Possibly the most lengthy and complex bibliographic search ever undertaken by the Copyright Office was that on the works of Sergei Rachmaninoff, which contained over 1,000 entries and was particularly difficult because of the many variations in the titles of the composer's works.

The Copyright Office was honored during the year by an unusually large number of distinguished visitors. These included G. H. C. Bodenhausen, newly appointed Director-General of BIRPI (Bureaux Internationaux Réunis pour la Protection de la Propriété Intellectuelle), Georges Straschnov, Vice Director of the European Broadcasting Union, Tadakatsu Ishikawa and Yusuru Takahashi, representing JASRAC, the Japanese authors' society, Ronald E. Barker, Secretary of the Publishers Association, London, England, Eugen Ulmer, Institute of Copyright Law, University of Munich, and S. M. Stewart, Director General of the International Federation of the Phonographic Industry.

On April 19, 1963, the Copyright Society of the U.S.A. celebrated its 10th anniversary and presented a citation to Walter J. Derenberg, who has been Chairman of the Editorial Board of the *Bulletin* of the Society since its inception. The role played by the Copyright Office in the beginnings of the Society and the close cooperation between the two organizations during the past decade are covered in an article by Richard S. MacCarteney entitled "De Origine," which was published in the June 1963 issue of the Society's *Bulletin*.

Legislative Developments

Legislative activity in the copyright field continued to increase in 1963. Aside from the developments with respect to the general revision program, which have already been recounted perhaps the most significant accomplishments involved the resumption of efforts to repeal or amend the jukebox exemption now contained in section 1(e) of the copyright law. On July 11, 1962, Representative Emanuel Celler introduced a new jukebox bill (H.R. 12450) which proposed the establishment of an Office of Performing Rights Trustees to determine the amount and supervise the collection and distribution of royalties. Scheduled hearings on this bill were postponed and on January 9, 1963, it was introduced in the 88th Congress as H.R. 1045 by Representative Celler, who also reintroduced, as H.R. 1046, an earlier bill providing in effect for outright repeal of the exemption.

An entirely new approach to the jukebox problem was embodied in H.R. 5174, introduced by Representative Celler on March 28, 1963 (also introduced by Representative Seymour Halpern as H.R. 6017 on May 2, 1963). This bill provided for the establishment in the Copyright Office, under the direction of the Register of Copyrights, of a Performing Rights Administration, charged with responsibility for the collection and distribution of license fees set at $5 annually for each machine. Hearings on H.R. 5174, which were held before House Judiciary Subcommittee No. 3 on May 2 and 3, 1963, proved to be of great significance. Representatives of authors, composers, and music publishers criticized the bill as inadequate to solve the jukebox problem, arguing that the license fees would be eaten up by administrative costs. Representatives of the coin-operated machine industry, while opposing this bill, expressed willingness to pay an additional mechanical royalty on jukebox records. The Register of Copyrights, while acknowledging the serious administrative problems that H.R. 5174 would create, emphasized the importance of settling the jukebox issue, not only to remove a defect in the present law but also to facilitate general revision of the statute. He urged the interested parties to take a fresh look at the problem in the light of the solution offered, and to make a sincere effort to reconcile their differences.

Despite the general feeling that H.R. 5174 did not offer a workable solution to the jukebox problem, there seemed to be considerable sentiment among the subcommittees that some sort of legislation to resolve the issue should be enacted as soon as possible. This impression was confirmed when, on June 24, 1963, Representative Celler substituted a clean bill (H.R. 7194) as the result of subcommittee action; this provided for repeal of the exemption with respect to the owners of coin-operated machines, except under specified conditions. On July 25, 1963, the full House Judiciary Committee reported this new bill favorably, raising hopes for an eventual solution to this perennial bone of contention.

The fiscal year opened with the passage by the Senate, on July 23, 1962, of an amended bill for the protection of ornamental designs of useful articles (S. 1884). After this notable development the bill was referred to the House of Representatives, but no further action was taken during the session. Further changes in the bill, consisting largely of refinements in language were worked out, and the new version was introduced in the 88th Congress and is now pending in both the House (H.R. 323, introduced by Representative John J. Flynt, Jr., on January 9, 1963; H.R. 769, introduced by Representative Gerald R. Ford on January 9, 1963; and H.R. 5523, introduced by Representative Roland V. Libonati on April 8, 1963) and the Senate (S. 776, introduced by Senator Philip A. Hart for himself and Senator Herman E. Talmadge on February 11, 1963).

The controversy involving the question of copyright protection for works alleged to be "publications of the United States Government," which was conducted in the press as well as in the courts, resulted in the introduction of three identical resolutions in the House of Representatives (H. Res. 794, submitted by Representative Charles McC. Mathias, Jr., on September 4, 1962; H. Res. 829, submitted by Representative William C. Cramer on October 5, 1962; and H. Res. 39, submitted by Representative Cramer on January 9, 1963). These resolutions would authorize the House Committee on the Judiciary to conduct an "investigation and study of existing law and practice" concerning the copyrighting of "material prepared by officers or employees of the United States" and "the publication by private publishers . . . of material originally prepared by or for the United States . . . ." A purely technical amendment to the statutory provision governing copyright in Government publications (17 U.S.C. 8) was incorporated in Public Law 87–646, enacted on September 7, 1962. Also of interest was H.R. 6745, a bill introduced by Representative John V. Lindsay on June 3, 1963, to "bar any action for copyright infringement with respect to sound recordings made for use by blind or quadriplegic residents of the United States."

A bill of great potential significance to the practical operations of the Copyright Office was H.R. 5136, introduced by Representative Tom Steed on March 25, 1963, which would increase nearly all fees for copyright registrations and other Office services. The present fee structure, which was established 15 years ago, would be revised to provide a basic $6 fee for all original and renewal registrations.

Two copyright measures that attracted a good deal of attention in the trade press were S. 405, introduced by Senator Allen J. Ellender on January 22, 1963, and H.R. 4567, introduced by Representative Harris B. McDowell, Jr., on March 6, 1963. The Ellender Bill would prevent recovery for infringement against anyone broadcasting copyrighted works by means of sound recordings unless the record or disc bore the name of the copyright proprietor, or unless the broadcaster "had reason to believe" that his actions would be an infringement. The McDowell Bill, which was intended to "assist promising young composers and authors," would extend the copyright in musical and literary works for an additional 15 years if one-half of the royalties received during that period are paid to the U.S. Treasury.

Recurrent problems arising from the importation of piratical copies from foreign countries were reflected in H.R. 6234, a bill

introduced by Representative Thomas L. Ashley on May 13, 1963, "to prohibit the importation of merchandise of foreign manufacture which simulates merchandise covered by an American copyright or design patent." Senate Report No. 2177 on the Foreign Aid and Related Agencies Appropriation Bill of 1963 also contains a significant statement noting "the problem of unauthorized reproductions of American copyrighted books in Nationalist China" and requesting the State Department to "continue efforts to have this practice discontinued."

Two tax measures of great significance to authors and other creators were submitted to Congress during the year. The first, introduced as H.R. 2519 by Representative Lindsay and as S. 497 by Senator Jacob K. Javits on January 24, 1963, was intended to place authors in generally the same position as inventors concerning the capital gains treatment of income from the sale of rights in their works. The other measure, introduced as H.R. 2520 by Representative Lindsay and as S. 498 by Senator Javits on January 24, 1963, would establish liberalized provisions under which an author could average his income from a work "over the period during which the work on such artistic work took place." Also of significance in the copyright field was another Lindsay-Javits measure (H.R. 4651 and S. 1038, introduced March 7, 1963) to establish a Federal statutory right of recovery on behalf of "persons damaged by unfair commerical activities in or affecting commerce." And special note should be taken of Public Law 87-748, enacted October 5, 1962, which permits an action in the nature of mandamus against a United States official or employee to be brought in any U.S. district court.

Judicial Developments

The Rickover Case

Pending in the courts for more than 4 years and promising to stay in litigation for some time to come, *Public Affairs Associates, Inc.* v. *Rickover* is presently the only pending action directly involving the Copyright Office. The issue is whether certain works by Admiral H. G. Rickover are copyrighted, or whether they are "publications of the United States Government" and thus uncopyrightable under the terms of the copyright law. The action was commenced in 1959 and eventually reached the Supreme Court, which remanded it to the District Court in 1962 on grounds that the record was not sufficiently full-bodied. Plaintiff then joined as parties defendant the Register of Copyrights and the Librarian of Congress, as well as the Secretary of the Navy, the Secretary of Defense, and the Atomic Energy Commissioners.

There have been several developments during this fiscal year. Admiral Rickover abandoned his claim of copyright in the first 22 of the 24 works, thus removing from the case the question of whether distribution of the speeches in the form of press releases had constituted "publication" within the meaning of the copyright statute. The District Court overruled a motion to dismiss the action as to the Government parties, and the plaintiff served a large number of interrogatories on all of the defendants, including the Register and the Librarian. Some of these interrogatories were answered, but others were objected to as being irrelevant or oppressive. In its most recent ruling, the District Court sustained the objections of the Government parties as to the interrogatories they had declined to answer.

Subject Matter of Copyright Protection: Designs and Works of Art

The courts continued their efforts to define the works subject to statutory copyright in the fields of design and commercial art. One of the most important decisions of the year, *H. M. Kolbe Co.* v. *Armgus Textile Co.*, 315 F. 2d 70 (1963), involved a textile design consisting of clusters of roses separated by square borders. The Second Circuit Court of Appeals upheld the copyrightability of "the composite design . . ., which depends for its aesthetic effect upon both the rose figure and the manner in which the reproductions of that figure are arranged in relation to each other upon the

fabric." It indicated that "a checkerboard configuration, considered apart from the original component squares" would not "possess even the modest originality that the copyright laws require," but it specifically rejected "the proposition that every element of an original work must itself bear the marks of originality."

The same court, in *Dan Kasoff Inc.* v. *Gresco Jewelry Co.*, 308 F. 2d 806 (2d Cir. 1962) and *Dan Kasoff Inc.* v. *Novelty Jewelry Co.*, 309 F. 2d 745 (2d Cir. 1962), upheld the copyrightability of costume jewelry designs. In the latter case the court added that "practically anything novel can be copyrighted," citing the *Mazer* case for this proposition. On the other hand, in *Stevens* v. *Continental Can Co.*, 308 F. 2d 100 (1962), the Court of Appeals for the Sixth Circuit indicated that "anything as simple as combining into a decorative scheme for picnic cups and plates, a wood grain background . . . with cattle brands . . ." could not be regarded as "an original artistic scheme, work of art or a work of such novelty as to vest in its author a common law or statutory copyright or property right."

Two cases during the year dealt with the copyrightability of advertising material. In *Day-Brite Lighting, Inc.* v. *Sta-Brite Fluorescent Manufacturing Co.*, 308 F. 2d 377 (1962), the Court of Appeals for the Fifth Circuit upheld the validity of copyright in a sheet from a catalog of lighting fixtures, stating: "Most copyrights of advertisements would be invalidated if anything more than a very low degree of originality were required." In a case involving the "slavish" imitation of the "Pledge" label for furniture wax, copyright in the label was held valid on the ground that it was "not purely descriptive." *S. C. Johnson & Son, Inc.* v. *Drop Dead Co.*, 210 F. Supp. 816 (S.D. Cal. 1962).

Subject Matter of Copyright Protection: Educational Materials

In contrast to the liberal trend of the cases dealing with the copyrightability of designs and works of art, the decisions involving maps and other cartographic materials have tended to require a rather high standard of originality or creativity. In *C. S. Hammond & Co.* v. *International College Globe, Inc.*, 210 F. Supp. 206 (S.D. N.Y. 1962), the court upheld plaintiff's copyright in a "very ordinary" inflatable plastic globe of the world on the basis of "the actual labor expended in laying out the map outlines on the grid drawings, and in the exercise of judgment in the selection, from a comparison of many sources, of place names to be shown." However, it held that even though defendant's globe was very similar, it did not infringe plaintiff's copyright, since the only copyrightable elements ("cartographic outlining, selection, and presentation") had not been copied.

The copyrightability of educational flashcard sets was involved in *Gelles-Widmer Co.* v. *Milton Bradley Co.*, 313 F. 2d 143, *cert. denied*, 373 U.S. 913 (1963). The Seventh Circuit Court of Appeals affirmed the validity of the copyrights on the ground that, even though "the basic materials and arithmetical problems may have been old and in the public domain," the "selection, arrangements and combinations" constituted original authorship. The difficult and important question of the copyrightability of printed calculators was touched upon in *Dietrich* v. *Standard Brands, Inc.*, 32 F.R.D. 325 (E.D. Pa. 1963).

Subject Matter of Copyright Protection: The Field of Entertainment

Undoubtedly the most enjoyable opinion of the year was that in *Dane* v. *M. & H. Co.*, 136 U.S.P.Q. 426 (N.Y. Sup. Ct., Spec. and Trial Term, N.Y. County, 1963), involving the copyrightability of a special "bump and grind" routine which the plaintiff, a variety artiste, claimed to be "unique in that she portrayed a 'stripper' without taking anything off." The court, while acknowledging that the routine was "an excellent piece of business," held that it was not subject to common law or statutory copyright protection because it did not tend to promote the progress of science and useful arts. In another interesting decision the contributions of Orson Welles, as

producer and actor, to the famous 1938 broadcast about an "invasion from Mars" were held not protectible since he was not the author of the script, since the basic idea could not be protected, and since the defendant had not reproduced the performance itself. *Welles* v. *CBS,* 135 U.S.P.Q. 116 (9th Cir. 1962).

NOTICE OF COPYRIGHT

The sufficiency of a copyright notice imprinted on the selvage of each repeat of a fabric design was reiterated in *Cortley Fabrics Co.* v. *Slifka,* 138 U.S.P.Q. 110 (S.D.N.Y.), *aff'd per curiam,* 138 U.S.P.Q. 97 (2d Cir. 1963), the court finding that the notice could not be incorporated into the design itself. In *H. M. Kolbe Co.* v. *Armgus Textile Co.,* 315 F. 2d 70 (1963) the Second Circuit Court of Appeals dealt with the sufficiency of a selvage notice where the design was a continuous pattern made up of inversions of 8-inch squares, and the notice appeared at intervals of 16 inches. The court held that the length of the "copies" deposited in the Copyright Office (approximately one yard in this case) set the "outer limit within which published copies must bear the statutory notice." It ruled in favor of the adequacy of the 16-inch interval on two grounds: (1) the roller from which the master pattern is printed in continuous revolutions also bears the notice, so that "it, too, is repeated and appears at least once for each repetition of the basic design," and (2) since textiles are normally sold in units of a yard at retail, at least one notice was affixed "to each smallest commercial unit by which its product is normally sold."

In a case involving infringement of two sides of a catalog sheet, the court held that the statutory notice requirements "do not necessitate as to one familiar with the front side on which the notice of copyright appears that another notice be on the reverse side of the sheet." *Day-Brite Lighting, Inc.* v. *Sta-Brite Fluorescent Manufacturing Co.,* 308 F. 2d 377 (5th Cir. 1962).

In *Dan Kasoff Inc.* v. *Novelty Jewelry Co.,* 309 F. 2d 745 (2d Cir. 1962), the court took an extremely liberal attitude toward the notice requirements, stating: "Even if, as defendants urge, the copyright notice might not be sufficient for some purposes, because it used the word 'Florenza', plaintiff's trademark, rather than plaintiff's name, the defendants, as willful infringers wholly aware of the existence of the copyright, are in no position to assert the insufficiency of the notice." And in a decision in the Seventh Circuit, the court followed the view of the Second Circuit in the well-known *Superman* case, stating that use in the notice of the name of a dummy corporation, rather than that of the corporation owning the copyright, did not cause the loss of protection. *Gelles-Widmer Co.* v. *Milton Bradley Co.,* 313 F. 2d 143, *cert. denied,* 373 U.S. 913 (1963).

PUBLICATION

Three cases decided in fiscal 1963 cast further light on the meaning and consequences of "publication" under the copyright law. On a question as to which there is some division of authority, the court in *DeSilva Construction Corp.* v. *Herrald,* 213 F. Supp. 184 (S.D. Fla. 1962) took the view that the deposit of architectural plans with city authorities in order to get a building permit is such a publication as to divest copyright if no notice is used. The court stated, however, that construction of the building would not publish the plans, since copyright in the plans does not extend to the building.

A novel question was involved in the *Kolbe* case, mentioned above. As part of an out-of-court settlement with garment manufacturers who had also been defendants in the case, plaintiff acquiesced in the sale of garments already manufactured from the infringing fabric. These garments, of course, did not bear a copyright notice, and defendant contended that this constituted an authorized publication of the design which threw it into the public domain. The court disagreed, holding that "as the copyright proprietor has no affirmative duty to police subsequent distributions of his *own* products, a fortiori he has no affirmative duty with respect to subsequent

distributions of copies which were never authorized by him to be distributed."

Austin v. *Steiner*, 207 F. Supp. 776 (N.D. Ill. 1962) also involved an unusual question: whether filing of an unauthorized application for registration in the Copyright Office constituted "publication" within the meaning of the infringement section of the statute [17 U.S.C. § 1(a)]. While noting that registration must be equated with "publication" for certain limited purposes, the court ruled that filing for registration is not such a publication as to constitute infringement.

REGISTRATION

Several principles of particular relevance to the registration system are illustrated in cases decided this year. In *Gelles-Widmer Co.* v. *Milton Bradley Co.*, 313 F. 2d 143 (7th Cir.), *cert. denied*, 373 U.S. 913 (1963), the defendant sought to justify deliberate copying from flashcard sets bearing copyright notice on the ground that the Copyright Office had denied registration to similar cards submitted by the defendant. The court rejected this as a "rather lame excuse" since, unlike the plaintiff, defendant had not submitted an entire set of cards for registration as a unit. In *Day-Brite Lighting, Inc.* v. *Sta-Brite Fluorescent Manufacturing Co.*, 308 F. 2d 377 (5th Cir. 1962), the copies deposited were no longer on file in the Copyright Office, and defendant argued that the copyrighted work had not been properly identified. However, the court accepted identification of the work by the president of the plaintiff company as prima facie evidence which defendant failed to rebut; it also held that registration in Class K rather than Class A was immaterial, since erroneous classification does not impair protection or invalidate a registration.

It was held in *Rohauer* v. *Friedman*, 306 F. 2d 933 (9th Cir. 1962), that the introduction into evidence of the certificate of registration creates a prima facie case as to the facts stated therein, and that the burden shifts to the other party to go forward with evidence to overcome it. In effect this case holds, as does *Dietrich* v. *Standard Brands, Inc.*, 32 F.R.D. 325 (E.D. Pa. 1963), that the certificate is prima facie evidence of the copyright itself.

An important point on the question of separate registrations as against a single "unit" registration is illustrated in *Universal Statuary Corp.* v. *Gaines*, 310 F. 2d 647 (1962). The issue was the accurate measure of damages in a case where 13 copyrights on works of art were infringed and where actual profits and damages could not be ascertained. The Fifth Circuit Court of Appeals affirmed the lower court holding that the applicable formula was the number of copyrights multiplied by the statutory amount.

RENEWALS

There were several highly interesting cases on renewals and on contracts involving renewal rights during the year. *Rohauer* v. *Friedman*, 306 F. 2d 933 (1962), dealt with the validity of the renewal copyright in Buster Keaton's silent film classic "The Navigator." In holding the renewal valid the Ninth Circuit Court of Appeals ruled: (1) in the case of a work originally made for hire, "the fact that the employer-employee relationship no longer exists at the time of renewal is immaterial," and (2) the generally accepted rule that future renewal rights be expressly mentioned in order to transfer them as part of a copyright assignment applies only where the assignor is the author or his widow, child, executor, or next of kin. The court failed to reach an important underlying question in the case: whether the renewal copyright in a work made for hire is a "new estate" or a mere extension of term.

The British case of *Campbell Connelly & Co.* v. *Noble* (Ch. Nov. 13, 1962) involved ownership of the U.S. renewal copyright in Ray Noble's song "The Very Thought of You." The court held that, since the conveyance in question had been made in England, it must be interpreted in accordance with English law—under which, it decided, no express mention of renewal rights is necessary.

In *Cresci* v. *Music Publishers Holding Corp.*, 210 F. Supp. 253 (S.D.N.Y. 1962),

a Federal court was held to lack jurisdiction to decide whether assignments of renewal rights were induced by fraud; since the dispute involved ownership of the renewal copyrights rather than their validity or infringement, it was held a question of State rather than Federal law. The decision also suggests that ownership of a renewal copyright "vests" at the time renewal registration is made.

A novel issue was presented in *Austin* v. *Steiner,* 207 F. Supp. 776 (N.D. Ill. 1962): whether mere filing of an unauthorized and invalid renewal application constituted copyright infringement. The court ruled for the defendant on this question, but enjoined him from future acts, such as copying or publishing, that would constitute infringement.

Infringement and the Scope of Copyright Protection

Questions involving copyright infringement and the extent of a copyright owner's exclusive rights often have a direct impact upon the practices and policies of the Copyright Office. For example, two cases during the year helped to define the scope of performing and recording rights in musical compositions. In *Porter* v. *Marriott Motor Hotels, Inc.,* 137 U.S.P.Q. 473 (N.D. Tex. 1962), it was decided that performance in a "club" whose membership included all the guests of a hotel and their friends constituted a "public performance for profit" and hence an infringement. The court in *Shapiro, Bernstein & Co.* v. *H. L. Green Co.,* 316 F. 2d 304 (2d Cir. 1963), decided that liability for selling counterfeit phonograph records extended to the grantor of a concession in a department store, where the grantor maintained the ultimate right of supervision and reserved a share of the gross profits from record sales. Judge Kaufman's opinion in this case begins with an exordium which strikes a responsive chord with many of us: "This action for copyright infringement presents us with a picture all too familiar in copyright litigation: a legal problem vexing in its difficulty, a dearth of squarely applicable precedents, a business setting so common that the dearth of precedents seems inexplicable, and an almost complete absence of guidance from the terms of the Copyright Act."

Another question of first impression was dealt with in *Platt & Munk Co.* v. *Republic Graphics, Inc.,* 315 F. 2d 847 (2d Cir. 1963) in which an unpaid manufacturer of copyrighted goods, alleged to be defective by the copyright proprietor who ordered them, was claiming the right to sell them in satisfaction of his claim. The decision indicates that, although the manufacturer would have no right to sell the goods merely because he owned them, the proprietor's statutory "right of first sale" would not prevent their sale if in fact he had breached the contract.

Several cases dealt with the doctrine of fair use. In a decision involving a controversy between two biographers of the same person, *Holdredge* v. *Knight Publishing Corp.,* 214 F. Supp. 921 (S.D. Cal. 1963), the court held that paraphrasing, particularly if "it mirrors the manner and style in which the plaintiff chose to set down the factual and historical material she used," is an infringement. A different result was reached in *Beardsley* v. *Columbia Broadcasting System, Inc.,* 137 U.S.P.Q. 260 (Cal. Super. Ct. 1963), where only the "dramatic core" of the two works was found to be similar. And employing only one-seventh of a page of text from plaintiff's 142-page book, a secondary source on the history of the Mexican campaign of 1916, was interpreted to be a fair use in *Toulmin* v. *Rike-Kulmer Co.,* 137 U.S. P.Q. 533 (S.D. Ohio 1962), *aff'd mem.,* 316 F. 2d 232 (6th Cir.), *cert. denied,* 375 U.S. 825 (1963).

The Eighth Circuit Court of Appeals held in *Wihtol* v. *Crow,* 309 F. 2d 777 (1962), that the reproduction of all, or substantially all, of a copyrighted work cannot be fair use, and that when defendant copied a version containing the original song and an arrangement, both under protection, he infringed two copyrights rather than one. The court also held liable

the church whose choir director did the copying, since he was engaged "in the course and scope of his employment." However, it declared the school district for which the principal defendant also conducted some of the infringing activity not subject to suit, since as an instrumentality of the State of Iowa it could not be sued without its consent.

An entertaining parody decision was handed down in *Berlin* v. *E. C. Publications, Inc.*, 219 F. Supp. 911 (S.D.N.Y. 1963), which involved a "collection of parody lyrics to 57 old standard songs" published in "Mad Magazine." Except in two instances the court held that there had been no infringement, since "defendants' lyrics have little in common with plaintiffs' but meter and a few words," and since the subjects are "completely dissimilar."

Unfair Competition and Copyright

Several decisions during fiscal 1963 indicated a continuation of the trend toward overlapping between protection on theories of copyright and unfair competition. For example, although the court in *A. J. Sandy, Inc.* v. *Junior City, Inc.*, 17 App. Div. 2d 407 (1962) stated that "dress designs clearly are not protected by so-called common law copyright for design copyrights do not exist at common law," it indicated that piracy of a dress design might constitute unfair competition, noting that "the scope of liability in this field is constantly expanding and goes beyond the restricted concept of palming off."

Two cases that may prove to have far-reaching implications in the copyright field are *Day-Brite Lighting, Inc.* v. *Compco Corp.*, 311 F. 2d 26 (7th Cir. 1962), *cert. granted*, 374 U.S. 825 (1963), and *Stiffel Co.* v. *Sears, Roebuck & Co.*, 313 F. 2d 115 (7th Cir. 1963), *cert. granted*, 374 U.S. 826 (1963). Both cases involved lamp designs for which design patents had been granted. Although the court held the patents invalid, it granted relief under the Illinois law of unfair competition on the ground of likelihood of confusion as to source. The Supreme Court has now agreed to hear both cases.

Two cases during the year were related to the growing protection of "neighboring rights" (rights in performances, recordings, and broadcasts) in the United States. In *RCA* v. *Premier Albums, Inc.*, 138 U.S.P.Q. 404 (1963) the New York Supreme Court held that recorded performances of the Tommy Dorsey Orchestra were the subject of a "valuable, and even a unique property right," and enjoined their reproduction on grounds of unfair competition. *Cable Vision, Inc.* v. *KUTV, Inc.*, 211 F. Supp. 47 (D. Idaho 1962), involved unauthorized rebroadcasts by a community antenna service of authorized broadcasts by local network affiliate stations. The court enjoined the rebroadcasts on grounds of interference with contract relations and unfair competition.

Antitrust and the Nature of Copyright

The decision of the Supreme Court in *United States* v. *Loews, Inc.*, 371 U.S. 38 (1962), an antitrust action involving block booking of motion pictures for television exhibition, has much significance to a consideration of the legal nature of copyright. The court upheld the finding that "each defendant *by reason of its copyright*, had a 'monopolistic' position as to each tying product," and that, as a result, there was " 'sufficient economic power' to impose an appreciable restraint on free competition." The court noted that there is "a presumption of uniqueness resulting from the existence of the copyright itself," and ruled that "Accommodation between the statutorily dispensed monopoly in the combination of contents in the patented or copyrighted product and the statutory principles of free competition demands that extension of the patent or copyright monopoly by the use of tying agreements be strictly confined."

International Developments

On September 6, 1962, the Universal Copyright Convention passed the 10th anniversary of its original signing in Geneva. Five countries became members of the Convention during the year, making a total

of 45. The most important from the standpoint of Copyright Office operations is Canada. Works in English by Canadian authors, which were formerly subject to the complications growing out of the manufacturing clause of the U.S. law, can now enjoy full-term copyright without having to be printed in the United States. The other nations whose adherence became effective during the year were Finland, Ghana, Norway, and Panama, and the Convention was also made applicable to the Bahamas, Zanzibar, Bermuda, North Borneo, and the Virgin Island territories under British control. Additional adherences to the Berne Convention included Senegal, Niger, Gabon, Congo (Brazzaville), and Mali. An accompanying chart shows which countries are members of each or both conventions. Sweden was the first country to deposit its instrument of ratification of the Neighboring Rights Convention, and new copyright statutes were adopted by the Republic of Ireland and New Zealand among others.

In May 1959, a Departmental Committee had been appointed by the British Board of Trade to study the legal protection to be given to industrial designs in the United Kingdom. The Committee, under the chairmanship of Kenneth Johnston, issued a comprehensive and significant report in August 1962. It recommended, among other things, that "a new system of protection for designs, to be known as Design Copyright, should be introduced in addition to the existing system, to be known as Design Monopoly." Another noteworthy publication in the international design field was the third installment of *Design Laws and Treaties of the World*, which now covers all countries concerning which sufficient information is available.

As new countries are created from the former dependencies of the older nations, the Copyright Office has been confronted with a number of problems arising from the lack of copyright relations between the United States and the newly independent country. This problem, which has grown substantially within the last few years, is now under active consideration by the Office and the State Department.

Copyright Office Staff

In February 1963, because of the wider duties entrusted to her, Barbara A. Ringer's title was changed to Assistant Register of Copyrights for Examining.

During the year the Copyright Office suffered the loss, by retirement, of an unusually large number of its most capable senior employees. Lewis R. Ifft, an examiner in the Book Section, retired after the remarkable total of 45 years in the Copyright Office, and among those retiring after 40 years or more of service were William E. Phillips, Assistant Chief of the Service Division, Howard M. Myers, Head of the Editing and Publishing Section of the Cataloging Division, Mrs. Eulalia B. Steagall, a reviser in the Examining Division's Book Section, and Martin A. Masangkay, an assignment examiner. Retirees with more than 30 years of service in the Government were Mrs. Marian B. Myers, Assistant Head of the Book Section in the Cataloging Division, Mrs. Ruth Halliburton, an examiner in the Book Section, and Evelyn Lobingier of the Editing and Publishing Section. Rollo G. Plumb, Head of the Information and Publications Section in the Reference Division, retired after more than 20 years, and two valued employees of the Service Division, Hazel G. Colbert and Ernest K. Montgomery, retired after more than 15 years in the Office.

Another serious loss occurred when Arpad L. Bogsch left his post as Legal Adviser to accept an appointment in Geneva, Switzerland, as Deputy Director of the Bureaux Internationaux Réunis pour la Propriété Intellectuelle. Dr. Bogsch made lasting contributions to the position of the United States in world copyright. His new duties will include the reorganization of what was formerly known as the Berne Bureau.

Replacement of so many valuable and experienced staff members will take some time, but among those promoted to new

positions during the year were Harold R. Hooper, who became Assistant Chief of the Service Division, Mrs. Evelyn Dunne, Head of the Information and Publications Section, Thomas H. Nichols, Head of the Materials Control Section of the Service Division, and Mrs. Anna S. Towery, Assistant Head of the Music Section in the Cataloging Division.

Respectfully submitted,
ABRAHAM L. KAMINSTEIN
Register of Copyrights

November 4, 1963

Registration by Subject Matter Classes for the Fiscal Years 1959–63

Class	Subject matter of copyright	1959	1960	1961	1962	1963
A	Books:					
	(a) Manufactured in the United States: Books, pamphlets, leaflets, etc.	51,835	55,713	57,794	61,787	63,936
	(b) Manufactured abroad (except those registered for ad interim copyright)	3,549	3,740	3,819	4,007	3,764
	(c) English-language books registered for ad interim copyright	583	581	802	777	745
	Subtotal	55,967	60,034	62,415	66,571	68,445
B	Periodicals (issues)	62,246	64,204	66,251	67,523	69,682
	(BB) Contributions to newspapers and periodicals	3,042	3,306	3,398	2,993	2,535
C	Lectures, sermons, addresses	829	835	1,029	875	806
D	Dramatic or dramatico-musical compositions	2,669	2,445	2,762	2,813	2,730
E	Musical compositions	70,707	65,558	65,500	67,612	72,583
F	Maps	1,865	1,812	2,010	2,073	2,002
G	Works of art, models, or designs	4,593	5,271	5,557	6,043	6,262
H	Reproductions of works of art	1,184	2,516	3,255	3,726	4,003
I	Drawings or plastic works of a scientific or technical character	663	768	705	1,014	780
J	Photographs	741	842	765	562	725
K	Prints and pictorial illustrations	3,186	3,343	2,955	2,889	2,594
	(KK) Commercial prints and labels	8,786	8,142	7,564	7,167	7,318
L	Motion-picture photoplays	2,757	2,755	3,089	2,686	3,207
M	Motion pictures not photoplays	967	702	1,565	955	1,009
R	Renewals of all classes	21,533	21,393	18,194	19,274	20,164
	Total	241,735	243,926	247,014	254,776	264,845

Statement of Gross Cash Receipts, Yearly Fees, Number of Registrations, Etc., for the Fiscal Years 1959–63

Fiscal year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations
1959	$1,030,099.70	$979,941.50	241,735	2,800
1960	1,033,563.55	974,113.03	243,926	2,191
1961	1,078,991.90	1,009,679.04	247,014	3,088
1962	1,111,705.76	1,043,587.75	254,776	7,762
1963	1,123,598.21	1,077,747.79	264,845	10,069
Total	5,377,959.12	5,085,069.11	1,252,296	.....

Number of Articles Deposited During the Fiscal Years 1959–63

Class	Subject matter of copyright	1959	1960	1961	1962	1963
A	Books:					
	(a) Manufactured in the United States: Books, pamphlets, leaflets, etc.	103, 670	111, 426	115, 588	123, 574	127, 872
	(b) Manufactured abroad (except those registered for ad interim copyright)	6, 262	6, 549	6, 698	6, 985	6, 533
	(c) English-language books registered for ad interim copyright	822	786	979	963	919
	Subtotal	110, 754	118, 761	123, 265	131, 522	135, 324
B	Periodicals (issues)	124, 426	128, 328	132, 410	134, 928	138, 827
	(BB) Contributions to newspapers and periodicals	3, 042	3, 306	3, 398	2, 993	5, 070
C	Lectures, sermons, addresses	829	835	1, 029	875	806
D	Dramatic or dramatico-musical compositions	3, 125	2, 840	3, 203	3, 276	3, 127
E	Musical compositions	88, 833	83, 005	83, 723	85, 325	92, 223
F	Maps	3, 728	3, 621	4, 020	4, 146	4, 004
G	Works of art, models, or designs	7, 775	9, 273	9, 599	10, 534	10, 993
H	Reproductions of works of art	2, 258	4, 996	6, 502	7, 423	7, 986
I	Drawings or plastic works of a scientific or technical character	946	1, 118	1, 062	1, 438	1, 148
J	Photographs	1, 183	1, 355	1, 156	957	1, 221
K&KK	Prints, labels, and pictorial illustrations	23, 939	22, 965	21, 038	20, 112	19, 820
L	Motion-picture photoplays	5, 502	5, 498	6, 162	5, 352	6, 338
M	Motion pictures not photoplays	1, 657	1, 271	2, 959	1, 788	1, 880
	Total	377, 997	387, 172	399, 526	410, 669	428, 767

SUMMARY OF COPYRIGHT BUSINESS, FISCAL YEAR 1963

Balance on hand July 1, 1962			$248, 527. 60
Gross receipts July 1, 1962, to June 30, 1963			1, 123, 598. 21
Total to be accounted for			1, 372, 125. 81
Refunded		$39, 041. 44	
Checks returned unpaid		1, 232. 58	
Deposited as earned fees		1, 075, 189. 99	
Balance carried over to July 1, 1963			
Fees earned in June 1963 but not deposited until July 1963	$83, 171. 30		
Unfinished business balance	35, 649. 58		
Deposit accounts balance	134, 308. 08		
Card Service	3, 532. 84		
		256, 661. 80	
			1, 372, 125. 81
Registrations for prints and labels		7, 318	43, 908. 00
Registrations for published domestic works		166, 213	664, 852. 00
Registrations for published foreign works		2, 762	11, 048. 00
Registrations for unpublished works		57, 425	229, 700. 00
Registrations for renewals		20, 164	40, 328. 00
Total number of registrations [1]		253, 882	
Fees for registrations			989, 836. 00
Fees for recording assignments		25, 746. 50	
Fees for indexing transfers of proprietorship		17, 569. 00	
Fees for notices of use recorded		11, 927. 50	
Fees for certified documents		3, 218. 00	
Fees for searches made		22, 020. 00	
Card Service		7, 430. 79	
			87, 911. 79
Total fees earned			1, 077, 747. 79

[1] *Excludes registrations made under Public Law 84.*

List of Contracting Berne Union Countries and Accessions and Ratifications to the Universal Copyright Convention

Berne	Members of both Berne and UCC	UCC
		Andorra.
		Argentina.
Australia.		
	Austria.	
	Belgium.	
	Brazil.	
Bulgaria.		
		Cambodia.
	Canada.	
Ceylon.		
		Chile.
Congo (Brazzaville).		
		Costa Rica.
		Cuba.
	Czechoslovakia.	
Dahomey.		
	Denmark.	
		Ecuador.
	Finland.	

List of Contracting Berne Union Countries and Accessions and Ratifications to the Universal Copyright Convention—Continued

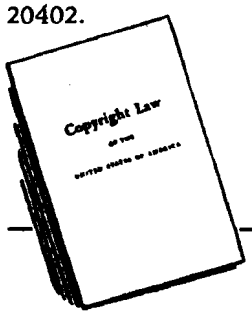
Berne	Members of both Berne and UCC	UCC
	France.	
Gabon.		
Germany.		
		German Federal Republic.
		Ghana.
	Great Britain.	
	Greece.[1]	
		Haiti.
	Holy See.	
Hungary.		
	Iceland.	
	India.	
	Ireland.	
	Israel.	
	Italy.	
Ivory Coast.		
	Japan.	
		Laos.
	Lebanon.	
		Liberia.
	Liechtenstein.	
	Luxembourg.	
Mali.		
		Mexico.
	Monaco.	
Morocco.		
Netherlands.		
New Zealand.		
		Nicaragua.
Niger.		
		Nigeria.
	Norway.	
	Pakistan.	
		Panama.
		Paraguay.
		Peru.[2]
	Philippines.	
Poland.		
	Portugal.	
Rumania.		
Senegal.		
Siam (Thailand).		
South Africa.		
	Spain.	
	Sweden.	
	Switzerland.	
Tunisia.		
Turkey.		
		United States of America.
Yugoslavia.		

[1] *Effective date of UCC: August 24, 1963.*
[2] *Effective date: October 16, 1963.*

Publications of the Copyright Office

Priced Copyright Office publications which may be obtained from Government Printing Office

Orders for all the publications listed below should be addressed and remittances made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.



COPYRIGHT LAW OF THE UNITED STATES OF AMERICA (Title 17, United States Code), Bulletin No. 14. This is a pamphlet edition of the copyright law, including the REGULATIONS OF THE COPYRIGHT OFFICE (Code of Federal Regulations, Title 37, ch. II). 62 pages, 1963, paper, 25 cents.

REPORT OF THE REGISTER OF COPYRIGHTS ON THE GENERAL REVISION OF THE U.S. COPYRIGHT LAW. Copyright Law Revision, House Committee Print. 160 pages, July 1961, 45 cents.

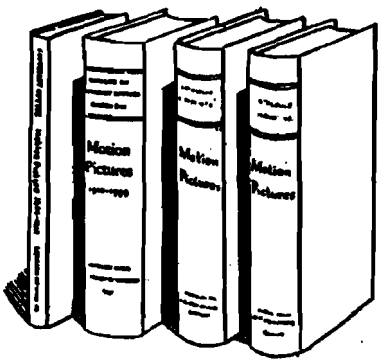
COPYRIGHT LAW REVISION, PART 2—Discussion and Comments on Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law. House Committee Print. 419 pages, February 1963, $1.25.

CATALOG OF COPYRIGHT ENTRIES. Paper. Each part of the catalog is published in semiannual numbers containing the claims of copyright registered during the periods January–June and July–December. The prices given below are for the year. Semiannual numbers are available at one-half the annual price.

Part 1—Books and Pamphets Including Serials and Contributions to Periodicals	$5.00
Part 2—Periodicals	2.00
Parts 3–4—Dramas and Works Prepared for Oral Delivery	2.00
Part 5—Music	7.00
Part 6—Maps and Atlases	1.00
Parts 7–11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations	2.00
Part 11B—Commercial Prints and Labels	2.00
Parts 12–13—Motion Pictures and Filmstrips	1.00
Annual Subscription Price, all parts	20.00

These catalogs are usually available 6 months after the close of a registration period. Although orders should be addressed to the Superintendent of Documents, the Copyright Office will furnish information on catalogs prior to 1957 upon request.

Catalog of Copyright Entries, Cumulative Series



MOTION PICTURES 1894–1912. Identified from the records of the United States Copyright Office by Howard Lamarr Walls. 92 pages. 1953. Buckram, $2.00.

MOTION PICTURES 1912–1939. Works registered in the Copyright Office in Classes L and M. 1,256 pages. 1951. Buckram, $18.00.

MOTION PICTURES 1940–1949. Another decade of works registered in Classes L and M. 599 pages. 1953. Buckram, $10.00.

MOTION PICTURES 1950–1959. Films of the Fifties registered in Classes L and M. 494 pages. Buckram, $10.00.

These four volumes list a total of nearly one hundred thousand motion pictures produced since the beginning of the motion picture industry.

Copyright Law Revision Studies

COPYRIGHT LAW REVISION. Studies prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, U.S. Senate. Committee prints published by the Senate Committee, the preparation of which was supervised by the Copyright Office.

First committee print; Studies 1–4:
1. The History of U.S.A. Copyright Law Revision from 1901 to 1954
2. Size of the Copyright Industries
3. The Meaning of "Writings" in the Copyright Clause of the Constitution
4. The Moral Right of the Author.

142 pages, 1960, 40 cents.

Second committee print; Studies 5 and 6:
5. The Compulsory License Provisions of the U.S. Copyright Law
6. The Economic Aspects of the Compulsory License.

125 pages, 1960, 35 cents.

Third committee print; Studies 7–10:
7. Notice of Copyright
8. Commercial Use of the Copyright Notice
9. Use of the Copyright Notice by Libraries
10. False Use of Copyright Notice.

125 pages, 1960, 35 cents.

Fourth committee print; Studies 11–13:
11. Divisibility of Copyrights
12. Joint Ownership of Copyrights
13. Works Made for Hire and on Commission.

155 pages, 1960, 45 cents.

Fifth committee print; Studies 14–16:
14. Fair Use of Copyrighted Works
15. Photoduplication of Copyrighted Material by Libraries
16. Limitations on Performing Rights.

135 pages, 1960, 35 cents.

Sixth committee print; Studies 17–19:
17. The Registration of Copyright
18. Authority of the Register of Copyrights to Reject Applications for Registration
19. The Recordation of Copyright Assignments and Licenses.

135 pages, 1960, 40 cents.

Seventh committe print; Studies 20 and 21:
20. Deposit of Copyrighted Works
21. The Catalog of Copyright Entries.

81 pages, 1960, 25 cents.

Eighth committee print; Studies 22–25:
22. The Damage Provisions of the Copyright Law
23. The Operation of the Damage Provisions of the Copyright Law: An Exploratory Study
24. Remedies Other Than Damages for Copyright Infringement
25. Liability of Innocent Infringers of Copyright.

169 pages, 1960, 45 cents.

Ninth committee print; Studies 26–28:
26. The Unauthorized Duplication of Sound Recordings
27. Copyright in Architectural Works
28. Copyright in Choreographic Works.

116 pages, 1961, 35 cents.

Tenth committee print; Studies 29–31:
29. Protection of Unpublished Works
30. Duration of Copyright
31. Renewal of Copyright.

237 pages, 1961, 60 cents.

Eleventh committee print; Studies 32–34:
32. Protection of Works of Foreign Origin
33. Copyright in Government Publications
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