

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE
FISCAL YEAR 1926-27.

WASHINGTON, D. C., July 6, 1927.

SIR: The copyright business and the work of the copyright office for the fiscal year July 1, 1926, to June 30, 1927, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$191,375.16. *Fees, etc.*
A balance of \$15,533.11, representing trust funds and unfinished business, was on hand July 1, 1926, making a total sum of \$206,908.27 to be accounted for. Of this amount, the sum of \$5,704.21, received by the copyright office, was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$201,204.06. The balance carried over to July 1, 1927, was \$16,476.46 (representing trust funds, \$14,516.52, and total unfinished business since July 1, 1897—30 years—\$1,959.94), leaving fees applied during the fiscal year 1926-27 and paid into the Treasury \$184,727.60.

This is the largest year's business in the history of the office.

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

1897-98.....	\$55,926.50	1913-14.....	\$120,219.25
1898-99.....	58,267.00	1914-15.....	111,922.75
1899-1900.....	65,206.00	1915-16.....	112,986.85
1900-1901.....	63,687.50	1916-17.....	110,077.40
1901-2.....	64,687.00	1917-18.....	106,352.40
1902-3.....	68,874.50	1918-19.....	113,118.00
1903-4.....	72,629.00	1919-20.....	126,492.25
1904-5.....	78,058.00	1920-21.....	134,516.15
1905-6.....	80,198.00	1921-22.....	138,516.15
1906-7.....	84,685.00	1922-23.....	149,297.00
1907-8.....	82,387.50	1923-24.....	162,544.90
1908-9.....	83,816.75	1924-25.....	166,909.55
1909-10.....	104,644.95	1925-26.....	178,307.20
1910-11.....	109,913.95	1926-27.....	184,727.60
1911-12.....	116,685.05		
1912-13.....	114,980.60	Total.....	3,220,634.75

EXPENDITURES

- Salaries.* The appropriation made by Congress for salaries in the copyright office for the fiscal year ending June 30, 1927, was \$165,640. The total expenditures for salaries was \$165,552.16, or \$19,175.44 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditures for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,057.72, leaving a balance for the year of \$18,117.72 to the credit of the office.
- Stationery and sundries.*
- Copyright receipts and fees.* During the 30 fiscal years since the reorganization of the copyright office (from July 1, 1897, to June 30, 1927) the copyright fees applied and paid into the Treasury have amounted to \$3,220,634.75, the articles deposited number 6,303,639, and the total copyright registrations number 3,622,308.
- Excess of fees over salaries.* The fees earned (\$3,220,634.75) were larger than the appropriations for salaries used during the same period (\$2,721,995.40) by \$498,639.35.
- Value of copyright deposits.* In addition to this direct profit, the large number of over six and a quarter million books, maps, musical works, periodicals, prints, and other articles deposited during the 30 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the copyright office effected a large saving to the purchase fund of the Library equal in amount to their price.

COPYRIGHT ENTRIES AND FEES

- Entries and fees.* The registrations for the fiscal year numbered 184,000. Of these, 173,305 were registrations, at \$1 each, including a certificate, and 6,009 were registrations of photographs without certificates, at 50 cents each. There were also 4,686 registrations of renewals, at 50 cents each. The fees for these registrations amounted to a total of \$173,652.50.

COPYRIGHT DEPOSITS

- Articles deposited.* The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 299,963. The number

of these articles in each class for the last four fiscal years, with the grand total for the years 1897 to 1927, is shown in Exhibit E.

It is not possible to determine exactly how completely the works which claim copyright are deposited; but as title cards are printed and supplied upon request to other libraries for all books received bearing United States notice of copyright, the demand for such cards for works not received furnishes some indication of possible percentage of failure to deposit. Works claiming copyright.

In response to inquiries received during the year from the card division, the accessions division, law division, and the reading room in regard to 397 books supposed to have been copyrighted but not discovered in the Library, it was found that 37 of these works had been received and were actually in the Library, 10 books had been deposited and were still in the copyright office, 43 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 75 works no answers to our letters of inquiry had been received up to June 30, 1927. Copies were received of 232 works in all in response to requests made by the copyright office during the period of 12 months for works published in recent years. Requests for copies.

The total copyright deposits for the year included 21,580 printed volumes, 65,723 pamphlets and leaflets, 81,826 newspapers and magazines (separate numbers), 5,117 dramas, 35,573 pieces of music, 5,296 maps, 14,379 photographs, 21,171 prints, 9,705 motion pictures, 29,232 contributions to periodicals, 4,930 works of art and drawings, and 298 lectures. These were all produced in the United States. Of foreign books in foreign languages there were received during the year 3,777 separate works. Of English books deposited for ad interim protection the number for this fiscal year has reached 1,356. Articles deposited during year.

Our copyright laws have required the deposit of copies for the use of the Library of Congress. The act of 1909, which expressly provided for such deposit in order to secure the registration of the work, still insisted upon a deposit of two copies of American books for the benefit of the Library. But to check the useless accumulation Disposal of deposits.

of such copies in the copyright office it is provided that the Librarian of Congress shall determine (1) what books or other articles shall be transferred to the permanent collections of the Library of Congress, including the law library; (2) what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange; or (3) be transferred to other Government libraries in the District of Columbia for use therein. The law further provides (4) that articles remaining undisposed of may upon specified conditions be returned to the authors or copyright proprietors.

Transferred to Library. During the fiscal year a total of 103,409 articles deposited have been transferred to the Library of Congress. This number included 25,430 books, 61,730 periodicals, 9,327 pieces of music, 4,917 maps, and 2,005 photographs and engravings.

Out of the total number of articles deposited in the copyright office during the period from July 1, 1909, to June 30, 1927 (4,150,913), there have been transferred to the Library of Congress a total of 1,677,567 (books, maps, prints, periodicals, etc.).

Transfers to other libraries. Under authority of section 59 of the act of March 4, 1909, there were transferred during the fiscal year to other governmental libraries in the District of Columbia "for use therein" 7,533 books. Under this transfer, up to June 30, 1927, the following libraries have received books as indicated below:

Department of Agriculture, 3,488; Department of Commerce, 12,378; Navy Department, 1,825; Treasury Department, 1,496; Bureau of Education, 15,625; Federal Trade Commission, 10,432; Bureau of Standards, 2,094; Surgeon General's library, 5,440; Walter Reed Hospital, 1,056; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,413; Public Library of the District of Columbia, 40,293.

A number of other libraries have received a smaller number of books (under 1,000 volumes), including the Patent Office, 877; the Interstate Commerce Commission, 689; Veterans' hospitals, 833. The grand total of books transferred to other libraries amounts to 111,405.

Under the provisions of the act of March 4, 1909, au-
 thority is granted also for the return to the claimants of
 such copyright deposits as are not needed by the Library
 of Congress or the copyright office. The notice required
 by section 60 has been printed for all classes of works de-
 posited and registered during the years July 1, 1909, to
 December 31, 1926. In response to special requests, 9,209
 motion-picture films and 89,144 other deposits have been
 returned during the fiscal year to the copyright claimants.

*Return of de-
 posits to copy-
 right claimants.*

Since the present copyright act went into effect (July
 1, 1909) to the close of the last fiscal year (June 30, 1927)
 the total copyright deposits forwarded from the copy-
 right office files number as follows: (1) To the Library
 of Congress, 1,677,567; (2) to other libraries, 111,405;
 (3) to copyright claimants, 778,000; making a grand
 total for the period of 2,566,972.

*Total trans-
 fers, 1909-1927.*

INDEX AND CATALOGUE OF COPYRIGHT ENTRIES

The copyright act of March 4, 1909, provides "that
 the register of copyrights shall fully index all copyright
 registrations and assignments," and it further provides
 that he "shall print at periodic intervals a catalogue of
 the titles of articles deposited and registered for copy-
 right, together with suitable indexes * * *."

*Copyright cat-
 alogue.*

Strenuous efforts are made in the copyright office to
 carry out fully these provisions of law and to keep the
 index of copyright entries sharply up to date, in order
 to promptly and accurately answer the daily inquiries
 in relation to any copyright entry actually made, re-
 ceived by mail or telegraph, or on personal application.
 Moreover, this catalogue constitutes the only complete
 and adequate current record published of the literary,
 musical, dramatic, and artistic productions of the United
 States. It includes also a record of similar foreign pro-
 ductions, to the extent to which foreign books, music,
 dramas, and works of art are deposited and registered
 in the copyright office.

For the calendar year 1926 all parts of the catalogue
 have been printed and distributed, except the annual
 index for part 1, group 2 (2,500 pages), containing the
 titles for pamphlets, dramas, motion pictures, maps, and

contributions to periodicals, which is in the hands of the printer.

The current numbers of the different parts of the catalogue for the year 1927 have been printed with gratifying promptness. Special efforts are made to prepare the book titles as soon after receipt of the books as possible, and to print the lists every two or three days.

Summary of copyright business.

Balance on hand July 1, 1926.....	\$15,533.11
Gross receipts July 1, 1926, to June 30, 1927.....	191,375.16
Total to be accounted for.....	206,908.27
Refunded.....	5,704.21
Balance to be accounted for.....	201,204.06
Applied as earned fees.....	\$184,727.60
Balance carried over to July 1, 1927:	
Trust funds.....	\$14,516.52
Unfinished business July 1, 1897, to June 30, 1927 (30 years).....	1,959.94
	16,476.46
	201,204.06
Total fees earned and paid into Treasury during 30 years from July 1, 1897, to June 30, 1927.....	3,220,634.75
Total unfinished business for 30 years.....	1,959.94

Fees for fiscal year

Fees for registrations, including certificates at \$1 each.....	173,305.00
Fees for registration of photographs without certificates, at 50 cents each.....	3,004.50
Fees for registration of renewals, at 50 cents each.....	2,343.00
Total fees for registrations recorded.....	178,652.50
Fees for certified copies of record, at 50 cents each.....	\$857.50
Fees for recording assignments.....	4,602.00
Searches made and charged for at the rate of 50 cents for each hour of time consumed.....	283.00
Notices of user recorded (music).....	222.50
Indexing transfers of proprietorship.....	110.10
	6,075.10
Total fees for the fiscal year 1926-27.....	184,727.60

Entries

Number of registrations.....	179,314
Number of renewals recorded.....	4,636
Total.....	184,000
Number of certified copies of record.....	1,715
Number of assignments recorded or copied.....	3,069

The greater part of the business of the copyright office is done by correspondence. The total letters and parcels received during the fiscal year numbered 205,537, while the letters, parcels, etc., dispatched numbered 206,903. During the last 30 fiscal years the money orders received numbered 872,577.

Correspondence.

COPYRIGHT OFFICE PUBLICATIONS

The United States copyright laws in force and the "Rules and regulations for the registration of claims to copyright," Bulletins 14 and 15, respectively, were reprinted during the year as occasion required.

Bulletins.

A volume containing the "Decisions of the United States courts involving copyright, 1918-1924," was issued as Copyright Office Bulletin No. 19. (xi, 477 pp. 8°.) This volume is sold by the Superintendent of Documents, Government Printing Office, cloth bound, for the nominal sum of \$1.

Copyright Office Bulletin No. 3, containing "Copyright Enactments of the United States, 1783-1906," having become exhausted, was also reprinted. (174 pp. 8°.)

The act of July 3, 1926, amending section 15 of the copyright act of March 4, 1909, has been printed as information Circular No. 64. (1 p. 8°.)

CONDITION OF COPYRIGHT OFFICE BUSINESS

On July 6, 1927, the remittances received up to the third mail of the day had been recorded, the account books of the bookkeeping division were balanced for June, the financial statements were prepared for the Treasury Department, and all earned fees to June 30 had been paid into the Treasury.

Condition of current business.

While the fiscal operations of the Copyright Office are up to date, the material work is considerably in arrears.

For the entries covered by the above applied fees, there remained at the date stated nearly two thousand certificates to be written, more than 3,000 articles to be catalogued and indexed, and some 4,600 records to be completed. During the last 10 fiscal years (1917-18 to 1926-27) the copyright registrations have increased from 106,728 to 184,000. But in these 10 years the working force has only been enlarged by the addition of 13 clerks. That is to say, while the work to be done has increased in this 10-year period more than 71 per cent, the increase in the clerical force has been less than 15 per cent.

Under such circumstances, notwithstanding stringent endeavor and considerable overtime work by the whole force, there inevitably remains a serious and increasing arrearage. It seems absolutely necessary to ask Congress for an emergency appropriation immediately available and large enough to cover an increase in the number of Copyright Office clerks commensurate with this increase in the office work.

PROPOSED COPYRIGHT LEGISLATION

*Bills to in-
crease copyright
fees.*

The general copyright registration fee (\$1 for registration and certificate) has been in force since 1831, and has never been increased. Not only has there been a great change in the economic conditions in this country during this long period of time, but the services rendered by the copyright office have been developed and rendered more efficient so that the clients of the office are now receiving a much greater return for the fees paid. Our copyright fees are inadequate and are smaller than similar fees charged in other copyright offices—e. g., in London or in Ottawa. The Hon. Albert H. Vestal, chairman of the Committee on Patents of the House, introduced on January 21, 1927, a bill¹ to increase the fees for the registration of claims to copyright from \$1 to \$2. The House Committee on Patents gave public hearings on this bill

¹ 1927 (Jan. 21). A bill to amend secs. 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 16548, 69th Cong., 2d sess. 3 pp. 4°. Referred to the Committee on Patents.

on January 27 and February 3, and the proposal was well supported. The committee reported the bill favorably to the House on February 9, 1927,² with a statement giving the reasons for making these increases. On February 22 this identical bill was introduced in the Senate by Hon. Jesse H. Metcalf,³ who, as chairman of the Senate Committee on Patents, favorably reported it on February 28.⁴ The House bill, H. R. 16548, passed the House on March 3,⁵ but the crowded closing hours of the session in the Senate prevented final action on the bill. The texts of the bill and the House and Senate reports are here reprinted, pages 222-228.

On January 29, 1927, Hon. Albert H. Vestal introduced a bill⁶ to amend sections 27, 42, and 44 of the act of 1909, which provides that "all rights comprised in a copyright are several, distinct, and severable," and that separate assignment or sale of any one or more of the author's rights comprised in his copyright may legally be made. A hearing was given on this bill by the House Committee on Patents on February 10; on February 23, 1927, the bill

*Divisibility of
copyright. Bill
H. R. 16808.*

²1927 (Feb. 9). A bill to amend secs. 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. H. R. 16548 (Report No. 2027), 69th Cong., 2d sess. 3 pp. 4°. Reported with amendments and committed to the Committee of the Whole House on the state of the Union.

1927 (Feb. 9). Amend and consolidate the acts respecting copyright. Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 16548). H. Rept. No. 2027, 69th Cong., 2d sess. 3 pp. 8°.

³1927 (Feb. 22). A bill to amend secs. 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Metcalf. S. 5793, 69th Cong., 2d sess. 3 pp. 4°. Referred to the Committee on Patents.

⁴1927 (Feb. 28). A bill to amend secs. 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. S. 5795 (Report No. 1660), 69th Cong., 2d sess. 3 pp. 4°. Reported by Mr. Metcalf, with an amendment.

1927 (Feb. 28). Amending the copyright laws. Mr. Metcalf, from the Committee on Patents, submitted the following report (to accompany S. 5795). S. Rept. No. 1660, 69th Cong., 2d sess. 1 p. 8°.

⁵1927 (Mar. 3). An act to amend secs. 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. In the Senate of the United States. H. R. 16548, 69th Cong., 2d sess. 3 pp. 4°. Referred to the Committee on Patents.

⁶1927 (Jan. 29). A bill to amend secs. 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 16808, 69th Cong., 2d sess. 5 pp. 4°. Referred to the Committee on Patents.

was favorably reported to the House with amendments.⁷ The texts of the reported bill and the report are here reprinted on page 228-235.

Mechanical reproduction of music. Bill H. R. 17276. A bill was introduced on February 21, 1927, by the chairman of the House Committee on Patents, Hon. Albert H. Vestal, to provide for the amendment of section 1 (e) and the repeal of section 25 (e) of the copyright act of 1909.⁸ For the text of the bill, see page 235.

Maiden names of married women. Bill H. R. 15546. On December 21, 1926, Hon. Sol Bloom introduced a bill⁹ providing that registrations of claims to copyright by married women should not be held invalid or prejudiced by reason of being made or having been made in the maiden name of the author who claims copyright in the work.

Design copyright bills. The design copyright bills mentioned in my report for last year (p. 242) were not given any public consideration during the closing session of the Sixty-ninth Congress.

Harriman Geographic Code System copyrights. A resolution was adopted by the Sixty-ninth Congress, with regard to copyrights in a code system which the Government has been using for some years under a war-time contract. This is Public Resolution No. 70 (S. J. Res. 110), approved by the President on March 4, 1927, and provides for the appointment of a joint select committee "to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products or publications of the Harriman Geographic Code System * * * for

⁷1927 (Feb. 23). A bill to amend secs. 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. H. R. 16808 (Report No. 2225), 69th Cong., 2d sess. 5 pp. 4°. Reported with amendments and referred to the House Calendar.

1927 (Feb. 23). To amend the copyright act of 1909. Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 16808). H. Rept. No. 2225, 69th Cong., 2d sess. 3 pp. 8°.

⁸1927 (Feb. 21). A bill to amend secs 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 17276, 69th Cong., 2d sess. 4 pp. 4°. Referred to the Committee on Patents.

⁹1926 (Dec. 21). A bill providing that claims to copyright by married women shall not be held invalid or prejudiced by reason of having been made in the name of the author. Introduced by Mr. Bloom. H. R. 15546, 69th Cong., 2d sess. 1 p. 4°. Referred to the Committee on Patents.

all governmental, administrative, or publication purposes for which the same may be desirable." The text of this joint resolution is printed on page 238 of this report.

The bills pending during the last session of Congress for the general revision of the copyright laws and the entry of the United States into the International Copyright Union, namely, the Perkins bill (H. R. 5841, 69th Cong., 1st sess.; in the 68th Cong., 2d sess., the Perkins bill, H. R. 11258, January 2, 1925, and the Ernst bill, S. 4355, February 20, 1925) and the Vestal bill (H. R. 10434, 69th Cong., 1st sess.), were fully explained in my last year's report (pp. 239-240, 253-282). They were not considered during the last short session of Congress which adjourned March 4, 1927.

General revision.

International Copyright Union.

INTERNATIONAL COPYRIGHT

Two copyright proclamations have been issued during the year, namely, for the benefit of Poland and of Czechoslovakia. In each case protection with respect to the mechanical reproduction of music, under section 1 (e) of the act of 1909, is accorded. The proclamation for Poland was issued on February 14, 1927 (effective February 16, 1927), and that for Czechoslovakia on April 27, 1927 (effective March 1, 1927). The texts are printed in this report, pages 240-244.

Copyright proclamations:

Poland, Feb. 14, 1927.

Czechoslovakia, Apr. 27, 1927.

Respectfully submitted.

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

216 *Report of the Librarian of Congress*

EXHIBIT A.—*Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1927*

Month	Gross receipts	Refunds	Net receipts	Fees applied
1926				
July.....	\$14, 115. 62	\$395. 36	\$13, 720. 26	\$13, 787. 30
August.....	13, 136. 95	545. 17	12, 591. 78	13, 503. 80
September.....	15, 033. 66	274. 77	14, 758. 89	13, 675. 15
October.....	15, 494. 71	497. 26	14, 997. 45	15, 109. 20
November.....	15, 580. 13	587. 96	14, 992. 17	14, 721. 80
December.....	16, 267. 10	323. 40	15, 943. 70	15, 127. 20
1927				
January.....	19, 690. 97	443. 25	19, 247. 72	15, 294. 30
February.....	12, 707. 52	502. 62	12, 204. 90	14, 435. 90
March.....	19, 109. 79	752. 85	18, 356. 94	19, 361. 20
April.....	17, 422. 05	573. 54	16, 848. 51	17, 298. 55
May.....	15, 619. 90	402. 48	15, 217. 42	15, 206. 50
June.....	17, 196. 78	405. 55	16, 791. 23	17, 256. 70
Total.....	191, 375. 16	5, 704. 21	185, 670. 95	184, 727. 60
Balance brought forward from June 30, 1926.....				\$15, 533. 11
Net receipts July 1, 1926, to June 30, 1927:				
Gross receipts.....			\$191, 375. 16	
Less amount refunded.....			5, 704. 21	
				<u>185, 670. 95</u>
Total to be accounted for.....				201, 204. 06
Copyright fees applied July 1, 1926, to June 30, 1927.....				184, 727. 60
Balance carried forward to July 1, 1927:				
Trust funds.....			14, 516. 52	
Unfinished business.....			1, 959. 94	
				<u>201, 204. 06</u>

Register of Copyrights

EXHIBIT B.—Record of applied fees

Month	Registrations, including certificates		Registration of photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$1	Number	Fees at \$0.50	Number	Fees at \$0.50		
1926								
July.....	13,048	\$13,048.00	246	\$123.00	209	\$104.50	13,503	\$13,275.50
August.....	12,434	12,434.00	728	364.00	422	211.00	13,584	13,009.00
September.....	13,149	13,149.00	383	191.50	180	90.00	13,712	13,430.50
October.....	13,913	13,913.00	975	487.50	471	235.50	15,359	14,636.00
November.....	13,690	13,690.00	275	137.50	418	209.00	14,383	14,036.50
December.....	14,115	14,115.00	904	452.00	256	128.00	15,275	14,695.00
1927								
January.....	14,226	14,226.00	900	450.00	530	290.00	15,706	14,966.00
February.....	13,742	13,742.00	194	97.00	392	196.00	14,328	14,035.00
March.....	17,912	17,912.00	253	126.50	257	128.50	18,422	18,167.00
April.....	16,140	16,140.00	551	275.50	562	281.00	17,253	16,696.50
May.....	14,513	14,513.00	219	109.50	355	177.50	15,092	14,805.00
June.....	16,418	16,418.00	381	190.50	584	292.00	17,383	16,900.50
Total.....	173,305	173,305.00	6,009	3,004.50	4,686	2,343.00	184,000	178,652.50

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of users		Search fees	Total fees applied
	Number	Fees at \$0.50	Number	Fees	Number	Fees at \$0.10	Number	Fees		
1926										
July.....	112	\$56.00	251	\$337.00	243	\$24.30	69	\$24.00	\$20.50	\$13,737.30
August.....	137	68.50	259	370.00	38	3.80	46	17.00	35.50	13,503.80
September.....	104	52.00	114	160.00	44	4.40	44	16.75	11.50	13,675.15
October.....	152	76.00	249	331.00	117	11.70	28	14.00	40.50	15,109.20
November.....	224	112.00	295	524.00	118	11.80	58	21.50	16.00	14,721.80
December.....	153	76.50	204	303.00	92	9.20	57	22.00	21.50	15,127.20
1927										
January.....	122	61.00	148	232.00	53	5.30	40	12.50	17.50	15,294.80
February.....	138	69.00	192	307.00	29	2.90	19	7.00	15.00	14,435.90
March.....	156	78.00	688	1,071.00	147	14.70	0	0.000	30.50	19,361.20
April.....	111	55.50	311	445.00	158	15.80	148	50.25	35.50	17,298.55
May.....	130	65.00	190	291.00	26	2.60	45	16.00	27.00	15,206.50
June.....	176	88.00	168	231.00	37	3.70	74	21.50	12.00	17,266.70
Total.....	1,715	857.50	3,069	4,602.00	1,101	110.10	628	222.50	283.00	184,727.60

218 *Report of the Librarian of Congress*

EXHIBIT C.—*Statement of gross cash receipts, yearly fees, number of registrations, etc., for 30 fiscal years*

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98	\$61,099.56	\$55,926.50	75,545		
1898-99	64,185.66	58,267.00	80,968	5,423	
1899-1900	71,072.33	65,206.00	94,788	13,830	
1900-1901	69,525.25	63,687.50	92,351		2,447
1901-2	68,405.08	64,687.00	92,978	627	
1902-3	71,533.91	68,874.50	97,979	5,001	
1903-4	75,302.83	72,629.00	103,130	5,151	
1904-5	80,440.86	78,058.00	113,374	10,244	
1905-6	82,610.92	80,198.00	117,704	4,330	
1906-7	87,384.31	84,685.00	123,829	6,125	
1907-8	85,042.03	82,387.50	119,742		4,087
1908-9	87,085.83	83,816.75	120,181	389	
1909-10	113,662.83	104,644.95	109,074		11,057
1910-11	112,661.62	109,913.95	115,198	6,124	
1911-12	120,149.51	116,685.05	120,931	5,733	
1912-13	118,968.26	114,980.60	119,495		1,436
1913-14	122,636.92	120,219.25	123,164	3,659	
1914-15	116,694.55	111,922.75	115,193		7,961
1915-16	115,663.42	112,986.85	116,967	774	
1916-17	113,908.51	110,077.40	111,438		4,529
1917-18	109,106.87	106,352.40	106,723		4,710
1918-19	117,518.96	113,118.00	113,093	6,275	
1919-20	122,371.37	120,492.25	126,562	13,559	
1920-21	141,199.33	134,516.15	135,280	8,718	
1921-22	145,398.26	138,516.15	138,633	3,353	
1922-23	153,928.62	149,297.00	148,946	10,313	
1923-24	167,705.98	162,544.90	162,694	13,748	
1924-25	173,971.95	166,909.55	165,848	3,154	
1925-26	185,038.29	178,307.20	177,635	11,787	
1926-27	191,376.16	184,727.60	184,000	6,365	
Total	3,355,442.27	3,220,634.75	3,622,308		

NOTE.—Detailed statement for 18 fiscal years, 1897-98, etc., to 1914-15, by months, may be found in Annual Report of Register of Copyrights for year 1914-15 (pp. 177-178, Report of the Librarian of Congress for 1914-15). For subsequent years see the respective annual reports.

EXHIBIT D.—Table of registrations made during fiscal years 1921-22 to 1926-27, inclusive, arranged by classes¹

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):						
(a) Printed in the United States.....	44,626	52,034	58,729	61,440	68,776	72,003
(b) Printed abroad in a foreign language....	1,309	2,886	2,306	3,266	3,430	3,777
(c) English books registered for ad interim copyright.....	372	641	947	964	1,249	1,356
Total.....	46,307	55,561	61,982	65,670	73,455	77,136
Class B. Periodicals (numbers).....	35,471	37,104	39,806	40,880	41,169	41,475
Class C. Lectures, sermons, addresses.....	374	276	281	263	337	302
Class D. Dramatic or dramatico-musical compositions.....	3,418	3,778	3,409	4,015	4,130	4,475
Class E. Musical compositions.....	27,381	24,900	26,734	25,548	25,484	25,282
Class F. Maps.....	1,930	2,042	2,265	2,222	2,647	2,677
Class G. Works of art; models or designs.....	2,954	2,790	2,873	2,950	3,173	2,575
Class H. Reproductions of works of art.....	1	0	4	4	0	0
Class I. Drawings or plastic works of a scientific or technical character.....	800	1,254	1,342	1,414	1,422	1,229
Class J. Photographs.....	6,645	6,875	7,922	6,981	6,784	7,415
Class K. Prints and pictorial illustrations.....	9,139	10,400	11,170	10,827	13,382	14,833
Class L. Motion-picture photoplays.....	1,307	1,145	1,181	1,272	1,238	1,271
Class M. Motion pictures not photoplays.....	180	122	292	493	385	644
Renewals.....	2,726	2,689	3,433	3,309	4,029	4,686
Total.....	138,633	148,946	162,694	165,848	177,635	184,000

¹ For detailed statement of registrations made for fiscal years from 1901-2 to 1914-15 see Annual Report of Register of Copyrights for 1914-15, pp. 180-182. For subsequent years see the respective annual reports.

EXHIBIT E.—Table of articles deposited during 1923-24 to 1926-27, inclusive, with totals of articles deposited for years 1897-98 to 1926-27

	1923-24	1924-25	1925-26	1926-27	Total 1897-1927
1. Books:					
(a) Printed in the United States:					
Volumes.....	20,120	20,129	19,554	21,580	-----
Pamphlets, leaflets, etc...	55,120	55,820	61,048	65,723	-----
Contributions to newspapers and periodicals..	22,300	24,179	28,955	29,232	-----
Total.....	97,540	100,128	109,557	116,535	-----
(b) Printed abroad in a foreign language.....	4,376	5,572	6,598	3,777	-----
(c) English works registered for ad interim copyright.....	979	955	1,239	1,356	-----
Total.....	102,895	106,655	117,382	121,668	1,837,227
2. Periodicals.....	78,766	81,297	82,120	81,826	1,546,116
3. Lectures, sermons, etc.....	280	265	335	298	3,669
4. Dramatic or dramatic-musical compositions.....	3,709	4,477	4,653	5,117	99,460
5. Musical compositions.....	37,950	36,862	35,662	35,573	1,278,952
6. Maps.....	4,427	4,408	5,222	5,296	109,910
7. Works of art; models or designs.....	2,875	2,965	3,177	2,580	86,389
8. Reproductions of works of art.....	2	6	0	0	[2,094
8a. Chromos and lithographs.....	0	0	0	0	48,712
9. Drawings or plastic works of a scientific or technical character...	2,147	2,388	2,225	2,350	21,550
10. Photographs.....	14,768	13,436	13,042	14,379	621,707
11. Prints and pictorial illustrations...	17,038	16,202	19,781	21,171	522,553
12. Motion-picture photoplays.....	8,134	8,701	8,975	8,665	114,885
13. Motion pictures not photoplays...	464	699	592	1,040	7,110
14. Miscellaneous (unclassified articles).....					778
15. Foreign books received under act of Mar. 3, 1905.....					2,527
Total.....	273,445	278,361	293,166	299,963	6,303,639

NOTE.—For detailed statement of articles deposited during fiscal years 1897-98 to 1914-15 see Annual Report of Register of Copyrights for 1914-15, pp. 183-186. For subsequent years see the respective annual reports.

The classification "Chromos and lithographs" is not given in the law after July 1, 1909.

ADDENDA

	Page
I. Copyright bills and reports, Sixty-ninth Congress, second session :	
H. R. Act 16548, March 3, 1927.....	222
H. R. Report 2027, February 9, 1927.....	223
S. Report 1660, February 28, 1927.....	227
H. R. 16808, reported February 23, 1927.....	228
H. R. Report 2225, February 23, 1927.....	231
H. R. 17276, February 21, 1927.....	235
H. R. 15546, December 21, 1926.....	237
Public Resolution 70, March 4, 1927, re Harriman Geographic Code.....	238
II. Copyright proclamations :	
Poland, February 14, 1927.....	240
Czechoslovakia, April 27, 1927.....	242

ADDENDUM I

[89th Cong., 2d sess. H. R. 16548,¹ In the Senate of the United States, March 3, 1927. Read twice and referred to the Committee on Patents]

AN ACT To amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909

H. R. Act
16548. — Increase
of copyright reg-
istration fees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, be and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue not exceeding \$10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time."

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the service designated are ren-

¹ An identical bill was reported to the Senate (S. 5795) on Feb. 28, 1927, with provision that the act should take effect on July 1, 1927.

dered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, \$2, which sum is to include a certificate of registration under seal: *Provided*, That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be \$1, and in the case of a published photograph the fee shall be \$1 where a certificate is not desired. For every additional certificate of registration made, \$1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, \$2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), \$1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, \$2. For recording the renewal of copyright provided for in sections 23 and 24, \$1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, \$1 for each hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

Passed the House of Representatives March 3, 1927.

[69th Cong., 2d sess. House Report No. 2027]

AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT

(February 9, 1927, committed to the Committee of the Whole House on the state of the Union and ordered to be printed)

Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 16548):

The Committee on Patents, to whom was referred the bill (H. R. 16548) to amend sections 57 and 61 of the act

*H. R. Report
2027, on bill to
increase copy-
right registra-
tion fees.*

entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, having carefully considered the same, beg to report it back to the House with certain amendments with the recommendation that the amendments be agreed to and the bill as amended be passed.

The amendments are as follows:

That the words on page 2, line 21 to 23, reading:

Provided, That in the case of photographs the fee shall be \$1 where a certificate is not demanded,

be changed to read:

Provided, That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be \$1 and in the case of a published photograph the registration fee shall be \$1 where a certificate is not desired.

That on page 3, line 3, the word "additional" be inserted before the word "fraction," so that the fee shall be—

\$2 for each copyright office record-book page or additional fraction thereof over one-half page.

The bill proposes an increase of the registration fee from \$1 to \$2 for each registration made, which fee is to include a certificate of such registration and a corresponding increase in the subsidiary fees for the recordation of documents, and their comparison, and for searches and for renewal entries, etc.

The present general copyright registration fee has been in force for nearly a century of time with no change in amount. In the first Federal copyright act of 1790 the fee for entry of title was 60 cents and an additional 60 cents for every copy under seal of the record made. By the copyright act of 1831 these charges were reduced to 50 cents, respectively, for entry and certificate, and the same sums were provided for under the act of revision of 1870, the Revised Statutes of 1873, and the copyright act of 1891. The copyright registration fees covering recording and certificate have never been increased. In the act of March 4, 1909, there was no change made in the total sum charged for registration of the copyright claim, but the law was simply changed to require a fee of \$1 in the

case of each entry, that sum to include the certificate of such registration.

There has been a great change in economic conditions in this country during this long period of time and especially by reason of the war. The services rendered by the copyright office also have changed greatly and the comparatively nominal service rendered for this fee so many years ago has developed into a prompt, effective, and adequate response to the demands now made upon the office by the enormously developed publishing and producing business of the United States.

The fees now paid do not cover the actual cost of the service performed, including salaries, supplies, printing of blanks, certificates, and circulars, and of the Catalogue of Copyright Entries, nor the overhead charges of the copyright office for space, light and heat, etc.

Under all the circumstances the increase in fees proposed by the bill seems reasonable. The fee for a patent was increased \$5 by the act approved February 18, 1922, amending Revised Statutes, section 4934. The advance in these fees as proposed will still leave them smaller than similar fees charged in other copyright offices. At Stationer's Hall, London, the copyright office for Great Britain, the registration fee is 5 shillings with the same sum for certificate, or the equivalent \$2.50 in all. In the bureau at Ottawa, the copyright office for Canada, the registration charge is \$2 and \$1 for certificate, or \$3 in all. It is in evidence before the committee that fees for similar services in recording documents in offices of clerks of courts have been generally advanced in recent years, especially since the war.

The increases proposed are small individually (from 50 cents to \$1 and from \$1 to \$2), and even in the aggregate will hardly be felt when distributed among all the producers of copyrighted works throughout this and foreign countries. The sums realized from the exploitation of literary property have greatly increased since 1909. It would not be unfair if the fees connected with the protection of this valuable property paid to the copyright office should be increased a little.

Expressions of approval of the proposed increases were submitted to the committee at the public hearing on the bill on Thursday, February 3. Organizations representing most of the large clients of the copyright office are on record before the committee as directly favoring this increase in fees proposed—the American Bar Association, the Publishers' Weekly, motion-picture producers and distributors, the Authors' League of America, and the Music Publishers' Protective Association. The National Periodical Publishers' Association, representing copyright office clients making more than 40,000 registrations of newspapers and periodicals last year, are recorded as expressing no desire to oppose the proposed increase.

The works for which registration may be made in the copyright office are divided into two classes—(1) unpublished works, and (2) published works—and this permits the registrations to be divided into two categories to correspond. Registration in the case of the unpublished work is a preliminary entry of title, made usually upon the deposit of the author's manuscript and before a publisher has been secured or arrangements have been made for the exploitation of the author's creation. It is in the case of such authors that a doubling of the registration fee to \$2 might seem burdensome, and the amendment now recommended will in the case of such works leave the charge as it is now under present law, \$1, for registration, including certificate. But in the case of all other works, published or reproduced in copies for sale, where the deposit has been made as required of the work actually published, the fee of \$2 for registration, with certificate, is proposed.

The fee now fixed by law for indexing works the copyright for which has been assigned is also left unchanged, namely, 10 cents for each title indexed.

The bill further proposes a change in the subscription price for the Catalogue of Copyright Entries. This was fixed at \$5 the year by the copyright act of 1909. Since that time the cost of printing this catalogue and index of the copyright registrations has more than doubled. The work consists of a complete yearly record of more than 170,000 entries, and amounts to nearly 8,000 closely

printed octavo pages. An increase to \$10 for the complete work for each year seems entirely reasonable. This proposed increase in the price of the catalogue was directly suggested by Hon. Martin B. Madden, of the Appropriations Committee, who has also recommended the increased fees proposed.

It is the unanimous opinion of the committee that the bill as now amended should be passed.

[89th Cong., 2d Sess. Senate Report No. 1660]

AMENDING THE COPYRIGHT LAWS

(February 28, 1927, ordered to be printed)

Mr. Metcalf, from the Committee on Patents, submitted the following report (to accompany S. 5795):

*Senate Report
1960, on bill to
increase copy-
right registration
fee.*

The Committee on Patents, to whom was referred the bill (S. 5795) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

The bill has the approval of the register of copyrights, Library of Congress, as will appear by the following letter, which is made a part of this report:

JANUARY 29, 1927.

HON. JESSE H. METCALF,

Chairman Committee on Patents.

DEAR SENATOR: The fees for the clerical services rendered in the copyright office were fixed by the provisions of the copyright act of March 4, 1909. The amounts are small and not really commensurate with the services rendered and this discrepancy is more noticeable by comparison with the general conditions prevailing subsequent to the war.

In the inclosed bill it is proposed to amend these fees—about doubling them—changing the fees as follows:

Registration fee (including certificate), \$2 instead of \$1.

Registration fee for photographs without certificate, \$1 instead of \$0.50.

Duplicate certificate (copy of record), \$1 instead of \$0.50.

Recording fees for assignments, etc., \$2 for each copyright office record-book page, instead of varying fees depending on the number of words. (All such recording is now made by typewriters in specially prepared books.)

228 *Report of the Librarian of Congress*

Recording notice of user, \$1 for each notice of not more than five titles, in lieu of fees up to 100 words.

Comparing and certifying documents of record, \$2 instead of \$1.

Renewal registrations, \$1 in lieu of \$0.50.

Search fee, \$1 per hour instead of \$0.50.

I venture to submit the matter for your consideration, and it is hoped the proposed changes might be approved by Congress this session.

THORVALD SOLBERG,
Register of Copyrights.

The amendment is as follows:

On page 3, after line 21, insert a new paragraph, as follows:

This act shall take effect on July 1, 1927.

[69th Cong., 2d sess. H. R. 16808. Report No. 2225. In the House of Representatives, January 29, 1927]

Bill H. R. 16808 — Divis- bility of copy- right bill. Mr. Vestal introduced the following bill, which was referred to the Committee on Patents and ordered to be printed:

(February 23, 1927, reported with amendments, referred to the House Calendar, and ordered to be printed)

A BILL To amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts with respect to copyright," approved March 4, 1909, be amended to read as follows:

"SEC. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. In any action for infringement, where the plaintiff seeks an accounting of profits, or statutory damages, where any party shows that some third person or persons may claim to be entitled to said profits or statutory damages or some part thereof, by reason of alleged infringement of the same copyright or some right thereunder; or in case it shall

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

“SEC. 42. The author, or other owner of any copyright secured under this act or of any copyright heretofore secured under any previous act of the United States, may (to the extent of his interest therein), by a written instrument signed by him or by his agent duly authorized for such purpose by power of attorney duly acknowledged and executed after this act goes into effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limi-

tations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and he may bequeath the same by will. Any person or persons deriving any right, title, or interest from or through any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his rights, title, and interest is entitled to the remedies provided by this act.

"All rights comprised in a copyright are several, distinct, and severable. Where, under any assignment of less than the entire copyright or under an exclusive license, the assignee or licensee becomes entitled to any right comprised in copyright or to the exercise thereof, the assignee or licensee to the extent of the rights so assigned or conferred shall be treated for all purposes, including the right to sue, as the owner of the several and distinct rights and parts of the copyright so assigned or conferred; and the assignor or licensor to the extent of his rights not so assigned or conferred shall be treated for all purposes as the owner of the several and distinct rights and parts of the copyright not so assigned or conferred. The word 'license' as used in sections 42 and 44 of this act shall include, but not by way of limitation, any instrument executed prior to copyright under this act by which the author reserves to himself any right or rights comprised in the copyright. The time prescribed for recordation of any such instrument shall run from date of registration of copyright. All instruments referred to in sections 42 and 44 of this act shall be such as identify the work. The words 'copyright proprietor,' as used in section 25 of this act, shall in the case where any person or persons has derived any right, title, or interest as aforesaid from any author or other owner as aforesaid, be construed to mean the owner of the right infringed.

"Sec. 44. That every assignment of copyright, license, mortgage, or power of attorney or contract in any way affecting or pertaining to any copyright or any of the rights comprised therein may be recorded in the copy-

right office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser, assignee, licensee, or mortgagee, for a valuable consideration, without notice, whose assignment, license, mortgage, or power of attorney has been duly recorded. The word 'assignment' as used in section 61 of this act shall be construed to include any of the instruments which may be recorded under this section."

[69th Cong., 2d sess. House of Representatives. Report No. 2225]

TO AMEND THE COPYRIGHT ACT OF 1909

(February 23, 1927, referred to the House Calendar and ordered to be printed)

Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 16808):

*House Report
2225, on divisi-
bility of copy-
right bill.*

The Committee on Patents, to whom was referred the bill (H. R. 16808) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, having carefully considered the same, beg to report it back to the House with certain amendments with the recommendation that the amendments be agreed to and that the bill as so amended be passed.

The amendments are as follows:

That on page 1, line 8, the word "secured" shall be inserted before the word "under", and in line 9, after the word "may", shall be inserted in parentheses the words "(to the extent of his interest therein)". That after the word "authorized", at the end of line 10, shall be inserted the words "for such purpose"; and on page 2, line 1, after the words "power of attorney", shall be inserted "duly acknowledged and"; and before the word "may", in line 7, shall be inserted the word "he"; so that the sentence as amended shall read:

The author, or other owner of any copyright secured under this act or of any copyright heretofore secured under any pre-

vious act of the United States, may (to the extent of his interest therein) by a written instrument signed by him or by his agent duly authorized for such purpose by power of attorney duly acknowledged and executed after this act goes into effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and he may bequeath the same by will.

That on page 3, line 1, after the words "not so assigned or conferred," the following sentence shall be inserted:

The word "license" as used in sections 42 and 44 of this act shall include, but not by way of limitation, any instrument executed prior to copyright under this act by which the author reserves to himself any right or rights comprised in the copyright. The time prescribed for recordation of any such instrument shall run from date of registration of copyright. All instruments referred to in sections 42 and 44 of this act shall be such as identify the work.

That on page 3 in section 27, at line 16, after the words "some right thereunder," the comma shall be changed to a semicolon and the following words inserted: "or in case it shall appear to the satisfaction of the court that a complete determination can not be had in the absence of other persons claiming or having rights or interests in the entire or same copyright, or in some parts thereof."

And at line 18, after the first words, "person or persons," the rest of the line shall be stricken out, together with the word "in," at the beginning of line 19, and the following words substituted: "shall give notice to such person or persons of the pendency of such action and permit him or them to appear."

And at line 22, after the words "division or otherwise," the following words shall be inserted: "and adjudicate the respective rights and interests of the several parties to the suit."

The amended sentence from line 10 to line 22 will then read:

In any action for infringement where the plaintiff seeks an accounting of profits or statutory damages, where any party shows that some third person or persons may claim to be entitled to said profits or statutory damages or some part thereof by reason of

alleged infringement of the same copyright or some right thereunder; or in case it shall appear to the satisfaction of the court that a complete determination can not be had in the absence of other persons claiming or having rights or interests in the entire or same copyright, or in some parts thereof, the court on application of such party or on its own motion or on petition of such third person or persons shall give notice to such person or persons of the pendency of such action and permit him or them to appear as a party or parties to the action on such terms as the court may deem just and may make such provision with reference to such profits or statutory damages by way of division or otherwise and adjudicate the respective rights and interests of the several parties to the suit as justice may require.

That on page 4, in section 27, at line 5, after the word "registered," there shall be inserted the words "in the copyright office."

That on page 4, in section 44, at line 16, the word "or" before the words "power of attorney" be stricken out, and after the words "power of attorney" be added the words "or contract."

The grant of copyright in the United States, under existing law, is a general grant to "any person entitled thereto"; that is, to the author of the work or to the person to whom the author has assigned his copyright in the work. Such general grant of copyright includes all the rights enumerated in section 1 of the act of 1909, so far as any such described right naturally appertains to the author's work. For example, the author of a book secures not only the exclusive right "to print, reprint, publish, copy, and vend" it, but the exclusive right to translate it, to dramatize it, or to make a motion picture of it. If the work is a drama, its author secures also the exclusive right to perform or represent it in public, and if it is a musical composition the exclusive right to perform it publicly for profit and to reproduce it on a phonograph record. In all of these cases also the author has the right under existing law to authorize such use of his work by some one else. He may license other persons to make such separate and special use of his work, but he can not sell to any person any such separate right. If he desires to sell his copyright he can only sell it as a whole, including all the separate rights comprised in the copyright.

This has proven an increasingly embarrassing limitation on the author's right as new inventions have put at his service new methods for the exploitation and production of his work. The would-be users of his work, also, the publishers, the record makers, or the motion-picture producers do not desire to secure merely a license or exclusive license to use. Such licensee can not bring suit to protect the rights he has bargained for under existing law. He does not wish merely to secure a license to make such special use of the work, but he wishes to purchase outright the copyright, not the entire copyright of the work but the copyright covering the special right with respect to the use to be made of the author's work; for example, the publication of it, the dramatization of it, the translation of it, its reproduction as a motion picture, its representation on the stage, its public performance as music, or its reproduction on a phonograph record, etc.

The bill enacts that "All rights comprised in a copyright are several, distinct, and severable," and provides that such assignment or sale of any one or more of the author's rights comprised in his copyright may legally be made, and it further provides that where only a license to use may have been conceded the licensee may sue to protect his right under the license, if such right is infringed. The bill provides that—

Any person or persons deriving any right, title, or interest, from or through any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his right, title, and interest is entitled to the remedies provided by this act.

All of section 27 of the copyright act of 1909, providing that the judicial proceedings in a suit for infringement might be united in one action, is included in the first sentence of the amended section. But in view of the increase in the number and complexity of transactions involving copyright which may be anticipated as a result of divisible copyright it has been felt desirable to add to this section provisions to enable courts to safeguard the rights of all owners concerned in the divided copyright by permitting them to appear in any

case in which their rights may be involved, so that a full settlement of the case may be had. It was proposed that courts be empowered to compel the attendance of all parties who might seem to have an interest in the case, but the committee has felt it preferable instead to provide for the notification of such person or persons as to the pendency of the cause and permit him or them to appear as a party or parties to the action on such terms as the court may deem just and to authorize the court to adjudicate the respective rights and interests of the several parties to the suit.

At the public hearing on this bill the testimony was unanimous that this divisibility of copyright is highly desirable and that legislation securing it will be of direct service to authors, composers, dramatists, book and periodical publishers, motion-picture producers, and the makers of phonograph records. Certain amendments to the bill as originally introduced which were suggested at the public hearing or subsequently submitted by parties interested have been carefully discussed by your committee and such as were affirmatively voted by the committee have been embodied in the bill and are recommended for adoption in this report.

[69th Cong., 2d sess. H. R. 17276. In the House of Representatives, February 21, 1927]

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

*Bill H. R.
17276. — Mechanical
reproduction
of music.*

A BILL To amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909

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

"(e) To perform the copyrighted work publicly for profit if it be a musical composition, to make any arrangement or setting of it or of the melody of it in any system

of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced.

“That the provisions of this act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

“Whenever the proprietor of a musical copyright shall grant to a manufacturer of mechanical instruments, whether by sale, assignment, license, or otherwise, the right to manufacture devices serving to mechanically reproduce the copyrighted work, such grant shall be in writing, and a true copy thereof shall within thirty days of the date of its execution, accompanied by a recording fee, be filed in the office of the register of copyrights, and any failure to file such copy shall be a complete defense to any suit, action or proceeding for any such infringement of such copyright by means of the manufacture of similar parts of instruments serving to reproduce mechanically the musical work in a similar manner.

“Thereupon and thereafter, any other manufacturer of mechanical instruments may make similar use of the copyrighted work, by filing in the office of the register of copyrights, accompanied by recording fee, before manufacture is commenced, a notice of his intention to make such use of the work, subscribed by him under his hand and seal and duly acknowledged, agreeing that the manufacture by him of such parts shall be subject to the exact terms and conditions expressed in the original grant on file in the register's office, and delivering a copy of such notice to the owner of record of the copyright. Full compliance with the terms and conditions of the original grant by such subsequent manufacturer shall be a complete defense to any suit, action, or proceeding for infringement of the copyright by such manufacturer.

“The manufacture of such parts of instruments in violation of the provisions hereof shall be deemed to be

an infringement of the copyright of such work, for which the defendant shall be liable as provided in sections 25, 28, and 39 of this act, and all the rights and remedies recited in such sections shall apply to and govern any such infringement.

"In case any defendant shall be adjudged guilty of such infringement he shall be forever barred from the benefits and privileges of the compulsory license provisions of this act with respect to any musical work whatsoever, irrespective of the proprietorship thereof.

"The copyright proprietor shall be entitled, as a matter of course, at any time, to discovery, inspection, or examination of books, records, and papers of any manufacturer availing himself of these provisions, relating to the manufacture, sale, or disposition of the parts of instruments serving to reproduce mechanically such musical work, and the district court of the proper district shall have the power to make such order with respect to inspection, discovery, or examination, upon such terms and conditions as justice may require."

"SEC. 25, subsection (e). Subsection (e) is hereby repealed."

[69th Cong., 2d sess. H. R. 15546. In the House of Representatives, December 21, 1926]

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

*BILL H. R.
15546. — Maiden
name of married
woman.*

A BILL Providing that claims to copyright by married women shall not be held invalid or prejudiced by reason of having been made in the name of the author.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That registrations of claims to copyright by married women shall not be held invalid or prejudiced by reason of being made or having been made in the maiden name of the author who claims copyright in the work.

Copyrights in
"Harriman Ge-
ographic Code
System," Pub-
lic Resolution 70,
Mar. 4, 1927.

(Sta. 1455
in Corp.
1927.

JOINT RESOLUTION Authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System for all governmental, administrative, or publication purposes for which the same may be desirable.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate appoint three Members of the Senate, and the Speaker of the House three Members of the House, all of whom shall have been elected to the Seventieth Congress, who shall constitute a select joint committee on the Harriman Geographic Code System, which may sit during recess.

It shall be the duty of the committee—

(1) To consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products or publications of the Harriman Geographic Code System, including the right, license, and privilege to manufacture, use, and dispose of geographs, maps, diagrams, and charts embodying said patented inventions or improvements thereof or copyrights issued in connection therewith incident to the functions of all bureaus or departments of the United States Government for all governmental, administrative, or publication purposes for which the same may be desirable.

(2) If, after investigation, the committee shall be of the opinion that the purchase of said system or use thereof by the United States Government would promote efficiency and economy of operation and administration of the executive departments and the administrative branches of the Government, the value of said system, or the use thereof to the United States Government shall be estimated, and the committee shall report to both the Senate and the House of Representatives the result of its investigation, together with its recommendations, and

shall prepare and submit bills or resolutions having for their purpose the adoption of such recommendations.

(3) The officers and employees of any executive department or administrative branch of the Government shall, if called upon to do so, make a report to said committee on the Harriman Geographic Code System, and shall furnish to the committee such information as the committee may from time to time require. The committee is authorized to employ assistance as the committee may require in the investigation herein provided for, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate as from time to time may be authorized by resolutions of those bodies: *Provided*, That the total expenditures of the committee shall not exceed \$2,000.

Approved, March 4, 1927.

ADDENDUM II
COPYRIGHT—POLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

*Proclamation
dated Feb. 14,
1927, re Poland.*

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

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

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

And whereas it is provided by section 1 (*e*) of the said act of Congress, approved March 4, 1909, that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into

effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights";

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

And whereas satisfactory official assurances have been received that on and after February 16, 1927, citizens of the United States shall be entitled to obtain copyright for their works in Poland which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (*e*) of the copyright act of the United States, approved March 4, 1909.

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

That on and after February 16, 1927, the conditions specified in sections 8 (*b*) and 1 (*e*) of the act of March 4, 1909, will exist and be fulfilled in respect to the citizens of Poland, and that on and after February 16, 1927, citizens of Poland shall be entitled to all the benefits of the act of March 4, 1909, including section 1 (*e*) thereof and the acts amendatory of the said act.

*Effective Feb.
16, 1927.*

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

And provided further, That the provisions of section 1 (*e*) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to February 16, 1927, on any contrivance by means of which the work may be mechanically performed.

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

*Dated Feb. 14,
1927.*

Done at the city of Washington this 14th day of February in the year of Our Lord one thousand nine hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-first.

[SEAL.]

CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,
Secretary of State.

COPYRIGHT—CZECHOSLOVAKIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

PROCLAMATION

*Proclamation
dated Apr. 27,
1927, re Czecho-
slovakia.*

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

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

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

And whereas it is provided by section 1 (e) of the said act of Congress, approved March 4, 1909, that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights";

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

And whereas satisfactory official assurances have been received that on and after March 1, 1927, citizens of the United States have been entitled to obtain copyright for their works in Czechoslovakia which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (e) of the copyright act of the United States, approved March 4, 1909.

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

That on and after March 1, 1927, the conditions specified in sections 8 (b) and 1 (e) of the act of March 4, 1909, existed and were fulfilled in respect to the citizens of Czechoslovakia, and that on and after March 1, 1927, citizens of Czechoslovakia have been entitled to all the benefits of the act of March 4, 1909, including section 1 (e) thereof and the acts amendatory of the said act. Effective Mar. 1, 1927.

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

And provided further, That the provisions of section 1 (e) of the act of March 4, 1909, in so far as they secure

copyright controlling the parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to April 27, 1927, on any contrivance by means of which the work may be mechanically performed.

*Dated Apr. 27,
1927.*

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

Done at the city of Washington this 27th day of April, in the year of Our Lord one thousand nine hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-first.

[SEAL.]

CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,

Secretary of State.