

COPYRIGHT LAW REVISION

STUDIES

PREPARED FOR THE

SUBCOMMITTEE ON
PATENTS, TRADEMARKS, AND COPYRIGHTS

OF THE

COMMITTEE ON THE JUDICIARY

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STUDIES 7-10

8. Commercial Use of the Copyright Notice



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FOREWORD

This committee print is the third of a series of such prints of studies on "Copyright Law Revision" published by the Committee on the Judiciary Subcommittee on Patents, Trademarks, and Copyrights. The studies have been prepared under the supervision of the Copyright Office of the Library of Congress with a view to considering a general revision of the copyright law (title 17, United States Code).

Provisions of the present copyright law are essentially the same as those of the statutes enacted in 1909, though that statute was codified in 1947, and has been amended in a number of relatively minor respects. In the half century since 1909, far-reaching changes have occurred in the techniques and methods of reproducing and disseminating the various categories of literary, musical, dramatic, artistic, and other works that are subject to copyright; new uses of these productions and new methods for their dissemination have grown up; and industries that produce or utilize such works have undergone great changes. For some time, there has been widespread sentiment that the present copyright law should be re-examined comprehensively with a view to its general revision in the light of present-day conditions.

Beginning in 1955, the Copyright Office of the Library of Congress, pursuant to appropriations by Congress for that purpose, has been conducting a program of studies of the copyright law and practices. The subcommittee believes that these studies will be a valuable contribution to the literature on copyright law and practice, that they will be useful in considering problems involved in proposals to revise the copyright law, and that their publication and distribution will serve the public interest.

The present committee print contains four studies, Nos. 7-10, dealing with copyright notice. Study No. 7, "Notice of Copyright," was prepared by Vincent A. Doyle of the Washington, D.C., bar (formerly Assistant Chief of the Examining Division of the Copyright Office) in collaboration with the following staff members of the Copyright Office: George D. Cary, General Counsel; Marjorie McCannon, Assistant Chief of the Reference Division; and Barbara A. Ringer, Assistant Chief of the Examining Division. Study No. 8, "Commercial Use of the Copyright Notice," was prepared by William M. Blaisdell, economist of the Copyright Office. Study No. 9, "Use of the Copyright Notice by Libraries," was prepared by Joseph W. Rogers, Chief of the Cataloging Division of the Copyright Office. Study No. 10, "False Use of Copyright Notice," was prepared by Caruthers Berger, Attorney Adviser of the Copyright Office.

The Copyright Office invited the members of an advisory panel and others to whom it circulated these studies to submit their views on the issues. The views, which are appended to the studies, are those of individuals affiliated with groups or industries whose private

interests may be affected by copyright laws, as well as some independent scholars of copyright problems.

It should be clearly understood that in publishing these studies the subcommittee does not signify its acceptance or approval of any statements therein. The views expressed in the studies are entirely those of the authors.

JOSEPH C. O'MAHONEY,
*Chairman, Subcommittee on Patents,
Trademarks, and Copyrights,
Committee on the Judiciary, U.S. Senate.*

COPYRIGHT OFFICE NOTE

The studies presented herein are part of a series of studies prepared for the Copyright Office of the Library of Congress under a program for the comprehensive reexamination of the copyright law (title 17, U.S.C.) with a view to its general revision.

The Copyright Office has supervised the preparation of the studies in directing their general subject matter and scope, and has sought to assure their objectivity and general accuracy. However, any views expressed in the studies are those of the authors and not of the Copyright Office.

Each of the studies herein was first submitted in draft form to an advisory panel of specialists appointed by the Librarian of Congress, for their review and comment. The panel members, who are broadly representative of the various industry and scholarly groups concerned with copyright, were also asked to submit their views on the issues presented in the studies. Thereafter each study, as then revised in the light of the panel's comments, was made available to other interested persons who were invited to submit their views on the issues. The views submitted by the panel and others are appended to the studies. These are, of course, the views of the writers alone, some of whom are affiliated with groups or industries whose private interests may be affected, while others are independent scholars of copyright problems.

ABE A. GOLDMAN,
*Chief of Research,
Copyright Office.*

ARTHUR FISHER,
*Register of Copyrights,
Library of Congress.*

I. QUINCY MUMFORD,
Librarian of Congress.

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STUDIES IN EARLIER COMMITTEE PRINTS

First print:

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.

Second print:

5. The Compulsory License Provisions in the U.S. Copyright Law.
6. The Economic Aspects of the Compulsory License.

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STUDY NO. 8
COMMERCIAL USE OF THE COPYRIGHT NOTICE
BY WILLIAM M. BLAISDELL
February 1959

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COMMERCIAL USE OF THE COPYRIGHT NOTICE

I. INTRODUCTION AND SUMMARY

A. PURPOSE AND METHOD

The purpose of this study is to clarify the extent to which commercial users of copyrighted material utilize the copyright notice appearing on such material and the effects which could be anticipated in the commercial utilization of copyrighted material if no copyright notice were to be required. It was decided to pursue the study by means of a questionnaire to be sent to commercial users of copyrighted materials on a sample basis.

The informal assistance of the Division of Statistical Standards of the Bureau of the Budget was cordially extended in connection with the development of the questionnaire. In turn, the Division of Statistical Standards enlisted the assistance of the Advisory Council on Federal Reports, an organization representing private industry in connection with requests for information by the Federal Government from private industry.

Working with these two organizations, a panel meeting of representatives of organizations appearing to have an interest in the utilization of copyrighted materials was held at which the total plan of study was discussed and suggestions were made concerning the structure of a draft questionnaire. As a result of this meeting, a request was sent to each of 50 trade associations, as being representative of a group of industries which use copyrighted materials, asking for either a complete or a representative sample list of the association's membership. Usable lists of members were received from 22 associations, and a questionnaire, together with a sheet of instructions and a covering letter (see appendix) was dispatched to each of a varying number of association members, as detailed *infra*.

B. PLAN OF PRESENTATION

Section I-c, immediately following, summarizes and discusses the dispatch, and the return of the questionnaires, including the implications that arise from this summary. Section I-d summarizes the general results of the study; i.e., it gives the overall conclusions separated from the statistical bases. Section I-e summarizes the statistical foundation, i.e., it presents a group of tables, with accompanying comment, each table drawing together the responses to one question broken down to show the answers for each industrial group.

Section II comprises summaries of the responses from each industrial group. Each of these summaries is drawn from the basic statistical material for the group.

C. DISPATCH AND RETURN OF QUESTIONNAIRES

The following table summarizes the dispatch and return of questionnaires and the number available for compilation:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper publishers	Printing industry	N.A.M.	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of questionnaires:										
Dispatched.....	2,576	89	569	131	318	242	527	425	182	93
Returned.....	900	61	232	45	138	56	157	79	98	36
Percentage returned.....	35	70	41	33	43	23	30	19	51	40
Number unusable.....	35	0	0	9	4	4	5	3	5	5
Number reporting no use of copyright materials.....	134	3	4	20	46	10	6	13	30	2
Number compiled.....	731	58	228	14	88	42	146	63	63	29

The industrial groups shown at the top of the table were developed as a result of responses to the questionnaire. With the exception of the last two, each of these headings is self-explanatory. The National Association of Manufacturers (N.A.M.) was included in order to obtain information from a wide, diversified, cross section of American industry. The group labeled "Miscellaneous Industries" comprises those industrial groups which did not respond in sufficient numbers to permit individual analysis; it comprises responses from advertising agencies, the automobile manufacturing industry, the comic magazine publishers, the direct mail advertising industry, and the motion picture production industry.

It will be noted that nearly 2,600 questionnaires were dispatched and that a total of 900 or 35 percent were returned. Of these returns, 35 were not usable for various reasons. Also 134 responses stated that the respondent does not make commercial use of copyrighted materials and therefore the questionnaire was not completed. This left a total of 731 to be compiled.

The number of questionnaires dispatched to each industry is discussed in detail in the following section. The number dispatched to each association in an industry was largely dependent upon the lists submitted by the trade associations. In some cases sample lists were made available and in others, lists of the total membership were submitted.

It will also be noted that the returns from the various industries range from a low of 19 percent in the printing industry to a high of 70 percent in the book publishing industry. In the music industry (music publishers and record producers being covered) the relatively low percentage of return results largely from the small response from music publishers.

The other item of significance is the number of respondents reporting no commercial use of copyrighted materials; for the entire group 134 or 15 percent of the 900 returns made this report. However, this should not be surprising. Thus, in the greeting card industry nearly half of the returns, in the periodical publishing industry one-third of the returns, and in the National Association of Manufacturers over

30 percent of the returns reported no commercial use of copyrighted materials. In the greeting card industry and among periodical publishers the nature of the industry explains this finding; in both cases there is actually a large portion of the industry which does not generally purchase or reproduce copyrighted material owned by others, but creates its own material. In the NAM, which includes all kinds and sizes of industries in which the use of copyright materials is only incidental, though often important to their primary business activities, it is perhaps surprising that the percentage of firms making no commercial use of copyrighted material is as small as 30 percent.

D. GENERAL SUMMARY

1. Of nearly 2,600 firms questioned in industries presumed to be commercial users of copyrighted material, about one in seven of the respondents reported that they do not make commercial use of copyrighted materials. These nonusers were excluded in tabulating the results.

2. The most frequent category of commercial use of copyrighted material is printed reproduction, followed by public performance by broadcasting (radio and television), and by acoustical recording (disks and tape). However, in six of nine industrial groupings of users, printed reproduction is the most important category. The greatest dispersion of categories of use is in the miscellaneous industry group and in the broadcasting industry.

3. Six out of ten users of copyrighted materials report that they refer to copyright notices as part of their day-to-day operations. Only in the broadcasting industry do less than half of the respondents report such reference.

4. In referring to copyright notices, commercial users want primarily to determine the existence of copyright and identify the copyright proprietor; only secondarily do they look for the date.

5. Among those respondents who do not refer to copyright notices on a day-to-day basis, the broadcasting industry (TV and radio broadcasters) and the newspaper publishing industry report little interest in the copyright notice because they are protected by contracts with the suppliers of the copyrighted materials which they use commercially. However, broadcasting networks, as "suppliers" of such materials, uniformly refer to copyright notices on a day-to-day basis and unanimously consider the retention of copyright notice to be desirable.*

6. In a typical week, most industrial groups of copyright users tend to use a relatively small number of copyrighted items—less than 25; only in the broadcasting industry is there a tendency to use large numbers of such items (over 200).

7. Considering all commercial users of copyrighted materials, there is a tendency toward one of two extremes—either to examine all materials for copyright notice or to examine few, if any, of such materials. However, the tendency toward total examination of such materials for copyright notice is strong in all industrial groups except the broadcasting industry and the newspaper publishing industry, where the opposite tendency exists.

*Based on returns from three major networks which were received too late for inclusion in the other compilations shown in this study.

8. Considering all commercial users of copyrighted materials, about 11 out of 20 report that their operations would be made more difficult if there were no copyright notice requirement. However, in two industrial groups—broadcasting and newspaper publishing—less than half of the users think their operations would be made more difficult; in the other industrial groups, from two-thirds to three-quarters believe the absence of a copyright notice would make their operations more difficult.

9. However, if there were no copyright notice requirement, about half of the commercial users of copyrighted materials say that they would continue to make varying kinds of searches to obtain clearance; about one out of eight users say they would not know how to conduct their operations. In the broadcasting and newspaper publishing industries there is a strong tendency to report that they would continue to operate as at present, absent a copyright notice requirement.

E. SUMMARY OF ANSWERS TO EACH QUESTION

This section summarizes completely the statistics of the study, each question being treated separately and the responses of each industry group to the question being shown separately. In connection with each question, comment and analysis are presented, the overall results being shown in the preceding section I-D.

Question 1. In what ways does respondent make commercial use of copyrighted material owned by others?

This question is designed to show the categories of commercial use of copyrighted materials in each of the industrial user groups. The following table shows the statistical results:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper publishers	Printing industry	N.A.M.	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of respondents.....	731	58	228	14	88	42	146	63	63	29
Categories of uses:										
(a) Printed reproduction.....	499	58	22	14	88	24	145	63	60	25
(b) Public performance:										
Radio.....	246	2	197	1	1	13	10	0	9	13
Television.....	107	2	66	2	1	11	3	0	10	12
Other.....	10	0	2	0	0	0	0	0	4	4
(c) Recording:										
Acoustical.....	242	9	173	1	1	26	8	0	10	14
Sound motion pictures.....	77	2	46	1	0	2	2	0	12	12
Other.....	8	1	4	0	1	0	0	0	0	2
(d) Other.....	8	1	6	0	0	0	1	0	0	0
Total.....	1,197	75	516	19	92	76	169	63	105	82
Average number of categories per respondent.....	1.64	1.29	2.26	1.36	1.05	1.81	1.16	1.00	1.67	2.83

It will be noted that the number of respondents in the first line of the table corresponds to the number of responses compiled as shown *supra*, page 70, in section c. Column I headed "Totals" shows that 731 respondents reported that they made use of copyrighted materials

in one or more of the categories shown; on the average each respondent made commercial use of copyright materials in more than one but less than two categories. Printed reproduction is the most frequent category of use, with public performance by radio and acoustical recording each being about half as frequent.

In each of the industrial groups the incidence and frequency of the various uses can be fairly well anticipated; for example, book publishers concentrate on printed reproduction with some use of public performance and recording, and broadcasters concentrate on radio and television performance and acoustical and sound motion picture recording with little emphasis on printed reproduction. It is interesting to note that there is considerable emphasis on radio performance in the music publishing and recording industry, thus indicating diversification of the economic interests in this industry. Only the printing industry is shown as being uninterested in copyright activities other than its major interest, that is, printed reproduction. As might be anticipated the heterogeneous membership of NAM is interested in a considerable number of types of commercial use of copyrighted materials, and the miscellaneous group shows a wider diversification than any other group, each respondent on the average making use of 2.83 categories of uses of copyrighted materials. Broadcasting shows nearly as much diversification, and the music publishing and recording industry is somewhat above average in this respect. The printing industry shows no diversification while the periodical publishers and the newspaper publishers are only slightly diversified.

Outstandingly significant is the wide utilization of copyrighted material by the broadcasting industry, an industry whose existence was not contemplated when the Copyright Act of 1909 was enacted.

Question 2. In connection with copyrighted materials used commercially by you—

(a) Is reference to copyright notices on such materials a part of your day-to-day operations?

The purpose of this question is to indicate the extent to which commercial users of copyrighted materials refer to copyright notices on a day-to-day basis. The following table summarizes, by industries, the answers to the question:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music Industry	Newspaper publishers	Printing industry	NAM	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of respondents	720	58	228	14	86	42	141	62	60	29
Yes	436	50	102	7	48	39	90	42	41	17
No	284	8	126	7	38	3	51	20	19	12

The table shows that a total of 720 respondents answered, of which 436 or 61 percent reported day-to-day reference to copyright notices. With the exception of the broadcasting industry and the greeting card publishers, a majority of respondents in each industrial group reported

day-to-day reference to copyright notices. In the broadcasting industry 55 percent of the respondents said they do not make such daily reference, and among greeting card publishers 50 percent so reported. At the other extreme both the book publishers and the music industry reported overwhelmingly that they regularly refer to copyright notices.

(b) In connection with copyrighted materials used commercially by you, if you refer to such notices on such materials as a part of your day-to-day operations, for which of the following purposes do you make such references:

To determine whether a work is copyrighted?

To find the date of copyright?

To identify the copyright owner?

Other purposes? (Specify)

Part (b) of question 2 is designed to show the purposes for which day-to-day reference to copyright notices is made. Since more than one purpose could be marked by a single respondent, there is no necessary correspondence between the number of respondents and the total number of purposes given in the answers. The following table summarizes the answers:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper publishers	Printing industry	NAM	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of respondents	436	50	102	7	48	39	90	42	41	17
Purposes:										
To determine existence of copyright	320	44	71	7	39	33	39	35	39	13
To find dates	133	39	17	0	11	23	5	9	23	6
To identify owners	314	48	60	3	32	39	60	23	34	15
Other	18	3	4	0	2	1	6	2	0	0

The question was answered by 436 respondents and many of them indicated more than one purpose; thus, the total number of responses is 785. These respondents report that they want about equally (a) to know whether the material is copyrighted, and (b) to identify the copyright owners; less than half as frequently they want to refer to the date of copyright. This pattern persists in every one of the industrial groups, the date of copyright being of third importance in every case. Among book publishers, in the music industry, and in the National Association of Manufacturers, the date of copyright assumes more importance than in the other industrial groups.

(c) In connection with copyrighted materials used commercially by you, if you do not refer to copyright notices on such materials as a part of your day-to-day operations what facts regarding the copyright status of such materials do you need to know, and how do you determine those facts?

Part (c) of question 2 is designed to discover how those commercial users of copyrighted material who do not make day-to-day references to copyright notices (39 percent of all users responding: *cf. supra*,

question 2(a), pp. 73-74) determine the copyright status of such materials which they do use commercially.

Because of the nature of this question, the answers do not lend themselves to mathematical compilation; for this very reason, they are in some ways more revealing than simple numerical answers. Therefore, reference should be made to the following chapter concerning individual industrial groups, in connection with this question.

However, one generalization is clearly indicated by the answers. In several areas, particularly broadcasting and newspaper publishing, the users of copyrighted materials owned by others do not make regular references to copyright notices and do not become intimately involved in copyright problems because they are protected in one way or another in their commercial uses of such materials by contractual arrangements with the suppliers of the materials.

In *book publishing*, because the publisher usually obtains copyright in his own name, he considers that he is not "using" the author's work. Consequently, his use of copyrighted materials is limited to the incorporation of such materials owned by others in the manuscripts of authors published by him. Although the publisher may, in editing, act for the author in obtaining permission to use such material, in some instances this responsibility is thrown upon the author. Also, although the authors guild has no standard author-publisher contract, the contract which is understood to be more or less standard between authors and trade-book publishers contains a warrantee by the author which protects the publisher against payment of infringement claims. However, 77 percent of book publisher respondents say that their operations would be more difficult, absent copyright notice (*cf. infra*, question 4, p. 78).

In the *broadcasting industry*, 74 percent of the responding broadcasters who do not refer to copyright notices as a day-to-day operation reported that they rely on performing rights organizations or other forms of preclearance to protect them from the unauthorized use of copyrighted material. Also, from comments of various types it is clear that some respondents who carry on a day-to-day copyright clearance operation consider this operation to relate primarily to various preclearance organizations (*e.g.* ASCAP or BMI) rather than to actual copyright notice. In this industry 44 percent of the respondents reported that their operations would be made more difficult by the absence of a copyright notice (*cf. infra*, question 4, p. 78).

In the *publication of periodicals*, it was impossible to classify the answers to this question. However, there seems to be fairly uniform understanding of the requirements for the use of copyrighted materials. In addition, there is a significant number of magazines which use no copyrighted materials owned by others: about a third of the total number of responses. When this latter group is considered in the compilation, about 40 percent of the respondents reported that their operations would be adversely affected by the absence of a copyright notice requirement (*cf. infra*, question 4, p. 78).

In the *music industry*, both music publishers and record producers report overwhelmingly that they carry on a day-to-day copyright notice examination, and therefore this question 2(c) was not generally applicable to them. Also, in these groups, 75 percent of the respondents reported that they would be adversely affected by the absence of a copyright notice requirement (*cf. infra*, question 4, p. 78).

In the *newspaper industry*, the replies to this question show quite clearly that the publishers' contracts with syndicates eliminate most of their copyright problems; on this type of material they are not concerned about copyright clearance. Only in connection with a very small portion of the material they publish do they need permission from copyright owners or previous publishers. About 35 percent of the respondents in this industry reported that they would be adversely affected by the absence of a copyright notice requirement (*cf. infra*, question 4, p. 78).

Question 3. (a) Estimate the number of copyrighted items used commercially by you in the course of any typical week.

The purpose of this question is to discover the frequency with which commercial users of copyrighted materials use these materials; it contrasts with question 1 which asks the categories in which commercial use is made of copyrighted materials. The following table shows a frequency distribution of responses from a total of 592 respondents who answered the question:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper industry	Printing industry	NAM	Miscellaneous Industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of respondents.....	592	44	178	11	67	37	128	53	52	22
Number of uses per week:										
0.....	9	0	3	0	1	0	4	0	0	1
Less than 1.....	40	3	0	0	0	0	0	0	32	5
1 to 25.....	289	33	27	9	65	24	49	50	17	15
26 to 50.....	38	1	7	1	1	4	19	2	2	1
51 to 75.....	17	3	3	0	0	2	9	0	0	0
76 to 100.....	27	0	7	0	0	3	17	0	0	0
101 to 200.....	31	3	12	1	0	1	14	0	0	0
Over 200.....	141	1	119	0	0	3	16	1	1	0
Maximum.....	6,000	250	6,000	200	50	1,000	1,785	1,000	1,000	50

The class interval which has been shown for the frequency table is 25 cases in the range from 1 to 100 cases; also the cases between 101 and 200 are tabulated and those over 200. The last line of the table shows the maximum item in each column. In addition, nine respondents reported that they use no copyrighted materials "in the course of any typical week" even though they reported the utilization of such materials in categories under question 1. As the compilation progressed it also became clear that class between 0 and 1, labeled "less than 1" would be desirable.

Among those in the "less than 1 class" 80 percent are among members of the NAM, which should not be unexpected. In addition five firms among the miscellaneous industries and three among the book publishers reported less than one commercial use in the course of any typical week.

As to the remainder of the frequency distribution it assumes the form of an inverse normal curve, with the concentrations at the lower end and the upper end of the distribution, the major concentration being toward the lower end. The nature of the figures would make

any calculation of an average without significance but the median of this distribution—i.e., the 296th case—lies in the class of 1 to 25 uses per typical week. This concentration at the lower end of the scale persists in each of the industrial groups with the exception of the broadcasting industry in which the concentration is heavily at the upper end of the scale, more than two-thirds of the respondents reporting over 200 uses per typical week. Only in the newspaper publishing industry (in addition to the broadcasting industry) is there any deviation from the firm pattern of heavy concentration at the lower end of the scale; in the newspaper industry only about 40 percent of the respondents reported less than 25 uses in any typical week, compared with nearly 50 percent for the entire group of industries. Also in the newspaper publishing industry a considerable concentration of use is noted above 75 uses per week.

(b) In connection with what percentage of these (copyrighted items used commercially by you) do you examine a copyright notice?

This question is designed to discover the extent to which commercial users of copyrighted materials examine copyright notices on the materials they use. The class intervals which have been shown for the frequency distribution in the following table each cover 20 percentage points, in addition to a class including those who report that they examine for copyright notice none of the copyrighted material which they use.

The following table summarizes the answers, broken down into industrial groups:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper publishers	Printing industry	N.A.M.	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
Number of respondents.....	550	47	186	9	63	32	99	48	45	21
Percentage examined:										
0.....	171	2	74	2	15	2	50	15	5	6
1 to 20.....	89	6	47	3	1	5	15	5	6	1
21 to 40.....	12	0	8	0	0	0	1	2	1	0
41 to 60.....	32	5	9	1	2	8	1	2	4	0
61 to 80.....	10	1	4	0	2	1	2	0	0	0
81 to 100.....	236	33	44	3	43	16	30	24	29	14

It will be noted that 550 respondents answered this question and that 171 of them or 31 percent report that they examine none of the copyright material for copyright notice. Thus, in column I the heavy concentrations are again at the lower and the upper ends of the distribution; in other words most commercial users of copyright material tend to examine either none of such material for copyright notice or nearly all of it. In fact only 10 percent of the cases examined between 21 percent and 80 percent of the copyright material which they use.

This pattern persists in every one of the industrial groups individually, with variations. In the book publishing industry, the music

industry, the NAM and other miscellaneous industries, the stronger tendency is toward examination of all copyright material for a copyright notice. Alternatively in the broadcasting industry and the newspaper publishing industry the tendency is in the opposite direction.

Question 4. (a) If, as in many countries, copyrighted materials were to bear no copyright notice, would your commercial utilization of copyrighted materials be unaffected, less difficult, or more difficult?

This question is designed to obtain the judgment of commercial users of copyrighted material as to how their operations would be affected in the event there were no copyright notice requirement. The following table summarizes the answers, the upper part of the table being in absolute figures, and the lower part in percentages of the total number of answers in each column:

	Totals	Book publishers	Broadcasters	Greeting card publishers	Periodical publishers	Music industry	Newspaper publishers	Printing industry	NAM	Miscellaneous industries
	(I)	(II)	(III)	(IV)	(V)	(VI)	(VII)	(VIII)	(IX)	(X)
ABSOLUTE FIGURES										
Number of respondents.....	692	57	215	14	83	40	133	61	61	28
Unaffected.....	266	11	104	5	29	8	76	9	16	8
Less difficult.....	38	2	16	0	2	2	10	4	1	1
More difficult.....	388	44	95	9	52	30	47	48	44	19
PERCENTAGES										
Unaffected.....	38	19	48	36	35	20	57	15	26	29
Less difficult.....	6	4	7	0	2	5	8	7	2	4
More difficult.....	56	77	45	64	63	75	35	78	72	67

It will be noted that a total of 692 respondents answered this question. The lower part of the table converts the absolute figures from the questionnaire returns into percentages of the total for each column. In the total column it shows that 56 percent of the respondents judge that their operations would be made more difficult in the event there were no copyright notice requirement, 38 percent would be unaffected by such a change and 6 percent would find their operations to be less difficult. Also in each of the individual industrial groups the bulk of the judgments are either that the operations would be more difficult, or unaffected, only a relatively few respondents indicating that their operations would be less difficult. Among the individual industrial groups, the printing industry, book publishing, the music publishing and recording industry, and the National Association of Manufacturers, by a majority of about 3 to 1 expressed the opinion that their operations would be more difficult without the copyright notice. The miscellaneous industries, the greeting card industry, and the periodical publishers, by a majority of about 2 to 1, expressed the same opinion. On the other hand, less than half of the broadcasters and only about one-third of the newspaper pub-

lishers report that their operations would be made more difficult by the absence of a copyright notice.

(b) If, as in many countries, copyrighted materials were to bear no copyright notice, how would you determine the copyright status of copyrighted materials you might wish to use commercially?

As with question 2(c) the responses to question 4(b) do not lend themselves to compilation. Also similar to question 2(c), the responses reveal aspects of the commercial utilization of copyrighted materials which cannot be shown by figure facts alone. It is not possible to summate significantly the answers to this question, but certain significant results are apparent from an overall look at the responses.

First, about half of the responsive answers said that, in the absence of a copyright notice requirement, efforts would be made to obtain copyright clearance from some source, even though there might be difficulties of varying degrees. Second, about one-eighth of the responsive answers said that the respondent did not know how he would proceed in the absence of a copyright notice requirement. Third, in two industries—broadcasting and newspaper publishing—an outstanding proportion of the responsive answers said that in the absence of a copyright notice requirement they would continue to operate just as they do now; this is supported by the answers to question 4(a), in which these same two industries stand out as being “unaffected” by the possible change to a “no-notice” system.

Comments on the answers in each of several industries follow.

Among *book publishers*, 40 of 58 usable responses answered this question. Thirty-two or 80 percent of those who answered said they would use some method of clearance for copyrighted materials in the absence of a notice requirement. One said he would not know how to proceed, and the others indicated that they thought it would be very difficult to operate without a copyright notice requirement.

In the *broadcasting industry*, more than 7 of 10 of the respondents to this question either recognize that they would continue to operate as at present, absent a copyright notice requirement, or that they would obtain clearance from the copyright holders for material which they wish to broadcast. However, nearly 6 out of 10 of the respondents recognize clearly that they now operate almost entirely without reference to copyright notice, by far the largest part of the material which they broadcast being precleared by contracts with performing rights organizations or commercial suppliers of copyrighted materials. In general the radio segment of the industry seems to be less cognizant of its position vis-a-vis clearance of copyright material than the television section.

In the *periodical publishing industry*, of 88 usable responses, 58 answered question 4(b) and they gave 73 responses to this question. Ten or 17 percent of the respondents reported that they would not know how to operate in the absence of a copyright notice requirement. However, the other 48 respondents mentioned that they would obtain copyright clearance from the publisher (or publication), author, copyright owner, or would “request information.” In general it may be said that magazine publishers think first of referring to another publisher or publication for copyright clearance, and second to the author or copyright owner.

In the *music industry*, of the 42 usable responses, 24 included an answer to this question. The respondents mention numerous sources from which they would obtain copyright clearance, absent a copyright notice requirement, such as research, correspondence, commercial search channels, ASCAP, BMI, and the "courtesy facilities" of larger firms. In general, the responses from record producers indicated a clearer idea of the methods of obtaining copyright clearance than those from the music publishers.

In the *newspaper publishing industry*, of the 146 usable responses, 71 included an answer to this question and nearly three-fourths of them report that they would continue to seek and obtain copyright clearances even though there were no copyright notice requirement. This applies of course only to the very small proportion of the material printed in newspapers for which copyright clearance is required; by far the largest part of the materials published in newspapers is written by employees for hire, or furnished by syndicates whose contracts for the commercial use of the material cover all copyright clearances. Conversely, 11 respondents, or 15 percent, said it would be impossible to operate without a copyright notice requirement.

In the *printing industry*, 36 of the 63 usable responses included an answer to this question. Of the 36, nine or 25 percent said they would not know how to operate absent a copyright notice requirement. Sixteen or 44 percent would use various types of search to obtain copyright clearance, and 5 would leave the responsibility to the client.

The National Association of Manufacturers.—Of the 63 usable responses from members of the National Association of Manufacturers 45 answered this question, 5 answers being unresponsive. Of the 40 responsive answers 37 indicated a recognition that search would have to be made to find the copyright owner and get permission to use his material. Two of the forty reported that they would not know what to do in the absence of a copyright notice requirement.

Comments with respect to the *greeting card industry* and the *miscellaneous industries* are given *infra* in section II.

II. SUMMARIES OF RESPONSES FROM EACH INDUSTRY

A. BOOK PUBLISHERS

For purposes of this study, assistance was sought from two trade associations in this copyright user group—the American Book Publishers Council and the American Textbook Publishers Institute. The ABPC submitted a sample list of 15 firms of varying sizes and geographical locations, and the ATPI submitted a membership list totaling 74; questionnaires were sent to the complete lists from both associations. Thus 89 questionnaires were dispatched to this group.

Book publishers are tending to use copyrighted materials in activities other than printed reproduction: radio, TV, and various kinds of recording. Generally, they consider that they are creators and owners of copyrighted materials, rather than commercial users of such materials. In many cases, such as reference and subscription books, the publisher is frequently the creator, either as an employer for hire or as a compiler; in other cases, the publisher is the contractual partner of the creator on a royalty basis. As creator, the publisher carries the

burden of obtaining permission to use copyrighted materials; as contractual partner, he frequently throws this burden on the author.

Most book publishers (86 percent) carry on day-to-day examination of copyright notices; a few examine such notices on a less continuing basis. This activity is aimed about equally at determining (a) whether a work is copyrighted, (b) the date of copyright claim, (c) the identity of the copyright owner. Although book publishers use relatively small numbers of copyrighted items, they generally examine all such material for copyright notice. Most book publishers (80 percent) believe that their operations would be made more difficult if there were no copyright notice requirement, because the notice gives them a starting point in their copyright searches. However, some believe that their operations would be unaffected or less difficult, because they now act vis-a-vis copyrightable material as though there were no notice requirement; these publishers recognize that public education would be needed for a "no notice" system to operate properly.

B. BROADCASTING

For purposes of this study, the radio and television broadcasters are represented by a sample list of broadcasters obtained from the National Association of Broadcasters. This list contains 569 names and is understood to be designed to represent all sizes and types of broadcasters; the NAB regards it as representative of the entire industry. Questionnaires were sent to all 569 names on the list.

Of 569 questionnaires sent to broadcasters, 232 or 41 percent were returned, 228 being usable for compilation. This latter figure comprised 162 radio stations, 31 TV stations, and 35 radio-TV stations.

Broadcasters are heavy commercial users of copyrighted material not only in broadcasting; they also use it in several types of recording and in printed reproduction. Less than half (45 percent) of the broadcasters examine copyright notices as a part of their day-to-day operations; of those who do so, major interest is in the determination of copyright existence and the identity of the copyright owner. Broadcasters who do not regularly refer to copyright notices report primary reliance on performing rights' organizations or other methods of preclearance. The industry as a whole is highly organized around the preclearance concept: for music performing rights, ASCAP, BMI, and SESAC licenses are purchased; for "packaged" shows and films, contractual clearances are standard.

The reported number of copyrighted items used commercially in a typical week varies from zero to over 2,500, the central tendencies being toward the lower end of the scale: 25 percent of the users used less than 101 items, and 48 percent of the users used less than 501 items. Also, broadcasters tend to examine either all items or no items for copyright notices: 40 percent examined none and 24 percent examined all or nearly all of the items. Absent copyright notice, 56 percent of all responding broadcasters believe their operations would be unaffected or less difficult.

Sixty-eight percent of the broadcasters who regularly examine copyright notices reported that their operations would be more difficult in the absence of copyright notice, and 28 percent said their operations would be unaffected or less difficult. Seventy-five percent of the broadcasters who do not regularly examine copyright notices

said their operations would be unaffected or less difficult, absent copyright notice; 20 percent said their operations would be more difficult.

Addendum: Radio and television networks

Subsequent to the general distribution of questionnaires, it was decided to circulate networks. A list of three television networks and eight radio networks was chosen from the "Broadcasting-Telecasting Yearbook." Replies were received from three combined radio-television networks and one radio network. The latter reported no use of copyrighted materials owned by others, describing its activities as "buying and selling advertising time on radio stations."

As networks, and excluding their activities as owners and operators of radio and television broadcasting stations, the networks are not broadcasters. Their functions as networks are to create a program service for advertisers and affiliated broadcasting stations, i.e., to purchase and/or create and/or produce programs; to act as agent for the sale of part of their affiliates' broadcast time; and to arrange for electronic interconnection to deliver their network program service to affiliated broadcast stations.* In their function as creators of a program service they use copyrighted materials owned by others.

All three of the combined radio-television networks report such utilization in the form of broadcasting and acoustical and visual recording; one of them reports such use in the form of printed reproduction. All three of them refer to copyright notices as a part of their day-to-day operations for purposes of copyright determination, to find the date of copyright, and to identify the copyright owner. They report the use of from 2,800 to 3,500 copyrighted items in a typical week, and the examination of between 5 percent and 25 percent of such items for copyright notice. All three of the networks consider that their operations would be made more difficult by the absence of a copyright notice requirement. Also, assuming the absence of a copyright notice requirement, two of the three report that they would use numerous available sources to discover the copyright status of copyrighted materials; the third reports that its methods of operation would depend upon the "law in effect after the abandonment of the present system."

C. GREETING CARD INDUSTRY

Greeting card publishers of the United States, for purposes of this study, are represented by a sampling of two lists of such publishers compiled and released by the Greeting Card Association. These lists contain 259 entries, and questionnaires were sent to 131 of these firms, chosen at random.

Nearly half (20) of the total number of respondents (43) reported no commercial use of copyrighted material owned by others; in addition, the number of copyrighted items used by the 11 respondents who reported on their use of copyrighted materials is very small, with a strong statistical tendency toward zero. Also, the industry seems to give only a limited amount of attention to copyright notices on material which they do use. However, about two-thirds of those who

*See 85th Congress, 2d Session, House Report No. 1297, Network Broadcasting (Barrow Report), January 27, 1958, pp. 37, 38, 40-44.

use copyrighted material consider that the absence of copyright notice would make their operations more difficult.

Because of the small number of usable returns, any firm conclusion would be suspect. However, it seems that the industry has very little to do with commercial utilization of copyrighted material owned by others and only a limited amount of interest in the notice provisions from this viewpoint.

D. PERIODICAL PUBLISHERS

For purposes of this study, the periodical publishing industry is represented by the membership of the Associated Business Publications, Inc. (ABP), Agricultural Publishers Association (APA), National Business Publications, Inc. (NBP), and the Magazine Publishers Association (MPA). At the request of the National Business Publications, Inc., the mailing to its members was enclosed, by the association, with other material which it was sending; mailings to members of the other three associations were sent directly by the Copyright Office.

A relatively large return of questionnaires (43 percent) was experienced from this group. However, one-third of the returns reported no commercial use of copyrighted material owned by others. The group's commercial utilization of copyrighted materials is almost exclusively in printed reproduction. More than half refer to copyright notices as a day-to-day operation, primarily for the purposes of determining the existence of copyright and to identify the copyright owner. Even those who do not regularly refer to copyright notices are careful to obtain appropriate permission before using printed material, even though it may carry no copyright notice.

Most of those who report the commercial use of copyrighted materials use less than 26 such items per week, and two-thirds of them tend to examine every such item for a copyright notice. There is some direct association between the regular examination of copyright notices and the extent of such examination, that is, those who examine copyright notices regularly also tend to examine all material for notices; but there is no association between the lack of regular examination and a small number of such examinations.

About 63 percent of the responding publishers believe that absence of copyright notice would make their operations more difficult. However, if those who say they do not use commercially copyrighted material owned by others are considered, this percentage is reduced to 40 percent. Absent copyright notice, in order to obtain permission to reprint, magazine publishers would refer to the original publisher, the author or the "copyright owner" in that order; 14 percent say they would not know where to refer for such permission.

E. MUSIC PUBLISHING AND RECORDING INDUSTRY

The music industry, for purposes of this study, is represented by lists obtained from the Music Publishers Association (MPA), Music Publishers Protective Association (MPPA), the Recording Industry Association of America (RIAA), and the list of music publishers who

have executed the Songwriters Protective Association* Basic Agreement.

Of the 242 questionnaires dispatched, returns from 22 music publishers and 20 record producers were utilized. Ten of the music publishers reported no commercial use of copyrighted material owned by others; nearly half of the remaining publishers use copyrighted materials commercially in broadcasting, and one-quarter of them use such material for acoustical or visual recording. Two of twenty record producers make commercial use of copyrighted materials in ways other than acoustical recording.

All the music publishers and 85 percent of the record producers prefer to copyright notice as a part of their regular operations; all seek to identify the copyright owner, most seek to determine whether the work is copyrighted, and nearly 60 percent seek to find the date of copyright. Of 36 firms reporting, two-thirds use less than 26 copyrighted items in a typical week; 32 of the same 36 firms report that they examine these items for a copyright notice, 16 of the 32 reporting that they examine more than 80 percent. Most music publisher respondents (19 of 22) reported that their operations would be made more difficult if there were no copyright notice; 11 of 18 record producers agreed, but 5 of the record producers said they would be unaffected, and two said their operations would be less difficult.

The questionnaire, designed of necessity to apply to a number of economic groups, fits the music industry only partially. Apparently music publishers, by reason of their pattern of contractual relationships with composers, tend to consider that they do not exploit copyrighted musical material owned by others. The usual contract between composer and publisher transfers all rights in the composer's musical composition to the publisher, including the right to claim copyright in the publisher's name, and obligates the publisher to make stipulated royalty payments to the composer from certain gross revenues arising from exploitation of the composition.

This industry practice may explain the relatively meager return of questionnaires from the music publisher groups—only about 18 percent, compared to over 43 percent from a smaller group of phonograph record manufacturers, and an overall return of 35 percent from all groups addressed.

However, based on the rather small sample, the impression is conveyed that music publishers and record producers are considerably involved in radio, TV, and motion-picture production; that they generally look for and utilize the copyright notice and that their operations would be more difficult if the notice requirement were abolished.

F. NEWSPAPER PUBLISHING INDUSTRY

For purposes of this study, newspaper publishers are represented by a sampling of the membership lists of the American Newspaper Publishers Association (ANPA) and the Pennsylvania Newspaper Publishers Association (PNPA). The membership list of the ANPA contains approximately 670 names, and a questionnaire was sent to a list of 321 names, chosen at random. The PNPA has approximately 420 members, and a questionnaire was sent to a sample list of 206

*The name of the Songwriters Protective Association has recently been changed to American Guild of Authors and Composers.

taken from the "Rate Guide," in the January 1958 edition of the PNPA Bulletin.

Inspection of the returns indicated that the ANPA membership responses include several which cover both the journalistic and the radio-TV activities of a newspaper. The number of responses from newspapers with radio-TV operations is so small (a total of 9) that question may be raised about its statistical significance; therefore this limited group is not shown separately in this summary.

The questionnaire responses received from the newspaper publishing industry show that this industry, while largely dependent upon copyrighted material, has little interest in copyright notice as such. This stems from the fact that much of the material published by newspapers is received from various types of syndicates which copyright the material they sell and permit its utilization by purchasers under the contract of purchase. All such material whether it be features, columns, comics, or advertisements, usually carries a copyright notice. Materials gathered by a newspaper's own staff are copyrighted relatively infrequently. In only a few cases in which a newspaper wants to reprint an item does it really look for a copyright notice. A number of newspapers also own or control broadcasting stations and to the extent that this dual activity exists they show a tendency to take on the attitudes of broadcasters. (*Cf. supra*, Sec. I-B.)

Nearly two-thirds of all respondents refer to copyright notices on a day-to-day basis; however, in the PNPA only half of the respondents make such references. In general the respondents are chiefly interested in identifying a copyright owner or in determining whether a work is copyrighted when they refer to copyright notices; the date of copyright is of very minor importance. The reported number of copyrighted items used commercially by respondents in the course of any typical week tends strongly toward a relatively small figure; more than 56 percent report less than 51 such uses per week, and more than three-quarters report less than 101 such uses per week. Of the relatively small reported number of copyrighted items which are commercially used, nearly two-thirds of the users examine less than 20 percent for a copyright notice; less than one-third examine more than 80 percent of such items for copyright notice. Of all respondents about 65 percent report that their operations would be unaffected or less difficult in the absence of a copyright notice; the remaining 35 percent report that their operations would be more difficult. In the absence of the copyright notice 71 percent of the respondents would depend upon a syndicate contract or a copyright search to protect themselves; 14 percent said that it would be impossible to determine the copyright nature of materials in the absence of the copyright notice. Of the respondents who examine copyright notices on a day-to-day basis, more than half say they would not be adversely affected by the absence of copyright notice. On the other hand, of the respondents who do *not* examine copyright notices on a day-to-day basis nearly three-quarters report that their operations would not be adversely affected by the absence of copyright notice.

G. PRINTING INDUSTRY

For purposes of this study, the commercial printing industry is represented by a sample list of 425 members of the Printing Industry of America, Inc., a national trade association for the industry. This

sample was chosen by the officials of the trade association, and the questionnaires were prepared for dispatch in the association office.

Replies were received from 79 of the 424 questionnaires dispatched; this is a gross return of 19 percent. Relatively, the return from the printing industry was the smallest received from any group addressed. The only use reported of copyrighted materials owned by others was in the form of printed reproduction. About two-thirds of the usable responses reported regular reference to copyright notice, primarily to determine whether or not materials are copyrighted. The industry tends to use a very small number of copyrighted items, and half of the usable responses report examination of all such materials for copyright notices; nearly a third report they never refer to copyright notice. About 4 out of 5 printers consider that their operations would be more difficult, absent copyright notices.

H. NATIONAL ASSOCIATION OF MANUFACTURERS

In order to obtain a cross-section view of American industry as a whole in relation to the commercial utilization of copyrighted material and the importance of the copyright notice, in addition to the attitudes of specific groups, an appropriate selection of the membership of the National Association of Manufacturers has been included within the scope of the survey. This association includes businesses of all types and sizes, in all areas of the country.

A questionnaire was sent to each member of the patent committee of the National Association of Manufacturers. Members of this committee have at least a general knowledge of copyright problems and practices, and many of them are leading attorneys in the patent field. A total of 182 questionnaires were dispatched, 98 of them, or 51 percent, being returned. In 30 of the 93 returns, respondents reported that they use copyrighted material in the commercial sense either not at all or so infrequently as to be insignificant; i.e., nearly one-third of the respondents consider that their commercial utilization of copyrighted material is so small as to justify no treatment in a survey of the use of copyrighted material.

In general, it may be said that the responses from the members of the NAM reveal a group of varied industries which directly utilizes copyrighted materials owned by others only to a small degree but in a relatively large number of different ways. Most of them consider examination of copyright notices a part of their regular work. They tend to examine copyright notices carefully in the small number of cases in which they make commercial use of copyrighted material; and they tend to consider that the absence of a copyright notice would make their commercial utilization of copyrighted materials more difficult.

I. MISCELLANEOUS INDUSTRIES

Questionnaires were sent to members of six additional groups: The American Association of Advertising Agencies (AAAA), the Automobile Manufacturers Association (AMA), the Comic Magazine Association of America (CMA), the Direct Mail Advertising Association (DMAA), the Mail Advertising Service Association (MASA), and the Motion Picture Association of America (MPAA). The number of returns received from each of these groups, was, for various reasons, so small as to be not statistically significant. Therefore, despite the

lack of homogeneity, the returns (a total of 36) were considered as a group.

In three cases (AMA, CMA, and MPAA) the total membership of the association for copyright purposes is small, and although questionnaires were sent to all the suggested members, the returns were small. In the three other cases (AAAA, DMAA, and MASA) the association submitted a small sample list, and the numbers of returns were limited.

The results from this group should be considered in the light of its constitution. To an unknown degree, it is similar to the NAM in its heterogeneity.

The following table shows the number of questionnaires dispatched to each association and the disposition of them:

	AAAA	AMA	CMA	DMAA	MASA	MPAA	Totals
Number of questionnaires—							
Dispatched.....	33	13	9	20	10	8	93
Returned.....	12	5	5	9	3	2	36
Percentage returned.....	36	38	56	45	30	25	40
Unusable.....	1	2	2	0	0	0	5
Do not use copyright materials.....	0	0	0	2	0	0	2
Compiled.....	11	3	3	7	3	2	29

The percentage of returns is relatively large, but the absolute number in each association is small, so the percentage figures lose significance. However, considering the group as a whole, the number reporting no commercial use of copyrighted materials is small. Relative to other groups, the compiled proportion of total questionnaires dispatched is very adequate.

This heterogeneous group, on the basis of a relatively large percentage return, shows a large number of a wide variety of types of commercial uses of copyrighted material. About 59 percent of the respondents consider copyright notice examination to be a part of their day-to-day operations; this examination concentrates about equally on determination of whether or not the item is copyrighted and identification of the copyright owner; date of copyright is of secondary interest. The respondents tend to utilize only a small number of copyrighted items, and two-thirds of the respondents examine every item for copyright notice; the remainder examine few or none of the items. About two-thirds of the group consider that their operations would be more difficult in the absence of a copyright notice.

APPENDIX

OFFICE OF THE REGISTER OF COPYRIGHTS,
COPYRIGHT OFFICE,
THE LIBRARY OF CONGRESS,
Washington, D.C.

GENTLEMEN: The Copyright Office of the Library of Congress is engaged in a comprehensive review of the copyright law looking to a general revision of the present law. One of the problems under study is whether the current requirement that copyright notice appear on published copies of copyrighted works should be retained, modified, or abolished.

As a part of the study of this problem, the attached questionnaire is being sent, on a sample basis, to a number of business organizations representative of various groups of commercial users of copyrighted materials. Even though you or your firm may operate also as or for a creator of copyrighted materials, please respond to the questions only as a commercial user of copyrighted materials, for the use of which you must consider the necessity of obtaining permission from some other person.

Your cooperation in completing the questionnaire and returning it in the enclosed postage-free envelope will be greatly appreciated.

Sincerely yours,

W. M. BLAISDELL, *Economist*.

COPYRIGHT OFFICE
LIBRARY OF CONGRESS
QUESTIONNAIRE RE COPYRIGHT NOTICE

Instructions

General. This questionnaire is to be answered only in connection with commercial uses which you make of copyrighted material created by others; even though you may also create copyrightable material, answers should be given only in connection with your user activities. If there is not sufficient space on the questionnaire form for complete answers to any of the questions, answers should be written on additional sheets appended to the form. (Appended sheets should be used in answering questions 2(c) and 4(b). No part of the answers to this questionnaire will be used so as to reveal the identity of any individual correspondent.

Question No. 1. If you use copyrighted material in more than one category, check each category of use. Note that, in the third item in parts (b) and (c), and in part (d), the type of "other" utilization should be specified in addition to a checkmark.

Question No. 2. Note that the fourth item in part (b) provides for specification of "other" purposes in addition to a checkmark.

Question No. 3. Your best estimates only are requested in connection with this question.

Question No. 4. Under the present U.S. law, in order to secure copyright, the published copies of a work must ordinarily bear a copyright notice consisting of the word "Copyright" or the abbreviation "Copr." or the symbol ©, accompanied by the name of the copyright owner and the year of publication (or prior registration) from which the copyright term (28 years, or 56 years if renewed) is computed. A work published without the notice is ordinarily in the public domain. A copyright system without a notice requirement is exemplified by the laws of many foreign countries under which all copyrightable works are given copyright protection; the author named in the work is presumed to be the copyright owner and the term is a period of years computed from his death; or if the author is not named, the publisher is presumed to be the copyright owner and the term is a period of years after publication.

Category: _____

COPYRIGHT OFFICE
LIBRARY OF CONGRESS

QUESTIONNAIRE RE COPYRIGHT NOTICE

1. Indicate by a checkmark the way(s) in which your firm makes commercial use of copyrighted material owned by others.
 - (a) _____ Printed reproduction
 - (b) Public performance
 - _____ Radio broadcasting
 - _____ Television broadcasting
 - _____ Other: (Specify) _____
 - (c) Recording
 - _____ Acoustical (tape and/or disks)
 - _____ Visual and acoustical combined. (Sound motion pictures)
 - _____ Other: (Specify) _____
 - (d) _____ Other: (Specify) _____
 2. In connection with copyrighted materials used commercially by you.
 - (a) Is reference to copyright notices on such materials a part of your day-to-day operations? Yes _____ No _____
 - (b) If "Yes," for which of the following purposes:
 - _____ To determine whether a work is copyrighted?
 - _____ To find the date of copyright?
 - _____ To identify the copyright owner?
 - _____ Other: (Specify) _____
 - (c) If "No," what facts regarding the copyright status of such materials do you need to know, and how do you determine those facts? (Use an appended sheet if necessary.)
 3. (a) *Estimate* the number of copyrighted items used commercially by you in the course of any typical week. _____
 (b) In connection with what percentage of these items do you examine a copyright notice? _____%
 4. If, as in many countries, copyrighted materials were to bear no copyright notice.
 - (a) Would your commercial utilization of copyrighted materials be unaffected _____; less difficult _____; or more difficult _____?
 - (b) How would you determine the copyright status of copyrighted materials you might wish to use commercially? (Use appended sheet if necessary. If this question duplicates question 2(c) in your case, so indicate.)
 5. On an appended sheet, add any comments you care to make re copyright notice as an aspect of your business.
- Name _____ Title _____
 Name of Firm _____
 Type of Business _____