

COPYRIGHT LAW REVISION

STUDIES

PREPARED FOR THE

SUBCOMMITTEE ON
PATENTS, TRADEMARKS, AND COPYRIGHTS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE
EIGHTY-SIXTH CONGRESS, SECOND SESSION

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STUDIES 7-10

9. Use of the Copyright Notice by Libraries



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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. 9
USE OF THE COPYRIGHT NOTICE BY LIBRARIES
By JOSEPH W. ROGERS
January 1959

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USE OF THE COPYRIGHT NOTICE BY LIBRARIES

I. INTRODUCTION

The purpose of this paper is to present the results of a survey of the uses actually made of the copyright notice by libraries. These uses have, on the whole, no commercial objective, and are generally representative of noncommercial uses made by the general public.

The concept of copyright notice—

as a condition of copyright has been embodied in the U.S. law almost from the very beginning of Federal copyright legislation—since 1802, in fact. * * * In approaching a study of this matter, it must inevitably be asked whether the notice requirement is a useless vestige, or whether it has advantages which make its continuation in one form or another desirable.¹

Libraries were chosen for this study principally as representative of those who make noncommercial uses of copyrighted works. In general, the typical noncommercial user is the private citizen who uses intellectual works for personal enjoyment or instruction. Since libraries serve the general public and have no commercial objective in providing this service, their attitudes on copyright questions can, to a material degree, be equated with the interests of the general public. The copyright notice is, in addition, one aspect of copyright with which virtually all librarians have had contact.

A number of factors dictated limiting the study to a relatively small sampling of the many libraries of the country, chosen, not at random, but to be generally representative of library opinion. The questionnaire was developed to facilitate tabulation and to encourage the writing in of comments. It was distributed in two groups with an interval of a few months occurring between mailings. Some technical weaknesses in the questionnaire were revealed as returns from the first mailing came in. While these were corrected in the second mailing, the revision of some questions made it impossible to tabulate these particular returns for the entire group. However, comments on each question were solicited and were received in large number. For some parts of the following analysis, therefore, the comments provide the primary source of information; for the rest, the statistical results are presented in tables and are supplemented by those comments particularly pertinent to the question.

The first canvass was of 39 large libraries (including two library review periodicals, the Subscription Books Committee of the American Library Association, and a book wholesaler dealing largely with libraries) and 17 divisions of the Library of Congress. The second was of small public, county, and college libraries, one in each of the then 48 States. Seventy-four percent of the libraries outside of the Library of Congress submitted returns which could be tabulated. The high percentage of returns clearly indicated an active interest in the problem. This interest may be counted upon to be very

¹ Copyright Law Revision Study No. 7, *Notice of Copyright*, p. 1. [In the present committee print.]

evenly distributed in libraries regardless of size: the return from large libraries was 77 percent as against 71 percent from the small libraries.²

II. KINDS OF USE

A. PUBLIC SERVICE USES

In making judgments as to the applicability of library opinion to the question of retaining or modifying the copyright notice, it may be important to distinguish between the services which libraries perform directly for members of the public and those activities which contribute principally to operational aspects of library work. These latter functions, of course, contribute more or less directly to public service, but the distinction between them is drawn here to isolate those library uses most clearly representative of public uses.

All libraries were asked to arrange, in the order of greatest importance to them, 10 uses of the copyright notice in all phases of their work—selection, acquisition, cataloging, and reference. The order resulting from the rankings given by all libraries is shown in the following table. To secure this ranking, value factors were given each use ranging from 10 (for greatest importance) to 1 (for least importance). The first number following each use in the table is the value factor resulting from the returns from large libraries; the second number is that resulting from the returns from small libraries.

² While it is believed the sampling taken is generally representative of library opinion it must be admitted that it was a very small sampling. The following analysis of the distribution of those libraries returning questionnaires among types of libraries may be helpful in further clarifying the picture:

Type of library	Distribution				
	Large	Small	Total	Percent of total	
Public.....	13	20	33	41	
Divisions of Library of Congress.....	17	0	17	21	
University and College.....	7	4	11	14	
County.....	0	6	6	7	
Library schools.....	3	0	3	} 17	
Unknown.....	0	3	3		
Government.....	2	0	2		
Library periodicals.....	2	0	2		
School.....	0	1	1		
State.....	1	0	1		
ALA Subscription Books Committee.....	1	0	1		
Book Wholesaler.....	1	0	1		
Totals.....	47	34	81		100

The inclusion of the two library periodicals, the Subscription Books Committee, and the Book Wholesaler to the group of large libraries was obviously for other reasons than size.

The geographical distribution of the libraries responding (other than the Library of Congress, the library publications, Subscription Books Committee, and Book Wholesaler) shows that comments were received from 35 states and the District of Columbia. The states represented more than once are those in which library services are widely available.

Five replies were received from Illinois, New York, and Ohio; three from the District of Columbia; and two from California, Colorado, Indiana, Michigan, Missouri, Pennsylvania, and Wisconsin. One reply was received from each of the following states: Alabama, Arizona, Delaware, Florida, Idaho, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, Texas, Utah, West Virginia, and Wyoming. Three replies included in the tabulation were from libraries that did not identify themselves.

The copyright notice is used to—

Determine date of content (selection)	10-8
Determine date of content (reference)	9-7
Determine whether copyright date should be recorded (cataloging)	4-10
Determine whether edition received was edition ordered (acquisitions)	5-9
Secure information regarding earlier editions (reference)	6-5
Determine whether work can be copied without permission (reference)	8-2
Determine the identity of the copyright owner to secure permission (reference)	7-1
Search for authorship information (cataloging)	1-6
Search for clue as to bias or point of view (reference)	3-4
Search for clue as to bias or point of view (selection)	2-3

Thus, it is clear, for example, that both large and small libraries consider the notice very important in determining date of content (10-8, 9-7). With respect to the use of the copyright date in cataloging, on the other hand, large libraries attach relatively less significance to this use (4), whereas small libraries rank it highest in importance (10). Where large libraries attach much importance to the notice in handling requests for copies (8) and in determining the name of the copyright owner (7), small libraries rank these uses at the bottom (2 and 1). The order of the 10 uses in the table is determined by the total votes each use received, the largest number first.

1. *Timeliness of content*

The part of the copyright notice of most importance to all libraries is the copyright date. The date actually has a variety of uses in libraries, but the principal use is in making a determination of the timeliness of a particular work—the date of the work's content. Use of the copyright date for this purpose is applied in two major areas of library work, both affecting the quality of the library's service to its public—the selection of works for the collection and the selection for patrons of works which most adequately satisfy their inquiries.

Among the many factors which a selection librarian takes into account in judging whether or not a work should be acquired—the authority of the author, the reputation of the publisher, the subject matter of the work, the method of treatment and presentation, and other factors—the timeliness of the content is among the most important. The latest work in a field carries with it a presumption that the latest information available has been incorporated into it. Whereas examination of the text is necessary to prove finally whether or not this is so, the date in the copyright notice is a quick, and generally reliable, source of this information.

Similar considerations affect a patron's choice among the works available in a library collection. Reference libraries take these factors into account when their assistance has been requested; they know from experience that patrons generally want the latest information even when they do not so specify; further, library administrators generally take quite seriously their obligation to avoid misinforming their public. Supplying out-of-date facts is often tantamount to dispensing incorrect information. Such attitudes undoubtedly underlie the librarian's compelling interest in the copyright date.

The questionnaire also asked two questions which evoked a great many very positive comments, predominantly concerned with copyright date. These questions were phrased to test the proposal, advanced by author-publisher groups as a means of simplifying the

securing of copyright, for the "complete elimination of the notice requirements."³ Libraries were asked whether they would be inconvenienced if (1) the date were no longer required in the notice and (2) the notice itself were no longer required. The following two tables present these results:

Would you be inconvenienced if date were no longer required in the copyright notice?

	Large libraries		Small libraries		All libraries	
	Number	Percent	Number	Percent	Number	Percent
Yes.....	44	94	29	85	73	90
No.....	3	6	4	12	7	9
No answer.....	0	0	1	3	1	1
Totals.....	47		34		81	

Would you be inconvenienced if no notice were required?

	Large libraries		Small libraries		All libraries	
	Number	Percent	Number	Percent	Number	Percent
Yes.....	40	85	27	79	67	83
No.....	4	9	6	18	10	12
No answer.....	3	6	1	3	4	5
Totals.....	47		34		81	

Thus, 94 percent of the large libraries and 85 percent of the small libraries reported they would be inconvenienced by the absence of the copyright date. Strangely, slightly fewer libraries reported they would be inconvenienced by the absence of the entire notice. Written comments on these questions clearly demonstrate how strongly librarians would feel if the notice were no longer required or if the copyright date were no longer required as part of the notice. They also make clear that it is the copyright date that principally concerns them.

Divisions of the Library of Congress, for example, reported their degree of inconvenience as: "very great"; "serious"; "fairly frequent"; "considerable"; "very much"; "this would mean * * * reducing searching effectiveness and increasing possibility of purchase of [unwanted] duplicates." Large libraries used these terms: "severely"; "very great extent"; "not too greatly"; "very definitely"; "could not give quality reference service"; "serious in handling technical material"; "great extent"; "many hours would be spent trying to determine date"; "disastrous"; "would increase research time"; "[would be] seriously inconvenienced in working with * * * technical material"; "would need to examine every book, pamphlet, or film * * * much more carefully." Small libraries were equally positive: "great uncertainty in regard to accuracy of information in technical and scientific books"; "considerable extent"; "very considerably"; "seriously impair our efficient functioning"; "seriously handicapped"; "very great extent"; "serious blow to bibliography in the future";

³ See Copyright Law Revision Study No. 7, *Notice of Copyright*, p. 47.

"extremely inconvenient"; "definite handicap"; "[date] needed for reference work * * * indispensable!"; "terribly handicapped"; "a very serious omission"; "enormously."

A few librarians commented on the effect on the public: "scholars would * * * be required to depend upon a dated preface or evidence outside the book in order to determine recency"; "attention of public users of catalog is drawn constantly to copyright date on catalog cards"; "our readers often use copyright date to determine date of content"; "*disastrous* both to librarians and to the public"; "patrons of our library also use copyright date for books they want."

Others commented pointedly on the fact that the present law does not require date in the notice for maps:

"Most commercially published maps are not otherwise dated."

"The present law * * * is a great inconvenience. This situation is unfortunate and should be corrected."

"The handicap caused by lack of date in class F [maps] should be removed."

"I seriously feel it is dishonest for map publishers to distribute maps without dates, especially when they do so with the deliberate intention of selling an old map as a new or late one. If the publisher is given the protection from the public in the unlawful use of his map then the public should demand and be given similar protection by being assured of getting the map for the date desired."

"I have heard numerous complaints from various persons that the copyright date is not required on maps."

The concept of the function of the date in the notice as one of protection to the public was carried further by three librarians:

"The printed notice provides a legal control over unscrupulous publishers similar to the requirements of the Food and Drug Administration for the listing of the ingredients of patent medicines.

"I have had enough experience * * * to know that the copyright date stands as a hallmark. Its abandonment would result in many varieties of minor fraud being perpetrated on the American people. The smart buyer has at least some measure of protection as things are now."

"I think that the copyright statement as now given is a safeguard for the consumer, a protection to which he is as entitled as to the protection afforded by statements made in compliance with the pure food and drug laws. My concern for any change in copyright statement is that it should give more protection, rather than less, for the consumer."

"I do not wish to urge the importance of these points [regarding omission of copyright date] too much in opposition to a measure which from the point of view of author's rights might be a very progressive one. The British system is certainly much kinder to authors, while I feel the American one is more concerned with the public."

2. *Earlier editions*

Use of the copyright notice in the public-service activities of libraries for information about possible earlier editions is given a place of some importance by many libraries especially in the larger ones. The questionnaire returns from both large and small libraries placed this use about midway between the most and least important uses (values 6 and 5).

Comments indicating this use of the notice included the following:

"In a medium-sized college library * * * professors are constantly wanting (a) the *latest* edition; or (b) *not* the latest edition, but one that included material excluded in later editions."

"Need copyright dates of earlier editions."

"[Elimination of notice would make it] more difficult to check date of original edition and revision."

"We use the copyright date to determine whether or not to catalog a book as a new edition, assuming when there is a change in the copyright date there has been some change in the text of the book."

"A great help in dating books for which a definite publication date is not easily available."

"The copyright notice is used among other uses to help determine the previous history of the work."

"It is our purpose, as a selection aid for librarians, to deal with only current materials; we have a responsibility to our subscribers to be sure that the books and other materials we recommend are new. The first fact that we note for any book, pamphlet, or film that comes to us for consideration is the date of first publication. We rely on the copyright statement in American made materials to give us this information. We only wish that editions always carried statement of copyright of previous editions, or more specific statement of just what is newly copyrighted if only a new introduction, illustrations, or similarly added material, without changes in the basic text, have justified a new copyright."

"We often need to know the original copyright date on revised or new editions. * * * [We do] not give review space to reprints, and one of our safeguards is the first copyright date. In determining the extent of revision in a revised edition this notice also leads us easily to the original edition and is of considerable use to us."

"In [another publication] we give a good deal of space to reprints. * * * The fact that [the original copyright] date appears makes it possible to refer to Book Review Digest without much research that would otherwise be necessary and this alone is of inestimable help to us."

"We in reference use [copyright dates] to a fairly considerable extent, both in judging recency (though * * * they are a poor clue to the extent of revision) and in connection with copying."

"[Copyright date is often used] to determine, without actually comparing books, whether content is new or just reprint."

"To determine whether or not the edition in hand is a revision or reprint of an earlier edition."

"[If copyright date were eliminated] would not be certain of edition."

"It would be difficult to ascertain different editions."

"It would be difficult to determine the library's holdings in regard to earlier editions of the work."

"Our library relies upon the copyright date mainly for the latest revision date."

3. *Freedom to copy*

Libraries look for the copyright notice, and use it when a notice is found, as their principal or sole guide in determining whether a work, or portions of it, may be copied without the owner's permission for the library's own use or for use by a patron; if it appears that permission must be secured, the name in the notice is checked in the

process of determining the person or body to be contacted for permission.

In the Library of Congress the use of the notice for guidance on copying matters is given primary importance. The divisions of the Library of Congress ranked their uses of the copyright notice in the following sequence, descending in importance:

Determine whether work can be copied without permission (reference).

Determine the identity of the copyright owner to secure permission (reference).

Determine the date of content (reference).

Secure information regarding earlier editions (reference).

Determine date of content (selection).

Determine whether copyright date should be recorded (cataloging).

Search for authorship information (cataloging).

Search for clue as to bias or point of view (reference).

Determine whether edition received was edition ordered (acquisitions).

Search for clue as to bias or point of view (selection).

Compare ranking on page 97, *supra*.

As previously noted, most other libraries reported some use of the notice for this purpose, varying in degree roughly according to the size of the library; large libraries ranked this use just below the use of the date to determine date of content; small libraries ranked it last in importance.

The importance of the notice to the divisions of the Library of Congress in questions of copying is the result of several factors: (1) the comprehensiveness of its collections; (2) the presence of the tools of scholarly research (such as the National Union Catalog) which brings scholars to Washington for part or all of their work; (3) the strictness with which the Library interprets its obligation to protect authors and copyright owners against unauthorized copying; and (4) the ease with which information can be secured from the Copyright Office as to registration data, the names of later owners of the copyright when the rights of the person named in the notice have been assigned, the address of the current owner, and the date of expiration of the term. Other research libraries possessing the Catalog of Copyright Entries can perform some checking of this sort by its use. In general, however, libraries providing photocopying services depend upon the notice to determine whether or not they have freedom to copy without permission.

The survey asked whether libraries generally regarded the absence of a notice in a work as granting authority to copy without permission. The following table presents a picture of the returns to this question:

	Large libraries		Small libraries		All libraries	
	Number	Percent	Number	Percent	Number	Percent
Yes.....	26	55	16	47	42	50
No.....	14	30	12	35	26	32
No answer.....	7	15	6	18	13	18
Totals.....	47		34		81	

The indication is that about half of all libraries take for granted they may copy freely when no notice is found in the work, whereas a third of the libraries pursue a more cautious course and do not make this assumption. The remaining sixth presumably either do not provide copying services or have not encountered the situation. These returns also suggest that libraries regularly make decisions as to their freedom to copy by referring to the notice, and also that some probably through uncertainty as to when they may or may not copy, follow a very cautious course in permitting the making of copies.

B. OPERATIONAL USES

Many of the comments which have been quoted thus far no doubt pertain partly to the internal operating activities of libraries as well as to services given to the public. It may, indeed, be making an artificial distinction to separate these functions, since most library house-keeping operations contribute, in one way or another, to the effectiveness of the public services provided. However, since these uses seem to be somewhat further removed from the generally accepted purposes of the notice, they will be reported in this section. These uses are, for libraries, logical and practical applications of the information conveyed in the notice.

A few libraries mentioned the use of the name in the notice for the securing of permissions. Four libraries mentioned writing to the copyright owners named in the notice for permission to use copyrighted materials in their own radio and television programs and in other public-relations activities. One librarian-author mentioned his use of the notice in securing permissions to quote from copyrighted works. Four small libraries stated they had frequent occasion to check the notice for the name of the person having authority to grant permission, although 23 other libraries indicated they seldom or never had occasion to use the notice for this purpose. One small library mentioned including the copyright date in booklists issued for public distribution, and as essential information supplied in requests for inter-library loans.

There were many comments from libraries of all types regarding the relative value of the imprint and copyright dates. Eleven public libraries and one college library stated that they preferred copyright date to imprint date in cataloging and shelflisting as being more reliable in indicating the date of content. This policy also enables them to add printings of years subsequent to the year of first publication as added copies rather than as new editions. One library, planning to remove its older works from its active collections, expects to use the copyright date as the basis for separating the collections.

There is some use of the name of the copyright owner in cataloging. One library makes occasional use of the notice when the author's name is given in fuller form; however: "since we now use the name as it appears on the title page, this use is less frequent." Another library referred to the name in the notice as the "source," suggesting that for much material this name would appear nowhere else; another reported, "we are * * * alert to the holder of the film copyright since there are relatively more sponsored films than books and credit lines do not always give sufficient indication of the sponsor."

As this comment suggests, the name in the copyright notice sometimes provides a clue as to the particular point of view or "bias" of a work. Librarians involved in selection, readers' advisory work, and reference are particularly conscious of this factor, especially with works dealing with controversial issues and when readers consciously seek expressions of opinion on both sides of a question. The name and date in the notice, in addition to the names of author and publisher, sometimes provide useful clues as to the point of view represented in a work, as the following comment indicates:

I have always stressed [in teaching] the value of copyright information for getting clues * * * as a means of identifying certain English imports sold in the United States under American imprints.

The returns from small libraries indicate the notice is used for this purpose "seldom" and "often" in approximately equal numbers. Large libraries placed this use among the less important ones.

In acquisitions work, reference to the notice to make sure the edition received was the edition ordered and to determine whether the notice contained information regarding earlier editions is a common practice in all libraries, but especially so in large public libraries. Three-quarters of the small libraries indicated such use was made "always" or "often." One small library noted the usefulness of copyright date in placing orders for replacement copies of older works.

An activity related to the ordering of replacement copies was the use of the copyright date in discarding operations. Four libraries mentioned this use; the following is a typical comment:

In a continual weeding and discarding process we use the copyright date constantly.

The same library stated that the date was "invaluable" in recataloging; this was the only specific mention of recataloging as a separate operation.

The use of the notice in general cataloging work apparently is more constant in small than in large libraries. Large libraries placed the use of copyright date in cataloging among the less important uses, whereas 70 percent of the small libraries indicated they always examined the notice to determine whether the copyright date should be recorded. Large libraries placed the use of the notice for authorship information as the least important use: half of the small libraries indicated they referred to the notice "often" or "always" for authorship information. Some of the comments on this use are illuminating:

"We refer to the copyright notice vicariously through the date on the catalog card more often than actually from the verso of the t-p. itself; but without the copyright notice, the cataloger preparing copy would often be forced to omit the date of publication entirely—to our great discouragement."

"[Omission of copyright date] would require a change in cataloging policy regarding use of latest copyright date in the imprint rather than the printing date."

"We use the copyright date to determine whether or not to catalog a book as a new edition."

"[If date were omitted from the notice] many hours would be spent in trying to determine the date by Processing Department staff."

"We find the copyright date much more satisfactory than publication date—especially for date in call number, and adding duplicates."

"[Omission of copyright date] would be a great hindrance to * * * catalogers."

"Comprehensive revision of searching and cataloging procedures would be required, if copyright notices were to be given up."

"For much material there would be no date at all, if there were no copyright notice."

"We are very much disturbed at even the possibility of a situation where the copyright number [i.e., date] would not be available. We use the copyright number [i.e., date] in our cataloging and shelf listing and consider the imprint date much too fickle a date."

"In cataloging and adding additional or replacement copies it is often easy [by use of copyright date] to determine through card catalog whether handling new editions or just reprints."

"We use the copyright date in all cataloging, in preference to publication date."

"[Copyright date] is an integral part of the cataloging process."

"In library cataloging [copyright date] is considered essential."

"We always use [copyright date] for research in cataloging processes."

One librarian communicated his record cataloger's wish that a copyright date appeared on sound recordings.

The copyright date has usefulness in facilitating the arrangement of book collections. The following comments specifically mentioned this use:

"It is our plan to shelve and store our books by date, i.e., remove the older books from shelves in public rooms on a date basis, and our shelf list consequently needs to carry the copyright date as the imprint date is too impractical in this respect."

"We use the year date of copyright * * * for indicating edition sequence in book organization."

Use of the copyright date in the handling of rare books and in bibliographical work generally, was mentioned in some of the comments from divisions of the Library of Congress:

"In any work connected with the purchase of rare books, the copyright date is an essential guide. * * * I have used the copyright information steadily * * * to establish definitive editions and first editions. * * * The copyright date is the birth certificate of a book and just as necessary a part of library vital statistics as a person's birth certificate. To omit it from the official description of the book would seem to me as careless and inadequate as for a State to keep no records of its population."

"In bibliography especially and in the treatment of rare books generally the copyright notice is an essential clue to the publishing of any book or pamphlet."

"Our bibliographers constantly use this information in determining first editions."

III. EXTENT OF USE

Two questions—essentially "do you use the notice?" and "how often?"—revealed that nearly all libraries referred to the copyright notice with great frequency. The tabulation of replies to the first question from all respondents is given in the following table:

Do you use the copyright notice?

	Large libraries		Small libraries		All libraries	
	Number	Percent	Number	Percent	Number	Percent
Yes.....	47	100	32	94	79	98
No.....	0	0	2	6	2	2
Totals.....	47		34		81	

The survey thus indicates that 98 percent of all libraries make some use of the copyright notice.

To determine frequency of use the questionnaires asked libraries to estimate the number of uses per day or week for each of the principal copyright classes. A great many libraries supplied no estimates at all, and many others gave them only for books or for books and periodicals. All estimates reported were converted, to the extent this was possible, to number of uses per year, rounded to the nearest thousand. The results are shown in the following table:

How many times a year is reference made to the copyright notice?

Copyright class	Large libraries	Small libraries	All libraries
Books.....	419,000	132,000	551,000
Periodicals.....	56,000	10,000	66,000
Music.....	21,000	6,000	27,000
Maps.....	19,000	7,000	26,000
Works of art and photos.....	10,000	11,000	21,000
Dramas.....	2,000	16,000	18,000
Motion pictures.....	13,000	2,000	15,000
Totals.....	540,000	184,000	724,000

Libraries responding..... 47
 Average annual use per library..... 15,404

Because these are estimates which undoubtedly include a relatively high degree of error, it is probably not safe to draw any but the most obvious conclusions. Assuming these libraries are representative of libraries in general, it seems quite clear that each library uses copyright notices many thousands of times a year, principally the notices contained in books.

This conclusion is further supported by many of the comments made in answer to this question, which often came from libraries which did not make estimates:

“The section heads refuse to even guess.”

“Too many to count.”

“Regarding books and periodicals: several hundred thousand times per year. Regarding dramas, music, maps, and art: impossible to even guess.”

“I cannot venture a guess.”

“Many, many times. Actual number almost impossible to estimate.”

“Cannot possibly estimate.”

"Probably hundreds of times a day—counting use in books and on catalog cards."

It is also clear that libraries acquire a preponderance of copyrighted as against noncopyrighted materials. The questionnaire included a request for estimates of the percentage of the works acquired in each major copyright class that contained copyright notices. Since most Library of Congress divisions canvassed do not have custody of collections and since no one division could be asked to represent the institution as a whole, tabulation was made only of the returns from other libraries: 20 of the 30 large libraries, and 31 small libraries, a total of 51, responded by giving estimates for books; considerably fewer estimates of receipts of other materials were given as the following table indicates:

	Number of libraries reporting percentage of works acquired containing copyright notices				Total number of libraries reporting
	76 to 100 percent	51 to 75 percent	26 to 50 percent	Up to 25 percent	
Books.....	41	7	3		51
Periodicals.....	24	7	3		34
Dramas.....	25	1	2		28
Maps.....	6	5	1		12
Music.....	9	2		1	12
Works of art.....	2	1	1	4	8
Photographs.....	1	2	1	1	5
Motion pictures.....	2	1	1	1	5

This table demonstrates that copyright materials, except for works of art, predominate as against noncopyrighted works in the acquisitions of American libraries (87 percent of the estimates fell in the 76-100 percent and 51-75 percent columns). In the case of books, periodicals, dramas, and music, copyrighted materials constitute 75 percent or more of the acquisitions of most libraries. Considering books alone, 41 (or 80 percent) of the libraries responding placed copyrighted accessions at 75 percent or more of the total, and 48 (or 94 percent) placed them at 50 percent or more. In this category a great many libraries indicated by write-ins that 90 percent or more of their purchases were of copyrighted books. Separate analyses of the estimates of large and small libraries reveal that it can be said, as a general rule, that the smaller the library the higher the percentage of copyrighted works acquired.

The Library of Congress varies materially from this pattern by virtue of its very large receipts of noncopyrighted domestic documents, of foreign works acquired by purchase and through exchange, and of manuscripts, recordings, materials for the blind, and other materials acquired by gift, purchase, or exchange. Copies of copyrighted works transferred currently to the Library of Congress now exceed 200,000 pieces a year (including some duplicates); nevertheless, in relation to the Library's total receipts (on a "piece" basis) this quantity may represent less than 25 percent of the total of the Library's annual receipts. Obviously, an appraisal of the public-service value of one group of receipts as against another might well present a quite different qualitative aspect than these quantitative estimates suggest; this study does not attempt to make any such evaluation.

IV. CONCLUSIONS

The results of this survey point to many conclusions; the following appear to be clearly supported and of most pertinence to the kind of notice provision which a revised copyright law should contain:

Almost all libraries make frequent use of the copyright notice for some purposes. There is no question but that copyright notices are referred to in any one library many thousands of times a year.

Most libraries, other than the Library of Congress, acquire more works containing copyright notices than works which do not. This is true of all library materials now subject to copyright except works of art (i.e., books, periodicals, dramas, maps, music, and still and motion pictures).

The notice is used by librarians in giving direct service to the public and also in selecting, acquiring, and organizing materials for service.

Many librarians use the copyright notice as their principal if not sole guide in determining whether a work, or portions of it, may be copied without permission; they check the name in the notice in determining the person or body to be contacted for permission. Far more use of the notice for this purpose is made by the Library of Congress than by libraries generally, and more by large libraries than small ones.

The copyright notice is of concern to libraries principally because it contains the copyright date; the name in the notice is of secondary utility.

The copyright date is widely interpreted by libraries as the date of the content of the work; to the extent that the date of content suggests that the work contains the latest information available or the information available at a particular time, it is a conveniently placed indication of the possible value of a work, and as such is useful both in selecting works for addition to the collection and in assisting library users in making the best use of the materials in the collection.

This use of copyright date is representative of the noncommercial use made of the notice by the general public; particularly by those who tend to discriminate in their choice of materials on the basis of the date of the content.

Some librarians consider the notice (especially the date) as a protection of the public against misrepresentation of the content, much as the labeling requirements of the Pure Food and Drug Act (and similar labeling laws relating to other products) protect the public in the use of such products.

The copyright date has other uses in libraries, notably that of conveying information regarding earlier editions of the same work. The date is used in such other library activities as cataloging, shelf listing, recataloging, discarding, ordering replacement copies, arranging editions of the same work on the shelves, retiring older works to storage collections, and identifying rare books.

Most libraries would be inconvenienced, many quite seriously, if copyright date were no longer required in the notice, or if the notice itself were no longer required. Some libraries mentioned their past and present difficulties occasioned by the lack of a copyright date in the notice for maps, and urged strongly that date should be required in the notice for maps as well as for other materials.