

APPENDIX II
 REPORT OF THE REGISTER OF COPYRIGHTS FOR
 THE FISCAL YEAR 1923-24

WASHINGTON, D. C., July 7, 1924.

SIR: The copyright business and the work of the copyright office for the fiscal year July 1, 1923, to June 30, 1924, inclusive, are summarized as follows:

RECEIPTS

Fees, etc.

The gross receipts during the year were \$167,705.98. A balance of \$15,039.34, representing trust funds and unfinished business, was on hand July 1, 1923, making a total sum of \$182,745.32 to be accounted for. Of this amount the sum of \$5,411.51, received by the copyright office, was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$177,333.81. The balance carried over to July 1, 1924, was \$14,788.91 (representing trust funds, \$13,104.97, and total unfinished business since July 1, 1897—27 years—\$1,683.94), leaving fees applied during the fiscal year 1923-24 and paid into the Treasury \$162,544.90.

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

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

1897-98	\$55,926.50	1912-13	\$114,980.60
1898-99	53,267.00	1913-14	120,219.25
1899-1900	65,206.00	1914-15	111,922.75
1900-1901	63,687.50	1915-16	112,986.85
1901-2	64,687.00	1916-17	110,077.40
1902-3	68,874.50	1917-18	106,352.40
1903-4	72,629.00	1918-19	113,118.00
1904-5	78,058.00	1919-20	126,492.25
1905-6	80,198.00	1920-21	134,516.15
1906-7	84,685.00	1921-22	138,516.15
1907-8	82,387.50	1922-23	149,297.00
1908-9	83,816.75	1923-24	162,544.90
1909-10	104,644.95		
1910-11	109,913.95	Total	2,690,690.40
1911-12	116,685.05		

EXPENDITURES

The appropriation made by Congress for salaries in the copyright office for the fiscal year ending June 30, 1924, was \$112,400. The total expenditures for salaries was \$111,991.08, or \$50,553.82 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditures for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$926.92, leaving a balance for the year of \$49,626.90 to the credit of the office.

During the 27 fiscal years since the reorganization of the copyright office (from July 1, 1897, to June 30, 1924) the copyright fees applied and paid into the Treasury have amounted to \$2,690,690.40, the articles deposited number 5,432,149, and the total copyright registrations number 3,094,825.

The fees earned (\$2,690,690.40) were larger than the appropriations for salaries used during the same period (\$2,249,423.04) by \$441,267.36.

In addition to this direct profit the large number of nearly five and a half million books, maps, musical works, periodicals, prints, and other articles deposited during the 27 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the copyright office effected a large saving to the purchase fund of the Library equal in amount to their price.

COPYRIGHT ENTRIES AND FEES

The registrations for the fiscal year numbered 162,694. Of these, 153,147 were registrations at \$1 each, including a certificate, and 6,114 were registrations of photographs without certificates, at 50 cents each. There were also 3,433 registrations of renewals, at 50 cents each. The fees for these registrations amounted to a total of \$157,920.50.

The number of registrations in each class from July 1, 1918, to June 30, 1924, is shown in Exhibit D.

COPYRIGHT DEPOSITS

Articles deposited. The total number of separate articles deposited in compliance with the copyright law which have been registered, stamped, indexed, and catalogued during the fiscal year is 273,445. The number of these articles in each class for the fiscal years July 1, 1920, to June 30, 1924, is shown in Exhibit E.

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

Requests for copies. In response to inquiries received during the year from the card division, the order division, and the reading room in regard to 568 books supposed to have been copyrighted but not discovered in the Library, it was found that 69 of these works had been received and were actually in the Library, 34 books had been deposited and were still in the copyright office, 40 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 134 works no answers to our letters of inquiry had been received up to June 30, 1924. Copies were received of 291 works in all in response to requests made by the copyright office during the period of 12 months for works published in recent years.

Articles deposited during year. The total copyright deposits for the year included 20,120 printed volumes, 55,120 pamphlets and leaflets, 78,756 newspapers and magazines (separate numbers), 3,709 dramas, 37,950 pieces of music, 4,427 maps, 14,768 photographs, 17,038 prints, 8,598 motion pictures, 22,300 contributions to periodicals, 5,024 works of art and drawings, and 280 lectures. These were all produced in the United States. From abroad there were received 4,376 books in foreign languages and 979 books in English.

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

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

During the fiscal year a total of 95,259 articles deposited have been transferred to the Library of Congress. This number included 20,282 books, 58,108 periodicals, 9,689 pieces of music, 3,283 maps, and 3,897 photographs and engravings.

*Transferred to
Library.*

Out of the total number of articles deposited in the copyright office during the period from July 1, 1909, to June 30, 1924 (3,278,230), there have been transferred to the Library of Congress 276,713 books, 335,000 pieces of music, 71,531 maps, 55,415 photographs and prints, 609,100 newspapers and magazines (numbers)—a total of 1,347,759 pieces during 15 years.

*Total transfers,
1909-1924.*

Under authority of section 59 there were transferred during the fiscal year to other governmental libraries in the District of Columbia "for use therein" 5,319 books. Under this transfer, up to June 30, 1924, the following libraries have received books as indicated below:

*Transfers to
other libraries.*

Bureau of Education, 13,613; Bureau of Standards, 2,094; Department of Agriculture, 3,255; Department of Commerce, 7,181; Engineer School, Corps of Engineers, 3,153; Federal Trade Commission, 6,814; Surgeon General's Office, 4,596; Navy Department, 1,715; Public Library of the District of Columbia, 35,019; Soldiers' Home, 1,232; Interstate Commerce Commission, 689; Treasury Department, 1,292; Patent Office, 778; Bureau of Mines, 370; Walter Reed Hospital, 538; to 16 other libraries a total of 7,575 volumes, making a grand total of 89,914.

Return of deposits to copyright claimants.

Under the provisions of the act of March 4, 1909, authority is granted also for the return to the claimants of copyright of such copyright deposits as are not needed by the Library of Congress or the copyright office. The notice required by section 60 has been printed for all classes of works deposited and registered during the years July 1, 1909, to June 30, 1919. In response to special requests 8,153 motion-picture films have been returned during the fiscal year to the copyright claimants and 36,622 other deposits, making a total of 44,775 articles. Since the act went into effect up to June 30, 1924, a total of 548,046 articles have thus been returned to the claimants of copyright in them, and altogether there have been transferred from the copyright office shelves 2,014,169 articles, thus securing a great saving of space and avoiding useless duplication and accumulation.

INDEX OF COPYRIGHT ENTRIES, CATALOGUE, BULLETINS,
AND CIRCULARS

Copyright Index cards.

As required by statute, all copyright entries are fully indexed. During the fiscal year 236,354 cards were made for this purpose and served also as copy for the Catalogue of Copyright Entries, which formed, during the calendar year 1923, five octavo volumes totaling nearly 7,700 pages.

So far as practical, the title cards for copyrighted books prepared by the catalogue division of the Library of Congress are used in preparing printer's copy for the Catalogue of Copyright Entries, Part I, Group I (books). But of the 58,003 titles of books included in the catalogue during the calendar year 1923, about 8,000 were so prepared. The remaining 50,000 titles were written in the copyright office by the catalogue and index division, and in addition the index cards required for all other works registered, which numbered, during 1923, over 236,000.

During the calendar year the Catalogue of Copyright Entries was interrupted in publication from March to June, 1924. Since July 1, however, all parts are in the hands of the printer. No numbers have been printed except the leaflets for books proper, but it is now hoped that the printing of the delayed numbers, long since prepared, may go forward with some promptness.

SUMMARY OF COPYRIGHT BUSINESS

Summary of
copyright business.

Balance on hand July 1, 1923.....	\$15, 039. 34	
Gross receipts July 1, 1923, to June 30, 1924.....	167, 705. 98	
Total to be accounted for.....	182, 745. 32	
Refunded.....	5, 411. 51	
Balance to be accounted for.....	\$177, 333. 81	
Applied as earned fees.....	\$162, 544. 90	
Balance carried over to July 1, 1924:		
Trust funds.....	\$13, 104. 97	
Unfinished business July 1, 1897, to June 30, 1924, 27 years.....	1, 683. 94	
	14, 788. 91	
	177, 333. 81	
Total fees earned and paid into Treasury during the 27 years from July 1, 1897, to June 30, 1924.....	2, 690, 690. 40	
Total unfinished business for 27 years.....	1, 683. 94	

FEEES FOR FISCAL YEAR

Fees for registrations, including cer- tificates, at \$1 each.....	\$153, 147. 00	
Fees for registration of photographs without certificates, at 50 cents each.....	3, 057. 00	
Fees for registrations of renewals, at 50 cents each.....	1, 718. 50	
Total fees for registrations recorded.....	157, 920. 50	
Fees for certified copies of record, at 50 cents each.....	\$904. 50	
Fees for recording assignments.....	2, 888. 00	
Searches made and charged for at the rate of 50 cents for each hour of time consumed.....	336. 50	
Notices of user recorded (music).....	206. 00	
Indexing transfers of proprietorship..	289. 40	
	4, 624. 40	
Total fees for fiscal year 1923-24.....	162, 544. 90	

ENTRIES

Number of registrations.....	159, 261	
Number of renewals recorded.....	3, 433	
	162, 694	
Number of certified copies of record..	1, 809	
Number of assignments recorded or copied.....	2, 050	

Correspondence. The greater part of the business of the copyright office is done by correspondence. The total letters and parcels received during the fiscal year numbered 179,443, while the letters, parcels, etc., dispatched numbered 177,462. During the last 27 fiscal years the money orders received numbered 753,918.

COPYRIGHT OFFICE PUBLICATIONS

Bulletins. The new Canadian copyright law of June 4, 1921, which was amended on June 13, 1923, and went into effect on January 1, 1924, was printed with the Canadian Copyright Rules and Forms, 1924, as Copyright Office Bulletin No. 20 (iii, 55 pp. 8°).

The "United States copyright laws in force" and the "Rules and Regulations for the registration of claims to copyright," Bulletins 14 and 15, respectively, were reprinted during the year without changes.

Circular. The President's proclamation of December 27, 1923, extending reciprocal copyright protection to Canada, including protection under section 1 (e) of the act of 1909, in regard to the mechanical reproduction of musical works, and the Canadian copyright certificate of December 26, 1923, extending to the United States the Canadian copyright act which went into effect on January 1, 1924, was issued as Information Circular No. 63 (2 pp. 8°).

CONDITION OF COPYRIGHT OFFICE WORK

Condition of current work. On July 7, 1924, the remittances received up to the third mail of the day had been recorded. The account books of the bookkeeping division were balanced for June, the financial statements were prepared for the Treasury Department, and all earned fees to June 30 had been paid into the Treasury. But the current work of recording, cataloguing, and indexing is seriously in arrearage. The record division has 2,866 entries and the catalogue and index division 5,756 entries to be overtaken.

COPYRIGHT LEGISLATION PROPOSED

Performance of music for profit. Several bills have been presented since the opening of the Sixty-eighth Congress last December, for the purpose

of amending section 1 (e) of the copyright act of March 4, 1909, dealing with the mechanical reproduction of musical compositions. The first of these is a bill of six lines introduced by Hon. Albert Johnson on December 5, 1923,¹ which proposes to strike out the words "except in case of public performance for profit," from the second sentence in section 1 (e), leaving it to read:

The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright.

On January 26, 1924,² a bill was introduced in the House by Hon. Walter H. Newton, of Minnesota. It proposes to strike out from section 1 (b) the exclusive right of the owner of the copyright "to arrange or adapt it if it be a musical work," and adds to section 1 (e) a new proviso reading:

That the copyright control shall not extend to public performance for profit of musical compositions where such performance is made from printed or written sheets or reproducing devices issued under the authority of the owner of the copyright.

On February 23 (legislative day, February 22), 1924, Hon. Clarence C. Dill introduced a bill³ corresponding to H. R. 6250, but specifically referring to the reproduction of music by radio or telephone.

On April 11 (legislative day, April 10) an amended bill⁴ was introduced by Senator Dill, in which a new proviso to section 1 (e) is proposed, reading as follows:

That the copyright control shall not extend to public performance of musical compositions where such performance is made from printed or written sheets or by reproducing devices issued

¹ 1923 (Dec. 5). A bill to amend section 1 of the copyright law. Introduced by Mr. Johnson, of Washington. H. R. 713, 68th Cong., 1st sess. Printed, 1 p. 4°. Referred to the Committee on Patents.

² 1924 (Jan. 26). A bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Newton, of Minnesota. H. R. 6250, 68th Cong., 1st sess. Printed, 5 pp. 4°. Referred to the Committee on Patents.

³ 1924 (Feb. 22, calendar day, Feb. 23). A bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Dill. S. 2600, 68th Cong., 1st sess. Printed, 5 pp. 4°. Referred to the Committee on Patents.

⁴ 1924 (Apr. 10, calendar day, Apr. 11). A bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Dill. S. 3078, 68th Cong., 1st sess. Printed, 5 pp. 4°. Referred to the Committee on Patents.

under the authority of the owner of the copyright, by use of the radio or telephone, or radio receiving sets, or both or all of them; and no additional charges or fees shall be made by any owner of a copyright or by his assignee or licensee, because that or any other musical composition is being furnished by, or for use by, radio, or because any person or corporation is engaged in furnishing or using musical compositions by radio, and that the right to use musical compositions shall not be refused to any person because such person is furnishing musical performances for or by radio.

This bill was introduced in the House of Representatives on April 15 by Hon. W. A. Ayres.⁵

On April 17, 1924, Hon. Albert Johnson, of Washington, reintroduced his bill⁶ of December 5, 1923, with a new proviso to section 1 (e), paragraph 1, which reads as follows:

And provided further, That when any author or composer or his or her administrator, executor or assign shall publish or cause to be published for sale to the public copies of any copyrighted musical composition, the sale of any such copy shall free the same from further contribution by the holder thereof to the author or composer or his or her administrator, executor, or assign, in case of public performance for profit.

It also strikes out from the concluding paragraph of section 1 (e) the words "unless a fee is charged for admission to the place where such reproduction or rendition occurs," so that the paragraph reads:

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit.

The Committees on Patents of the House and Senate held hearings on these bills.⁷

⁵ 1924 (Apr. 15). A bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Ayres. H. R. 8685, 68th Cong., 1st sess. Printed, 5 pp. 4°. Referred to the Committee on Patents.

⁶ 1924 (Apr. 17). A bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Johnson, of Washington. H. R. 8734, 68th Cong., 1st sess. Printed, 5 pp. 4°. Referred to the Committee on Patents.

⁷ To amend the copyright act. Hearings before a subcommittee on Patents, U. S. Senate, 68th Cong., 1st sess., on S. 2800, a bill to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright" approved March 4, 1909, April 9, 17 and 18, 1924. Washington, Government Printing Office, 1924. 2 p. l., 277 pp. 8°.

Copyrights. Hearings held before the Committee on Patents, House of Representatives, 68th Congress, 1st session, on H. R. 6250 and H. R. 9137, bills to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. April 25, May 6, 7, and 8 [and 15 and 17], 1924. Washington, Government Printing Office, 1924. 1 p. l., 383 pp. 8°.

INTERNATIONAL COPYRIGHT UNION

Several bills were introduced during the fiscal year to permit the United States to enter the International Copyright Union. On December 5, 1923, Hon. J. N. Tincher reintroduced the bill ⁷ which was printed in my last year's report (1922-23, pp. 165-168), and on December 6, 1923, Hon. Sol Bloom introduced a bill ⁸ which is identical in text with that presented on December 6, 1922, in the Senate as S. 4104; also printed in last year's report on page 162.

On December 6, 1923, Hon. Henry Cabot Lodge introduced a new bill ⁹ for the entrance of the United States into the International Copyright Union, which bill, printed in Appendix I, pages 202-204, was also introduced in the House of Representatives on the same day by Hon. Florian Lampert.¹⁰ Both bills were referred to the respective Senate and House Committees on Patents.

In addition to the above bills, which provide simply and solely for entrance of the United States into the International Copyright Union with such minimum amendment of our copyright laws as would make such entrance possible, a bill for a general revision of the copyright laws of the United States, but including provision for membership in the Copyright Union, was introduced in the house on March 24, 1924,¹¹ by Hon. Frederick W. Dallinger. This bill in amended form was reintroduced by Mr.

⁷ 1923 (Dec. 5). A bill to amend the copyright law in order to permit the United States to enter the International Copyright Union. Introduced by Mr. Tincher, H. R. 573, 68th Cong., 1st sess. Printed, 6 pp. 4°. Referred to the Committee on Patents.

⁸ 1923 (Dec. 6). A bill to amend the copyright law in order to permit the United States to enter the International Copyright Union. Introduced by Mr. Bloom. H. R. 2663, 68th Cong., 1st sess. Printed, 6 pp. 4°. Referred to the Committee on Patents.

⁹ 1923 (Dec. 6). A bill to amend the copyright law in order to permit the United States to enter the International Copyright Union. Introduced by Mr. Lodge, S. 74, 68th Cong., 1st sess. Printed, 4 pp. 4°. Referred to the Committee on Patents.

¹⁰ 1923 (Dec. 6). A bill to amend the copyright law in order to permit the United States to enter the International Copyright Union. Introduced by Mr. Lampert (by request). H. R. 2704, 68th Cong., 1st sess. Printed, 4 pp. 4°. Referred to the Committee on Patents.

¹¹ 1924 (Mar. 24). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Introduced by Mr. Dallinger. H. R. 8177, 68th Cong., 1st sess. Printed, 31 pp. 4°. Referred to the Committee on Patents.

United States
and the Interna-
tional Copyright
Union.

Lodge bill, S.
74.

Lampert bill,
H. R. 2704.

General revision
of the copyright
laws.

Dallinger on May 9, 1924.¹³ The text of this bill is printed in the appendix to this report, pages 204-236.

COPYRIGHT FOR DESIGNS

*Design
right bills.* copy-

The question of copyright for designs has been under discussion for several years and was reported on in my annual reports from 1913 to 1918. On February 25, 1924, a new design copyright bill was introduced in the Senate by Hon. Arthur Capper¹¹ and referred to the Committee on Patents. This bill with slight verbal amendments was introduced in the House of Representatives on March 4, 1924, by Hon. Albert H. Vestal,¹⁴ was referred to the House Committee on Patents, and is printed in Appendix I to this report, pages 237-248. This bill was referred to in the House copyright hearings on May 15, 1924, and two amendments were submitted: First, to provide that rules and regulations under the act shall be made by the register of copyrights; second, to authorize Congress to appropriate the required sum to put the act into effect.

REVISED STATUTES

*Revision of the
laws.*

A bill for the codification of the laws of the United States (mentioned in my annual report for 1920-21, pp. 123-124) was reintroduced on December 5, 1923, by Hon. Edward C. Little in the Sixty-eighth Congress and passed the House on January 7, 1924. Under "Title 36 patents, trade-marks, and copyrights," is "Chapter 3. Copyrights," the latter subject including sections 6208 to 6266, pages 632 to 639. This bill was referred to the Senate Select Committee on Revision of the Laws on January

¹¹ 1924 (May 9). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1900. Introduced by Mr. Dallinger. H. R. 9137, 68th Cong., 1st sess. Printed, 52 pp. 4°. Referred to the Committee on Patents.

¹² 1924 (Feb. 25, legislative day Feb. 22). A bill providing for the registration of designs. Introduced by Mr. Capper. S. 2601, 68th Cong., 1st sess. Printed, 18 pp. 4°. Referred to the Committee on Patents.

¹⁴ 1924 (Mar. 4). A bill providing for the registration of designs. Introduced by Mr. Vestal (by request). H. R. 7539, 68th Cong., 1st sess. Printed, 18 pp. 4°. Referred to the Committee on Patents.

15,¹⁶ and was reported¹⁶ adversely by Hon. Richard P. Ernst, of Kentucky, on June 3, 1924, who proposed a joint resolution¹⁷ to provide for the appointment of a commission to consolidate, codify, revise, etc., the laws of the United States in force December 2, 1923.

MOTION-PICTURE CENSORSHIP COMMISSION

Mention has been made in my reports for 1914 to 1916 of bills which were introduced in the House and Senate to provide for the establishment of an official national motion-picture censorship commission, and providing that copyright should be contingent upon the film receiving "the certificate and seal of this commission." The favorable report from the House Committee on Education on February 16, 1915, is quoted in my report for 1914-15, page 168. A later bill (see my report for 1915-16, p. 192) eliminated the copyright clause altogether. Majority and minority reports were submitted to the House in May, 1916 (H. Rept. 697, parts 1 and 2, 64th Cong., 1st sess.), but no further action was recorded. This year, however, on February 9, 1924, a bill was introduced by Hon. William D. Upshaw, of Georgia, to provide for a Federal Motion-Picture Commission¹⁸ and it contains at the end of "Sec. 5. Licenses" a paragraph reading as follows:

(4) Copyright.—Nine months after this act takes effect no copyright shall be granted to any motion-picture film unless it shall be

¹⁵ 1924 (Jan. 15). An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923. [Passed the House of Representatives, Jan. 7, 1924.] In the Senate of the United States, Jan. 15, 1924. H. R. 12, 68th Cong., 1st sess. Printed, 1627 + vii pp. 4°. Read twice and referred to the Select Committee on Revision of the Laws. Contains: Title 36. Patents, trade-marks, and copyrights. Chapter 3. Copyrights, secs. 6206-6266, pp. 632-639.

¹⁶ 1924 (June 3). Codification of laws. Mr. Ernst, from the Select Committee on Revision of the Laws, submitted the following report (to accompany S. J. Res. 141). S. Rept. No. 722, 68th Cong., 1st sess. Printed, 71 pp. 8°.

¹⁷ 1924 (June 3). Joint resolution providing for the appointment of a commission to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923. In the Senate of the United States. Mr. Ernst, from the Select Committee on the Revision of the Laws, reported the following joint resolution; which was read twice and placed on the calendar. S. J. Res. 141 (Report No. 722), 68th Cong., 1st sess. Printed, 2 pp. 4°.

¹⁸ 1924 (Feb. 9). A bill to create a commission to be known as the Federal Motion-Picture Commission, and defining its powers and duties. Introduced by Mr. Upshaw. H. R. 6821, 68th Cong., 1st sess. Printed, 54 pp. 4°. Referred to the Committee on Education.

accompanied by a valid license from the commission as herein provided.

No report on this bill has been made to date.

COPYRIGHT IN CANADA AND SOUTH AFRICA

*New Canadian
copyright law.*

The text of the Canadian copyright act of June 4, 1921, was printed in my annual report for 1920-21, pages 141-168. On June 13, 1923, an amendatory act was approved by which the act of 1921 became effective on January 1, 1924. This amendatory act is reprinted as an appendix to this report, page 249. Under this act the Canadian minister of trade and commerce issued a certified notice on December 26, 1923, extending the act to the United States, and a reciprocal proclamation was issued by the President of the United States on December 27, 1923, extending to Canadians copyright in the United States, including protection under section 1(e) of the copyright act of 1909 regarding mechanical musical reproduction, both effective on January 1, 1924. The Canadian notice and the President's proclamation are printed as Appendix III to this report, pages 250-252. The Canadian copyright acts, of 1921 and 1923, and the Copyright Rules and Forms, 1924, have been printed by the copyright office as a separate pamphlet (Bulletin No. 20, iii+55 pp., 8°).

*Proclamation re
Canada.*

*Proclamation re
Union of South
Africa.*

On June 26, 1924, a copyright proclamation under section 1(e) of the act of 1909 was issued by the President in favor of the Union of South Africa. This proclamation becomes effective on July 1, 1924; the full text is printed on pages 252-257 of this report, together with the corresponding proclamation by the Governor of South Africa, dated June 9.

Respectfully submitted.

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

EXHIBIT A.—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1924.

Month	Gross receipts	Refunds	Net receipts	Fees applied
1923				
July.....	\$12,820.23	\$369.90	\$12,450.33	\$11,981.60
August.....	11,065.81	252.80	10,813.01	11,649.10
September.....	13,093.74	374.80	12,718.94	14,195.70
October.....	13,343.85	348.48	12,995.38	14,417.40
November.....	12,944.22	430.85	12,513.37	12,852.60
December.....	16,244.59	283.80	15,960.79	14,448.70
1924				
January.....	18,790.08	806.45	18,183.63	14,490.95
February.....	12,566.88	368.01	12,173.87	12,987.10
March.....	15,332.05	744.22	14,587.83	14,600.85
April.....	14,095.70	668.77	13,426.93	14,529.60
May.....	14,806.58	547.85	13,960.73	14,390.65
June.....	12,900.24	390.58	12,509.66	12,000.65
Total.....	167,705.98	5,411.51	162,294.47	162,544.90

Balance brought forward from June 30, 1923..... \$15,039.34

Net receipts July 1, 1923, to June 30, 1924:

Gross receipts..... \$167,705.98

Less amount refunded..... 5,411.51

162,294.47

Total to be accounted for.....

177,333.81

Copyright fees applied July 1, 1923, to June 30, 1924..... 162,544.90

Balance carried forward to July 1, 1924:

Trust funds..... 13,104.97

Unfinished business..... 1,683.94

177,333.81

EXHIBIT B.—Record of applied fees

Month	Registrations, including certificates		Registrations of photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$1	Number	Fees at \$0.50	Number	Fees at \$0.50		
1923								
July.....	11,251	\$11,251	571	\$285.50	249	\$124.50	12,071	\$11,661.00
August.....	11,082	11,082	272	136.00	184	92.00	11,538	11,310.00
September.....	13,547	13,547	328	164.00	330	165.00	14,205	13,876.00
October.....	13,677	13,677	556	278.00	102	51.00	14,335	14,006.00
November.....	12,152	12,152	510	255.00	271	135.50	12,933	12,542.50
December.....	13,524	13,524	1,083	541.50	143	71.50	14,750	14,137.00
1924								
January.....	13,552	13,552	532	266.00	583	291.50	14,667	14,109.50
February.....	12,233	12,233	416	208.00	381	190.50	13,030	12,631.50
March.....	13,783	13,783	455	227.50	216	108.00	14,454	14,118.50
April.....	13,574	13,574	373	186.50	518	259.00	14,465	14,019.50
May.....	13,492	13,492	472	236.00	251	125.50	14,215	13,853.50
June.....	11,280	11,280	548	273.00	205	102.50	12,031	11,635.50
Total.....	153,147	153,147	6,114	3,057.00	3,433	1,716.50	162,694	157,920.50

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of users		Search fees	Total fees applied
	Number	Fees at \$0.50	Number	Fees	Number	Fees at \$0.10	Number	Fees		
1923										
July.....	204	\$102.00	138	\$180	81	\$8.10	59	\$19.50	\$11.00	\$11,961.60
August.....	97	48.50	174	242	86	8.60	70	23.00	17.00	11,649.10
September.....	136	68.00	155	215	22	2.20	44	14.00	20.50	14,195.70
October.....	137	68.50	217	293	59	5.90	61	20.00	24.00	14,417.40
November.....	153	76.50	146	187	126	12.60	24	8.00	26.00	12,852.60
December.....	209	104.50	96	150	182	18.20	82	26.00	13.00	14,448.70
1924										
January.....	179	89.50	101	227	172	17.20	76	24.75	23.00	14,490.95
February.....	102	51.00	188	251	131	13.10	55	17.00	23.50	12,967.10
March.....	175	87.50	186	249	1,206	120.60	10	3.25	22.00	14,600.85
April.....	144	72.00	224	328	361	36.10	91	30.00	44.00	14,529.60
May.....	125	62.50	268	350	324	32.40	46	15.25	77.00	14,390.65
June.....	148	74.00	157	216	144	14.40	17	5.25	35.50	12,000.65
Total.....	1,809	904.50	2,050	2,838	2,894	289.40	635	206.00	338.50	162,844.90

EXHIBIT C.—Statement of gross cash receipts, yearly fees, number of registrations, etc., for 27 fiscal years

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98	\$61,099.56	\$58,929.80	75,545		
1898-99	64,185.65	58,267.00	80,908	5,423	
1899-1900	71,072.33	65,266.00	94,798	13,830	
1900-1901	69,525.25	63,687.50	92,351		2,447
1901-2	68,405.08	64,687.00	93,978	627	
1902-3	71,533.91	68,874.50	97,979	5,001	
1903-4	75,302.83	72,639.00	108,130	5,151	
1904-5	80,440.56	78,068.00	113,374	10,244	
1905-6	82,610.92	80,198.00	117,704	4,330	
1906-7	87,394.31	84,685.00	123,839	6,135	
1907-8	85,042.03	82,387.50	119,742		4,097
1908-9	87,085.83	83,816.75	120,131	389	
1909-10	113,662.83	104,644.95	109,074		11,057
1910-11	113,661.52	109,918.95	115,198	6,124	
1911-12	120,149.51	116,685.05	120,931	5,733	
1912-13	118,968.26	114,980.80	119,495		1,436
1913-14	122,636.92	120,219.25	123,154	3,659	
1914-15	115,594.55	111,922.75	115,193		7,961
1915-16	115,663.42	112,988.85	115,967	774	
1916-17	113,808.51	110,077.40	111,438		4,529
1917-18	109,103.87	106,352.40	106,728		4,710
1918-19	117,518.96	113,118.00	113,008	6,275	
1919-20	132,371.37	126,492.25	126,562	13,560	
1920-21	141,199.33	134,516.15	135,280	8,718	
1921-22	145,398.26	138,516.15	138,633	3,353	
1922-23	153,923.62	149,297.00	148,946	10,313	
1923-24	167,705.98	162,544.90	162,694	13,748	
Total	2,805,056.87	2,690,690.40	3,004,825		

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

EXHIBIT D.—Table of registrations made during fiscal years 1918-19 to 1923-24, inclusive, arranged by classes¹

	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):						
(a) Printed in the United States.....	36,615	37,710	39,864	44,626	52,034	58,729
(b) Printed abroad in a foreign language.....	855	939	1,134	1,309	2,386	2,306
(c) English books registered for ad interim copyright.....	240	441	247	372	641	947
Total.....	37,710	39,090	41,245	46,307	55,061	61,982
Class B. Periodicals (numbers).....	25,083	28,935	34,074	35,471	37,104	39,806
Class C. Lectures, sermons, addresses.....	146	216	198	374	276	261
Class D. Dramatic or dramatico-musical compositions.....	2,293	2,906	3,217	3,418	3,778	3,409
Class E. Musical compositions.....	23,209	29,151	31,064	27,381	24,900	26,734
Class F. Maps.....	1,207	1,498	1,647	1,930	2,042	2,265
Class G. Works of art; models or designs.....	1,901	2,115	2,762	2,954	2,790	2,873
Class H. Reproductions of works of art.....	7	11	7	1	0	4
Class I. Drawings or plastic works of a scientific or technical character.....	573	914	739	800	1,254	1,342
Class J. Photographs.....	4,542	6,955	7,048	6,645	6,875	7,922
Class K. Prints and pictorial illustrations.....	9,997	10,945	9,362	9,139	10,400	11,170
Class L. Motion-picture photoplays.....	1,295	1,418	1,301	1,307	1,145	1,181
Class M. Motion pictures not photoplays.....	184	296	330	180	132	292
Renewals.....	1,006	2,112	2,206	2,726	2,689	3,433
Total.....	113,003	126,562	135,280	138,633	148,946	162,694

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

EXHIBIT E.—Table of articles deposited during 1920-21, 1921-22, 1922-23, and 1923-24, with totals of articles deposited for years 1897-98 to 1923-24

	1920-21	1921-22	1922-23	1923-24	Total, 1897-1924
1. Books:					
(a) Printed in the United States:					
Volumes.....	19,306	20,074	20,658	20,120	-----
Pamphlets, leaflets, etc.....	35,636	41,414	49,397	55,120	-----
Contributions to newspapers and periodicals.....	13,125	16,566	13,827	22,300	-----
Total.....	68,067	78,054	83,882	97,540	-----
(b) Printed abroad in a foreign language.....	2,546	2,901	5,092	4,376	-----
English works registered for ad interim copyright.....	247	372	641	979	-----
Total.....	70,800	81,327	94,615	102,898	1,491,522
2. Periodicals.....	68,148	70,006	73,989	78,756	1,300,573
3. Lectures, sermons, etc.....	198	371	276	280	2,771
4. Dramatic or dramatic-musical compositions.....	3,545	3,676	4,074	3,709	85,213
5. Musical compositions.....	47,688	41,016	36,733	37,980	1,170,855
6. Maps.....	3,322	3,718	4,124	4,437	94,984
7. Works of art; models or designs.....	2,794	2,960	2,792	2,876	77,067
8. Reproductions of works of art.....	14	2	0	2	2,068
8a. Chromos and lithographs.....			0	0	48,712
9. Drawings or plastic works of scientific or technical character.....	1,174	1,304	2,233	2,147	14,567
10. Photographs.....	13,649	12,772	13,468	14,768	590,850
11. Prints and pictorial illustrations.....	14,520	14,551	16,327	17,028	465,309
12. Motion-picture photoplays.....	8,534	8,301	7,350	8,124	88,544
13. Motion pictures not photoplays.....	676	358	248	464	4,779
14. Miscellaneous (unclassified articles).....					778
15. Foreign books received under act of Mar. 3, 1906.....					2,527
Total.....	235,122	241,262	256,229	273,445	5,432,149

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

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

ADDENDUM I

(96th Cong., 1st sess. S. 74. In the Senate of the United States. December 6, 1978)

Mr. Lodge introduced the following bill; which was read twice and referred to the Committee on Patents.

International Copyright Union. A BILL to amend the copyright law in order to permit the United States to enter the International Copyright Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to effect and proclaim the adhesion of the United States to the convention creating an international union for the protection of literary and artistic works, known also as the International Copyright Union, signed at Berne, Switzerland, September 9, 1886, and revised at Berlin, Germany, November 13, 1908, and to the "Additional protocol" to the said convention executed at Berne, Switzerland, March 20, 1914.

SEC. 2. That it is hereby declared that the United States desires to be placed in the first class of the countries which are members of the International Copyright Union, as provided in article 23 of the said convention of 1908.

SEC. 3. That the rights and remedies granted by the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, and the Acts amendatory thereof, shall be, and are hereby, extended to the authors of works of architecture, and choreographic works and pantomimes, as class (n) and class (o), respectively, in the list of classes of copyright works in section 5 of the said Act; but the copyright of a work of architecture shall cover only its artistic character and design and shall not extend to processes or methods of construction; nor shall it prevent the making or publishing of photographs, paintings, or other illustrations thereof, and the proprietor of the copyright shall not be entitled to obtain an injunction restraining the construction of an infringing building or an order for its demolition.

SEC. 4. That on and after the date of the President's proclamation, as provided in section 1 of this Act, foreign authors not domiciled in the United States who are citizens or subjects of any country (other than the United States) which is a member of the International Copyright Union, or authors whose works are first published in and enjoy copyright protection in any country which is a member of the said union, shall have within the United States the same rights and remedies in regard to their works which citizens of the United States possess under the copyright laws of the United States and for the period of copyright prescribed by said laws, including any term of copyright renewal: *Provided, however,* That no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in copies lawfully made or the continuance of enterprises lawfully undertaken within the United States prior to the date of said proclamation.

SEC. 5. That in the case of works by such authors first produced or published after the date of the said proclamation the copyright protection in the United States shall begin upon such date of first production or publication; and in the case of all of their works, not previously copyrighted in the United States, in which copyright is subsisting in any country of the Copyright Union at the date of said proclamation, the copyright protection in the United States shall begin upon such date; but the duration and termination of the copyright protection in the United States for all works shall be governed by the provisions of sections 23 and 24 of the said Copyright Act of 1909: *Provided, however,* That the duration of copyright in the United States shall not in the case of any foreign work extend beyond the date at which such work has fallen into the public domain in the country of origin.

SEC. 6. That the enjoyment and the exercise by such authors of the rights and remedies accorded by the copyright laws of the United States and the provisions of this Act shall not be subject to the performance of any formalities in order to secure copyright, and such authors shall not be required to comply with the provisions of the

copyright laws of the United States as to publication with notice of copyright, deposit of copies, registration of copyright, or manufacture within the limits of the United States.

SEC. 7. That the provisions of section 31 of the said Act of 1909 shall not apply to a book by any author described in section 4 of this Act unless, under an assignment recorded in the Copyright Office at Washington of the copyright for the United States in such book, an American edition thereof shall have been produced which complies with the requirements of the said Act as to manufacture, publication, deposit of copies, and registration.

SEC. 8. That the Supreme Court of the United States shall prescribe such additional or modified rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement of copyright under the provisions of this Act.

(68th Cong., 1st sess. H. R. 9137. In the House of Representatives. May 9, 1924)

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

*General revision
of U. S. copyright
laws.*

A BILL to amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, is amended to read as follows:

"That any person entitled thereto shall have the exclusive right:

"(a) To publish, print, reprint, copy, produce, reproduce, transmit, and vend or otherwise dispose of the copyrighted work in any medium or form or in any manner whatsoever.

"(b) To translate the copyrighted work into other languages or dialects and to reproduce, perform, or publish such translation or to make any other version of such work.

“(c) To dramatize such work if it be a nondramatic work or to convert said work if it be a motion picture into a nondramatic or dramatic work.

“(d) To convert said work into a novel or other nondramatic work, if it be a dramatic work.

“(e) To arrange, transpose, or adapt it, if it be a musical work, and to add or omit words to or from such a work.

“(f) To execute, complete, and reproduce it, if it be a model or design for a work of art or any other work subject to copyright.

“(g) To deliver or authorize the delivery of the copyrighted work in public for profit, if it be a lecture, sermon, address, or similar production.

“(h) To perform or represent the copyrighted work publicly in whole or in part if it be a dramatic work, or, if it be a dramatic work, and not reproduced in copies for sale or public distribution, to vend or otherwise dispose of any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record or other contrivance thereof, whereby it may in any manner or by any method or means be exhibited, performed, represented, produced or reproduced, and to exhibit, perform, represent, produce or reproduce it in any manner or by any method whatsoever.

“(i) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted on and after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: *Provided further*, That as a

consideration of extending the copyright control to such mechanical reproductions, whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: *And provided further*, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

“In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

“The production or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is

charged for admission to the place where such reproduction or rendition occurs.

"SEC. 2. This Act shall apply both to published and unpublished works. No person shall be entitled to copyright or any similar right in any work, subject to copyright hereunder, in the United States or its dependencies, otherwise than under or in accordance with the provisions of this Act, but nothing in this Act contained shall be construed as abrogating any right or jurisdiction to bring an action for a breach of trust or confidence or unfair competition.

"SEC. 3. For the purpose of this Act, publication in relation to any work means the issue of copies of the work to the public, and does not include the performance or exhibition in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art; and the issue of photographs or engravings of works of sculpture and architecture shall not be deemed to be a publication of such work of sculpture or architecture.

"SEC. 4. For the purposes of this Act (other than those relating to infringement) a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published or performed in public, or delivered in public, without the written consent or ratification of the author, his executors, administrators, or assigns.

"SEC. 5. That the works for which copyright may be secured under this Act shall include all the writings of an author, in every material medium, method, or form whatsoever.

"SEC. 6. The copyright granted hereunder is distinct from the property in the material object copyrighted, and the sale or conveyance by gift or otherwise of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright in itself constitute a transfer of title to the material object.

"SEC. 7. That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copy-

right is already subsisting. The copyright in collective works shall give to the proprietor thereof copyright in the complete work as a whole, and, subject to the foregoing, as to each copyrightable part thereof, the author shall be the proprietor of the copyright in such part, in the absence of contract to the contrary.

“SEC. 8. That compilations or abridgments, adaptations, arrangements, dramatizations, translations, motion pictures, or other versions of works in the public domain, or of copyrighted works, when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publications of any such new works shall be subject to the provisions of section 7, and not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

SEC. 9. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act, which has not been already copyrighted in the United States, save as provided in section 12, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

“SEC. 10. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the term specified in this Act: *Provided, however,* That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

“(a) When an alien author or proprietor reside within the United States at the time of the first publication of his work therein; or

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

“The existence or cessation of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

“SEC. 11. That the President of the United States be, and he is hereby, authorized to effect and proclaim the adhesion of the United States to the convention creating an international union for the protection of literary and artistic works, known also as the International Copyright Union signed at Berne, Switzerland, September 9, 1886, and revised at Berlin, Germany, November 13, 1908, and to the ‘additional protocol’ to the said convention executed at Berne, Switzerland, March 20, 1914, as a member of the first class of the countries which are members of the said International Copyright Union.

“SEC. 12. That on and after said adhesion to said union, in the case of works of foreign authors not residents of the United States who are citizens or subjects of any country (other than the United States) which is a member of the said International Copyright Union, or authors whose works are first published in and enjoy copyright protection in any country which is a member of the said union, copyright protection in the United States shall begin upon the date of first production, if said work be unpublished, or of publication, in one of said unionist countries, if said work be published,

as the case may be; and in the case of all works of said authors in which copyright is subsisting in their country of origin in the case of any country of said copyright union at the date of said proclamation, the copyright protection in the United States shall begin upon the date of said proclamation: *Provided, however,* That the duration of copyright in the United States shall not in the case of any work extend beyond the date at which said work has fallen into the public domain in the country of origin: *And provided further,* That the duration and termination of copyright protection in the United States for all works shall be governed by the provisions of sections 22, 23, and 24 of this Act.

“That subject to the foregoing, all said authors shall have within the United States the same rights and remedies in regard to their works, which citizens of the United States possess under the copyright laws of the United States: *Provided, however,* That where any person prior to the issuance of said proclamation has taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance, in whole or part, of any work of foreign origin, which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work of foreign origin, in whole or part, at a time when such reproduction or performance would but for the passing of this Act have been lawful, nothing in this Act contained shall diminish or prejudice any rights, or interests arising from or in connection with such action, or in connection with copies lawfully made or the continuance of enterprises lawfully undertaken within the United States pursuant to the foregoing, prior to the date of said proclamation.

“SEC. 13. That the enjoyment and exercise by such foreign authors, not residents in the United States, of the rights and remedies afforded by this Act shall not be subject to the performance of any formalities in order to secure copyright, and such foreign authors shall not be required to publish with notice of copyright, deposit copies, register claims of copyright, or

manufacture within the limits of the United States, save under the optional provisions of this Act.

"SEC. 14. That the author, publisher, proprietor, or any other person interested in a copyright, deriving his interest in a copyright from or through the author may obtain registration of a claim to such copyright, or any of the rights comprised therein, by complying with the provisions of this Act and upon such compliance the register of copyrights shall issue the certificate provided for in section 58 of this Act.

"SEC. 15. That the application for registration or of any assignment, license, or transfer of any right comprised in a copyright, if made, shall state the details of the matters set forth in section 58, including the name of the author of the work or his pseudonym, unless published anonymously, and shall specify to which of the following classes the work in which copyright is claimed belongs:

"(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;

"(b) Periodicals, including newspapers;

"(c) Lectures, sermons, addresses (prepared for oral delivery);

"(d) Dramatic or dramatico-musical compositions;

"(e) Musical compositions;

"(f) Maps;

"(g) Works of art; models or designs for works of art;

"(h) Reproductions of a work of art;

"(i) Drawings or plastic works of a scientific or technical character;

"(j) Photographs;

"(k) Prints and pictorial illustrations;

"(l) Motion-picture photoplays;

"(m) Motion pictures other than photoplays;

"(n) Works of architecture, models, and designs for architectural works;

"(o) Choreographic works and pantomimes, the acting form of which is fixed in writing or otherwise.

"*Provided, nevertheless,* That the above specifications shall not be held to limit the subject matter of copyright

as defined in section 5 of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

"SEC. 16. That in order to obtain such registration there shall be deposited in the Copyright Office, or in the mail addressed to the register of copyrights, Washington, District of Columbia, the following:

"(a) In the case of works of which copies are not reproduced for sale, one complete copy of such work, typewritten or otherwise, if it be a book, lecture, or similar production or a dramatic, musical, or dramatico-musical composition; of a title or description, and synopsis sufficient for identification, if the work be a motion-picture photoplay or of a title and description sufficient for identification, if the work be a motion picture other than a photoplay; of a photographic print if the work be a photograph; or of a photograph or other identifying reproduction thereof, if it be a work of art or any other work, other than one of the works above specified, subject to copyright under this Act.

"(b) In the case of works of which copies are reproduced for sale, if the work be a book, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, save in the case of works protected by virtue of any international agreement which provides for the granting of copyright to which the United States may become a party, shall have been produced in accordance with the manufacturing provisions specified in section 18 of this Act; or if such work be a contribution to a periodical or collective work for which contribution special registration is requested, one copy of the issue or issues, or work, containing such contribution, and in the case of all works subject to copyright other than books reproduced in copies for sale, the copy, print, photograph, or other identifying reproduction or matter provided in the preceding subdivision of this section.

"SEC. 17. That the United States postmaster to whom are delivered the articles deposited as provided in section 16 of this Act on application for registration of copyright and remittance shall, if requested, give receipt therefor and shall mail them to their destination without cost to the copyright registrant.

"SEC. 18. That of the printed books or periodicals specified in section 15, subsections (a) and (b) of this Act, the text of all copies published in book form shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States and type set therein; or, if the text be produced by lithographic, photogravure or photo-engraving or any kindred process, or any process of manufacture hereafter devised, then by a process wholly performed within the limits of the United States, and the printing or other reproduction of the text and the binding of said book shall be performed within the United States. Said requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic, photogravure, or photo-engraving process, and also to separate lithographs, photogravures, or photo-engravings, except where, in either case, the subjects represented are located in a foreign country or illustrate any scientific or technical work or reproduce a work of art. Said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books of foreign origin published abroad in the English language, in which United States copyright may exist by virtue of any international agreement for reciprocity in the granting of copyright to which the United States may become a party except, in the latter case, during any period of time during which the United States copyright, or the right to publish, print and vend said work is owned in law or in equity by a citizen or resident of the United States.

"SEC. 19. That in the case of a book, except lithograph, photogravure, or photo-engraving, manufacture of

which is required in the United States under the preceding section, an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright, or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, shall be filed in the copyright office within ten days after such publication, setting forth the manner in which compliance has been had with the requirements of the preceding section. Such affidavit shall state also the place where, and the establishment or establishments in which, such type was set or plates were made or lithographic or photo-engraving process or printing and binding, were performed, and the date of completion of printing of the book or the date of publication, and no action shall be maintained for infringement of the right to publish, print, or vend the said work in book form at any time or times when compliance with section 18 is requisite or because of any act or thing done or undertaken during said time or times, unless said affidavit shall be filed within said time or the court shall find that the failure to file said affidavit was due to excusable neglect.

"SEC. 20. No notice of copyright shall be required on any work subject to copyright under this Act, but a notice of copyright may be placed upon all copies of said work published, offered for sale or exhibited in the United States or abroad which shall consist either of the word "Copyright" or the abbreviation "Copr." accompanied by the name of the copyright proprietor. In the case of copies of works specified in subsections (f) to (n), inclusive, of section 15 of this Act the notice may consist of the letter C enclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall also appear.

"SEC. 21. That the notice of copyright, if affixed, shall be applied in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical, either upon the title page or upon

the first page of the text of each separate number or under the title heading; or if a contribution to a periodical, at the foot of the first page of text or under the title or caption; or if a musical work, either upon its title page or the first page of music: *Provided*, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

"SEC. 22. The term for which copyright secured by this Act shall endure shall be the life of the author and a period of fifty years after his death except where the author be a corporation or partnership, and in the latter case, fifty years from the date of production of said work: *Provided*, That where the author of a work is the first owner of the copyright therein, no assignment of the copyright and no grant of any interest or right comprised therein, whether by license or otherwise, made by him, otherwise than by will, after the enactment of this Act, shall be operative to vest in the assignee or grantee, any title or right with respect to copyright in the work beyond the expiration of twenty-five years after the death of the author and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his or her widow or widower or heirs at law if his or her widow or widower shall not survive him or her as the case may be, and any agreement entered into by him as to disposition of such reversionary interest shall be null and void; but nothing in this proviso shall be construed as applying to the assignment of copyright of a collective work or to a license to publish any work or a part thereof as part of a collective work.

"That the copyright subsisting in any work at the time this Act goes into effect shall be extended to the term provided in the preceding paragraph: *Provided, however*, That said copyright if so extended shall vest in the author of such work or his or her widow or widower or his or her heirs at law, if his or her widow or widower shall not survive him or her, as the case may be, despite any assignment or grant other than by will, as provided in the preceding paragraph, at the expiration of the term

of copyright as provided in connection with copyright subsisting in such works at the time when this Act goes into effect. Said proviso shall not, however, apply to copyrights in collective works or licenses to publish a work or a part of a work as part of a collective work.

"SEC. 23. In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer; and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as reference to a period after the expiration of the like number of years from the death of the author who dies first.

"SEC. 24. The provisions of this Act with reference to the term of copyright shall apply whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name, and in the case of a posthumous work shall be a period of fifty years from the date of the death of the author.

"SEC. 25. That if any person shall infringe the copyright of any work protected under the copyright laws of the United States, such person shall be liable:

"(a) To an injunction restraining such infringement.

"(b) To pay the copyright proprietor (1) such damages as the proprietor of the copyright right or rights infringed may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement; and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or (2) at the option of such proprietor, in lieu of actual damages and profits, such damages as to the court shall appear to be just; and in assessing such damages the court may, in its discretion, allow the amounts hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of \$200; and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that

he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of \$100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringement could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of \$5,000 nor be less than \$250, and such damages shall in no other case exceed the sum of \$5,000 nor be less than the sum of \$250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

“First. In the case of a painting, statue, or sculpture, \$10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

“Second. In the case of any work enumerated in section 15 of this Act, except a painting, statue, or sculpture, \$1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

“Third. In the case of a lecture, sermon, or address, \$50 for every infringing delivery;

“Fourth. In the case of a dramatic or dramatico-musical, or a choral or orchestral composition or motion picture, \$100 for the first and not more than \$50 for every subsequent infringing performance or exhibition; in the case of other musical compositions, \$10 for every infringing performance;

“(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies, as the court may order;

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover, in lieu of profits and damages, a royalty as provided in section 1, subsection (i) of this Act; *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention by registered mail upon the copyright proprietor at his last address disclosed by the records of the Copyright Office, sending to the Copyright Office a duplicate of such notice; and in case of his failure so to do, the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (i), by way of damages and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for court practice and procedure under this Act shall be prescribed by the Supreme Court of the United States.

"SEC. 26. (a) In any action for infringement of copyright of any work, if defendant proves that he was not aware that he was infringing and that he has acted in good faith, or been subjected to fraud, or substantial imposition by any third person or persons, the plaintiff shall not be entitled to any remedy other than an in-

junction in respect to future infringement: *Provided*, That this provision shall not apply in the event of registration of copyright or of any instrument affecting the same prior to defendants entering into or upon the undertaking which results in such infringement: *And provided further*, That the mere failure to register a work or to affix notice of copyright thereto shall not, per se, be deemed to create either a presumption of innocence in infringement or be deemed evidence of such innocence.

“(b) The proprietor of the copyright in a work of architecture shall not be entitled to obtain an injunction restraining the construction of an infringing building if substantially begun, nor an order for its demolition or seizure.

“Sec. 27. Copyright of a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the exclusive right to do which is by this Act conferred on the owner of the copyright: *Provided*, That the following acts shall not constitute an infringement of copyright:

“(1) Any fair use of any work for the purpose of study, research, criticism, or review.

“(2) Where the author of an artistic work is not the owner of a copyright therein, the use by the author of any mold, cast, sketch, plan, model, or study made by him for the purpose of the work; provided that he does not thereby repeat or imitate the main design or scope of that work.

“(3) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture, art, or artistic craftsmanship, if permanently situate in a public place or building or the making of paintings, drawings, photographs, engravings, or other illustrations (which are not in the nature of architectural drawings and plans) of a work of architecture.

“(4) The publication in a collection, mainly composed of noncopyrighted matter, bona fide intended for the use of schools or other educational institutions and so described in the title and in any advertisements issued by the publisher of short passages from published literary works, not themselves published for use in schools, in

which copyright subsists: *Provided*, That no more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged.

“(5) The reading or recitation in public by one person and not for profit of any reasonable extract of any published work, other than a dramatic work.

“(6) Reproduction by another newspaper of any newspaper article other than serial or other stories and tales, unless the reproduction thereof is expressly forbidden, provided the source of said article is stated in connection with such reproduction.

“Sec. 28. Copyright of a work shall also be deemed to be infringed by any person who—

“(a) Sells or rents for hire or by way of trade exposes or offers for sale or rent;

“(b) Distributes either for purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

“(c) By way of trade exhibits in public; or

“(d) Imports for sale or rent into the United States:

“Any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the United States (and registration for the purposes of this section shall be deemed to impute knowledge to any such person); or

“(e) Steals or otherwise obtains unlawful possession of any copyrighted work, whether use be made of such work by such person or not, or gives, holds, or causes to be given or held any unauthorized exhibition or performance at any unauthorized place; but

“Notwithstanding anything in this Act, it shall not be an infringement of a copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper, nor shall anything in this Act be deemed to forbid, prevent, or restrict the transfer or the fair use of any copy of a copyrighted work the possession of which has been lawfully obtained.

“Sec. 29. (1) In any action for infringement of a copyright in any work the work shall be presumed to be a

work in which copyright subsists, and the plaintiff shall be presumed to be the owner of the copyright unless the defendant puts in issue the existence of the copyright or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

“(a) If a name purporting to be that of the author of the work is printed, or otherwise indicated thereon, in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work; and

“(b) If no name is so printed or indicated, or if the name so printed or indicated is not that of the author thereof or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of infringement of the copyright therein.

“(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under testamentary disposition made by the author, and the manuscript is a work which has not been published, nor performed, nor delivered in public, shall be prima facie proof of the copyright being with the owner of the manuscript.

“Sec. 30. That any court given jurisdiction under section 38 of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

“Sec. 31. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. .

“Sec. 32. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for

not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court: *Provided, however,* That nothing in this Act shall be so construed as to render the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses, by public schools, church choirs, or vocal societies, an infringement of copyright: *Provided,* That such performance is given for educational, religious, or charitable purposes, and not for profit.

"SEC. 33. That any person who knowingly shall insert or impress any notice of copyright permitted by this Act, or words of the same purport, in or upon any article in which copyright does not subsist, or with fraudulent intent shall remove or alter the copyright notice upon any article in which copyright subsists, shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 and not more than \$1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright in which copyright does not subsist in this country, or who shall knowingly import any article bearing such notice, or words of the same purport, in which copyright does not subsist in this country, shall be liable to a fine of \$100.

"SEC. 34. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

"SEC. 35. That where during the existence of United States copyright in any book (1) the right to publish, print, and vend the same in book form is owned by any citizen or citizens of the United States or foreigner domiciled or residing therein, or (2) where said book is the work of an American author, the importation within the United States of any copies thereof, or plates or mediums of all kinds for making copies thereof (although authorized by the author or proprietor of any foreign copyright), which have not been produced in accordance with the provisions specified in section 18 of this Act shall be and it is hereby prohibited: *Provided, however,*

That, except as regards piratical copies, such prohibition shall not apply;

“(a) To any book published abroad with the authorization of any foreign author or foreign copyright proprietor, when imported from the country of origin under the circumstances stated in one of the three subdivisions following, that is to say:

“First. When imported by the authority or for the use of the United States;

“Second. When imported, not more than one copy at one time, for individual use and not for sale; or when imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning or for any State, school, college, university, or free public library in the United States: *Provided*, That the publisher of the American edition of such book (if any) has, within ten days after written demand made by registered mail, declined or neglected to supply the copy demanded at no greater price than the price of a copy of said work if purchased abroad, plus the cost of delivery to the prospective purchaser.

“Third. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright.

“(b) To works in raised characters for the use of the blind;

“(c) To a foreign newspaper or magazine, although containing matter copyrighted in the United States

printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

“(d) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

“SEC. 36. That any and all articles prohibited importation by this Act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however,* That all copies of copyright works imported in the mails or otherwise in violation of the provisions of this Act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

“SEC. 37. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this Act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this Act, and which infringe the rights of such copyright proprietors or injured parties.

“SEC. 38. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the Supreme Court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

"SEC. 39. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

"SEC. 40. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, including, but not by way of limitation, any person referred to in section 46 of this Act, whether under a copyright or right thereunder heretofore or hereafter acquired, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

"SEC. 41. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

"SEC. 42. That the orders, judgments, or decrees of any court mentioned in section 38 of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

"SEC. 43. An action for an accounting or for damages under section 25 (b) (1) or (2), or a criminal proceeding under this Act shall not be commenced after the expiration of three years next after the cause of action arose.

"SEC. 44. That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as a part of the costs.

"Sec. 45. (a) That copyright shall immediately vest in the author of a work upon the creation thereof and subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein subject to any contract which may be made with respect thereto, and it shall not be necessary for the author to register such copyright nor to obtain registration of such copyright, in order to enjoy and maintain his rights as such first owner of the copyright.

"(b) In the case of a motion picture, the person, persons, or corporation manufacturing the same shall be deemed the author thereof, without prejudice to the rights of the author of any copyrighted or any copyrightable scenario or other work on which the same may be based.

"(c) The owner of any copyright of any work may assign or mortgage the entire copyright or any right or rights comprised therein separately, either generally or subject to limitations, territorial or otherwise, either for the whole term of the copyright or for any part thereof, save as provided in section 22, and may grant any interest in any such right by license, or may bequeath the same by will, but no such assignment or grant shall be valid unless it is in writing, signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorized agent.

"Sec. 46. Where, under any assignment of less than the entire copyright or license, the assignee or licensee becomes entitled to any right comprised in copyright or to the exercise thereof, the assignee or licensee as respects the rights so assigned or conferred, and the assignor or licensor as respects the rights not assigned or conferred shall severally be treated for the purposes of this Act, as the owner of the copyright as the case may be, to the same extent as if the rights so assigned or comprised in such license, were several and distinct.

"Sec. 47. (a) Any assignment of copyright either in whole or in part, or any license or mortgage or other disposition of any copyright or interest therein may be recorded or registered.

“(b) Any such instrument shall be void, however, against any subsequent assignee, licensee or mortgagee for valuable consideration unless such instrument be filed in the Copyright Office within sixty days after its execution if executed within the United States, or within ninety days after its execution if executed without the limits of the United States.

“(c) Any such instrument not registered within the times specified in subdivision (b) shall nevertheless be valid and enforceable, save as specified in said subsection: *Provided, however,* That if any such instrument be registered, any and all rights and claims by anyone asserted under any and all instruments unrecorded prior to said registration, or recorded subsequent thereto, save in the cases specified in subsection (b), shall be void as against subsequent assignees, licensees or mortgagees for a valuable consideration, deriving their rights from or through the record owner of said instrument so registered: *Provided, further,* That any instrument relating to or affecting the title to any copyright under any prior Act or any of the rights connected therewith, may be recorded within three calendar months after its execution within the United States, or within six calendar months after its execution without the limits of the United States, said registration to have the same force and effect as if it had been recorded within the times hereinabove specified—this provision, however, not to operate to extend any rights which may have been lost or prejudiced by failure to comply with any heretofore existing Act.

“(d) No assignee, licensee, mortgagee, or other person authorized to maintain an action and under this Act pursuant to any such instrument or instruments shall maintain any action under this Act unless the instrument or instruments under which he claims shall have first been recorded or registered.

“SEC. 48. Every assignment, license, or other instrument affecting copyright or any right of the proprietors therein executed in a foreign country shall be acknowledged, or subscribed and sworn to by the assignor before a consular officer or secretary of legation of the United

States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment or verification under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument. No such paper shall be recorded or registered unless it is executed as provided in this section.

"SEC. 49. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, license, or other instrument affecting copyright, or any right of the proprietor therein, and shall return it to the sender with a certificate of record or registration under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal, and when any such instrument has been registered, the assignee or licensee, if exclusive, may substitute his name for that of the assignor or licensor in the statutory notice of copyright permitted by this Act.

"SEC. 50. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

"SEC. 51. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of \$6,000 per annum, and one assistant register of copyrights, at a salary of \$4,000 per annum, who shall have authority during the absence of the register of copyrights to attach the copyright-office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

"SEC. 52. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the

Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

"Sec. 53. That the register of copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

"Sec. 54. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report of the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this Act.

"Sec. 55. That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof.

"Sec. 56. That the seal provided under the Act of July 8, 1870, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

"Sec. 57. That subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the optional registration of claims to copyrights as provided in this Act.

"SEC. 58. That in the case of each entry the person recorded as the claimant of the copyright, or of any right in connection therewith, shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author resident in the United States at the time of said registration, then a statement of that fact, including his place of residence and permanent domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is so registered, a description of the rights claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section 19 of this Act, where required, and the date of the completion of the printing or the date of the publication of the book as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after this Act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

"SEC. 59. That the register of copyrights shall fully index all copyright registrations, assignments, licenses, and other instruments registered or reported hereunder, and shall print at periodic intervals a catalogue of the authors (where known) and titles of articles deposited or works in connection with which recordation or registra-

tion or assignment, mortgage, or license is had, together with suitable indexes, and at stated intervals shall print complete indexed catalogues for each class of copyright entries. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

"SEC. 60. That the said printed current catalogues as they are issued shall be promptly distributed by the Copyright Office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding \$5 per annum for the complete catalogue of copyright entries and not exceeding \$1 per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the record books of the Copyright Office, together with the indexes to such record books, and all works deposited and retained in the Copyright Office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

"SEC. 62. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library

of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

“In the event that the publisher of any book published in the United States shall not within one month after its publication cause the same to be registered, the register of copyrights or the Librarian of Congress may make written demand upon such publisher to deliver two complete copies of the best edition of said book then published to the Librarian of Congress, to be disposed of as provided in this section.

“In the case of encyclopedias, newspapers, reviews, magazines, or works published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published. If a publisher fails to comply with the said demand within thirty days after the same shall have been sent to him by registered mail addressed to his or its usual place of business, he or it shall be liable to a penalty not to exceed \$50 and the value of the book, in an action to be brought by the United States, and said penalty shall be paid to the Librarian of Congress.

“For the purposes of this section, the expression ‘book’ shall include every volume, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published, but shall not include any second or separate edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or engravings belonging thereto.

“SEC. 63. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided, may within their discretion cause the remaining

articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipts of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this Act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

"SEC. 64. That the register of copyrights shall receive and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, \$1, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be 50 cents where a certificate is not demanded. For every additional certificate of registration made, 50 cents. For recording and certifying any instrument of writing for the assignment of copyright, or any instrument affecting a copyright or any of the rights therein, not particularly mentioned in this section, or any such license specified in section 1, subsection (i), or for any copy of such assignment or license or instrument, duly certified, if not over three hundred words in length, \$1; if more than three hundred and less than one thousand words in length, \$2; if more than one thousand words in length, \$1 additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section 1, subdivision (i), 25 cents for each notice of not over fifty words, and an additional 25 cents for each additional one hundred words. For comparing any copy of any instrument referred to herein with the record of such document in the Copyright Office and certifying the same under seal, \$1. For recording the

transfer of the proprietorship of copyrighted articles, or any right therein, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument affecting the same. For any requested search of Copyright Office records, indexes, or deposits, 50 cents for each full hour of time consumed in making such search: *Provided*, That only one registration and one fee shall be required in the case of several volumes of the same book deposited at the same time.

"SEC. 65. Where in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with if the author was, during any substantial part of that period, a citizen of the United States or a resident within the United States. For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident if he actually resides within any part of the United States.

"SEC. 66. For the purposes of the provisions of this Act, the terms, 'United States' and 'American' whenever used, shall be deemed to include the Philippines, Porto Rico, Hawaii, and the Canal Zone, and the inhabitants thereof, as the case may be.

"SEC. 67. This Act shall not apply to designs capable of being patented, except designs which, though capable of being so patented, are not used or intended to be used as models or patterns to be multiplied by any industrial process, other than in book form.

"SEC. 68. That in the interpretation and construction of this Act, unless the context otherwise requires—

"(a) 'Work of architecture,' means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction.

"(b) 'Artistic work' includes works of painting, drawing, sculpture, and artistic craftsmanship, and architectural works of art and engravings and photographs.

"(c) 'Motion picture' includes any work produced by any process analogous to cinematography or motion-picture photography.

"(d) 'Collective work' includes—

"1. An encyclopedia, dictionary, yearbook, or similar work;

"2. A newspaper, review, magazine, or similar periodical; and

"3. Any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated.

"(e) 'Delivery,' in relation to a lecture, includes delivery by means of any mechanical instrument.

"(f) 'Dramatic work' includes any piece for recitation, choreographic work or pantomime, the scenic arrangement or acting form of which is fixed in writing or otherwise including motion picture photoplays and motion pictures other than photoplays, but this provision shall not be deemed to prejudice the divisibility of dramatic and motion picture rights.

"(h) 'Engravings' include etchings, lithographs, woodcuts, prints, and other similar works, not being photographs.

"(i) 'Infringing' when applied to a copy of a work in which copyright subsists, means any copy, including any colorable imitation, made, or imported in contravention of the provisions of this Act.

"(j) For the purposes of this Act, 'a work of joint authorship' means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

"(k) 'Lecture' includes address, speech, and sermon.

"(l) 'Legal representatives' includes heirs, executors, administrators, and assigns or other legal representatives.

"(m) 'Literary work' includes maps, charts, plans, tables, and compilations.

"(n) 'Musical work' means any combination of melody and harmony, or either of them, with or without words, printed, reduced to writing, or otherwise graphi-

cally produced or reproduced in print, or in or on disks, records, perforated rolls, or other contrivances by means of which sounds may be mechanically reproduced.

“(o) ‘Performance’ means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument.

“(p) ‘Photograph’ includes photolithography and any work produced by any process analogous to photography.

“(q) ‘Plate’ includes any stereotype or other plate, stone, block, mold, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls, or other contrivances for the acoustic representation of the work are or are intended to be made.

“(r) ‘Work of sculpture’ includes casts and models.

“(s) ‘Author’ shall mean ‘authors,’ if there be more than one author.

“(t) ‘Sales’ includes also rentals, license fees, and any and all revenue derived from any disposition or use of an infringing work.

“(u) ‘Owner’ means proprietor and ‘proprietor’ owner.

“SEC. 69. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such cases shall be prosecuted to a conclusion in the manner heretofore provided by law.

“SEC. 70. That this Act shall go into effect on the day of , 192 .”

68th Cong., 1st Sess. H. R. 7539. In the House of Representatives. March 4, 1924.

Mr. Vestal (by request) introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

A BILL providing for the registration of designs

Copyright in designs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled thereto by the Act approved March 4, 1909, entitled "An Act to amend and consolidate the Acts respecting copyright," and the Acts amendatory thereof, who is the author of any design which is new and original as embodied in or applied to any manufactured product of an art or trade, or the author of any new and original surface design which has been so applied, or the assignee of such author, may secure copyright therein upon the registration of such design in the Copyright Office of the United States and upon obtaining from the register of copyrights a certificate of such registration.

DEFINITION OF DESIGN

SEC. 2. That the term "design" as used in this Act shall include any conception in relation to a manufactured product which is new and original in its actual application to or embodiment in such manufactured product either as to pattern, shape or form, or ornamentation or decoration, and the phrase "surface design" shall include any new and original conception applied only to the surface of such manufactured product to improve its appearance, but these terms shall not extend to functional construction or arrangement of parts, meaning thereby any shape or form necessary to enable any part to fit and cooperate with the other parts of an apparatus with which it is intended to be used: *Provided, however,* That an original shape or form of a functional or operative thing or part, which shape or form in and of itself contributes no mechanical function to the said thing or part, may be the subject of a valid copyright and registration under this Act.

EXCLUSIVE RIGHTS SECURED

SEC. 3. That any person entitled thereto, upon complying with the provisions of this Act, shall have within all territory which is under the jurisdiction and control of the United States the exclusive right to reproduce, sell, and use the said copyrighted design embodied in or applied to the manufactured product described in the application registered or products of similar character substantially as specified in the certificate of registration: *Provided, however,* That nothing in this Act shall be construed to affect or lessen the present legal right of anyone to make, use, or sell parts of manufactured articles protected under this Act when such parts are made, used, or sold as repair parts: *Provided further,* That no registration under this Act shall be construed to deprive any person of any otherwise lawful right to illustrate fashions by pictorial reproductions or to make and sell patterns for dressmaking.

DURATION OF COPYRIGHT

SEC. 4. That the rights secured under the registration provided in section 1 of this Act shall endure for a term of two years from the date when such registration shall have been completed. At any time before the expiration of the two-year term, an extension of the copyright may be registered for a further period of eighteen years to secure a total period of protection of twenty years, upon filing an application for such extension as hereinafter provided and paying the fees prescribed in section 10 of this Act.

APPLICATION FOR REGISTRATION

SEC. 5. That the registration of any design protectable under the provisions of this Act may be secured by filing in the Copyright Office of the United States at Washington, District of Columbia, five photographic or photostatic copies or representations of each such design as embodied in or applied to the manufactured product named in the application, said copies or representations to be made on paper five by seven inches in size, together with an application for registration of the design made upon a blank

form furnished by the Copyright Office; which application shall briefly but clearly describe the design, identify and distinguish it by numbers or letters, or both, and state the name and describe the class of manufactured product to which it has been applied. The application shall also state the name, nationality, and place of residence of the author and of the claimant of copyright, and if either is an alien, but domiciled in the United States, that fact shall be stated in the application, including the place of such domicile. If any application for registration of the said design has been filed previously in a foreign country, the earliest date when such application was filed shall also be stated. The five copies or representations shall each bear the same description and the same identifying numbers or letters as are supplied in the application, together with the name and place of residence of the author of the design and of the claimant of copyright in it. The statements upon each copy must agree with the statements made in the application.

CLASSES OF REGISTRABLE DESIGNS

SEC. 6. That for the purposes of this Act and to indicate some products for which designs are expressly recognized as registrable hereunder, manufactured products may be divided primarily into the following classes:

Class 1. Machines and machine parts not otherwise classified;

Class 2. Stoves, ranges, heating apparatus, and parts thereof;

Class 3. Vehicles and vehicle parts;

Class 4. Textiles, including print cloths, laces, nets, veilings, embroideries, and trimmings or ornamentations of corresponding materials or character for apparel; drapings, hangings, furniture mats, and coverings other than those in class 5;

Class 5. Floor and wall coverings, other than textiles included in class 4;

Class 6. Furniture of all kinds;

Class 7. Type faces, electrotypes, borders, ornaments, dies, and cuts of all kinds intended for printing, lithographing, or other use in the graphic arts;

Class 8. Clocks, jewelry, decorative "art goods," including vases and bric-a-brac, bronzes, silverware, tableware, and glassware not otherwise classified;

Class 9. Lamps and lighting fixtures of all kinds, including globes and shades, plumbing fixtures, bathroom fixtures, builders' hardware, and trimmings;

Class 10. Packages, including bottles, jars, and other containers;

Class 11. Pictorial and advertising novelties, toys, games, and dolls;

Class 12. Surface designs;

Class 13. Apparel, including boots and shoes, hats and caps, and any other article of clothing;

Class 14. Buttons, buckles, clasps, and ornaments and trimmings of corresponding materials or character for apparel not included in class 4;

Class 15. Miscellaneous, under which rights evidenced by the certificate of registration shall be limited to the specific product named in the certificate.

REGISTRATION OF DESIGNS OF SIMILAR CHARACTER

SEC. 7. That the registration of a design applied to an article in a designated statutory class of manufactured product shall not preclude valid registration by its author or his assignee of other designs of similar character embodied in or applied to the same class of products when new independent authorship is involved in their creation, nor shall registration under this Act of a design for one class of manufactured product prevent valid registration by any one of other designs of a similar character embodied in, or applied to, other classes of manufactured products when authorship is involved in their creation. Concurrent or subsequent registration may be made by the same author or proprietor for designs of a similar character embodied in or applied to other manufactured products of the same class, provided such author or proprietor is the person who has first actually so employed the design in the article specified and has filed his application during the two years of the first term of copyright protection secured.

DESIGNS PREVIOUSLY REGISTERED ABROAD

SEC. 8. That an application for registration under this Act by any author or proprietor who has previously regularly filed an application for registration of a design in a foreign country which grants (either by treaty, convention, agreement, or law) similar privileges to citizens of the United States shall secure registration for such design provided such application is filed in the Copyright Office within four months from the earliest date on which such foreign application was filed. No person otherwise entitled thereto shall be debarred from registering his design, nor shall any registration of a design under this Act be declared invalid, by reason of its having been first registered by the author or proprietor in a foreign country, unless the application for the registration in such foreign country was filed more than four months prior to the filing of the application in this country, in which case no registration shall be made in this country.

CERTIFICATE OF COPYRIGHT REGISTRATION

SEC. 9. That in the case of each entry of a claim for copyright in any design made subject matter of copyright by this Act the person recorded as the claimant of copyright shall be entitled to a certificate of registration under the seal of the Copyright Office to contain the name and place of residence of said claimant and of the author of the design, their nationality, and if they are aliens domiciled in the United States at the time of said registration, then a statement of that fact including their places of domicile; the name or title and differentiating description of the design which has been registered, the date of the deposit, as required by this Act, of the copies or representations of the design, and such marks as to class designation and entry number as shall fully identify the entry of the claim of copyright in each case, and the date of the completed registration. To the said certificate shall be attached a reproduction of the design. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided in the case of all registrations

made for such designs under this Act; which certificate, sealed with the seal of the Copyright Office, shall be admitted in any court as prima facie evidence of the facts stated therein. A duplicate certificate under the seal of the Copyright Office with a reproduction of the design attached shall be supplied to any person requesting the same upon payment of the fee prescribed.

FEEES FOR REGISTRATION, AND SO FORTH

SEC. 10. That the register of copyrights shall receive, and the persons to whom the services designated in this Act are rendered shall pay, the following fees: (1) For the registration of any design deposited under the provisions of this Act for the first term of two years, \$2; (2) for the registration of the extension of the period of protection to twenty years, as provided herein, \$20, and the payment of the said fees shall include, in each case, the certificate provided for in this Act; (3) for a duplicate certificate of any registration made, \$1; (4) for recording any document in the Copyright Office, as provided in section 25 of this Act, or for furnishing certified copies of any such document, \$1 for the first three hundred words or fraction thereof, and \$1 additional for each subsequent one thousand words or fraction thereof; (5) for copies of any registration made, or of drawings or photographs, or other identifying reproductions filed in relation to any design registered, 50 cents each, and 50 cents additional for certification of each such copy under seal of the Copyright Office.

PUBLICATION OF THE REGISTRATIONS

SEC. 11. That all designs registered for the first term of two years shall be listed in the catalogue of copyright entries, and each extension registration shall be entered in said catalogue described by its class designation, registration number, and the name and place of residence of the claimant of copyright, and shall be further identified by a reproduction of the design. The catalogue of copyright entries for designs shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration for a design made under the provisions of this Act.

COPIES OF PAPERS, AND SO FORTH, TO BE EVIDENCE

SEC. 12. That when registration has been made in the Copyright Office for any design as provided in this Act, written, printed, or photographic copies of any papers, drawings, or photographs relating to such design preserved in the Copyright Office shall be given to any person making application therefor and paying the fees required by this Act, and such copies when authenticated by the seal of the Copyright Office shall be evidence in all cases where the originals could be evidence and of the same force and effect.

NOTICE OF REGISTRATION

SEC. 13. That it shall be the duty of the author or proprietor of a design registered under this Act, and all persons making or vending the manufactured product bearing the design, to give notice to the public that the design is registered by affixing to the manufactured article the mark "Design registered U. S." with the number of the registration entry. When the nature of the product will not permit the affixing of this mark in full, it shall be sufficient to use the abbreviation "D. Rgd.," and the number of the registration. When the product itself will not permit the affixing of any of these marks it shall be sufficient to attach a label or tag to the article or to the package or cover containing the article in which the design is embodied or to which it is applied. In any suit for infringement by a party failing so to mark the manufactured product, no recovery shall be adjudged the plaintiff except on proof that the defendant was notified of the registration and of his infringement thereof and that he continued after such notice to make or vend the product bearing the registered design, or that failure to mark was merely occasional and inadvertent in nowise affecting the general notice intended by the accustomed marking. Any person who, with fraudulent intent, falsely marks such an article for the purpose of deceiving the public shall be liable for every such offense, to a penalty of \$100 with costs.

COPYING PROHIBITED

SEC. 14. That during the term of protection for which any certificate of registration shall be issued hereunder it shall be unlawful for any person other than the owner of the copyright, without license from such owner, to copy the registered design in the class of manufactured product named in the certificate for the purpose of sale or public distribution, or to sell or expose for sale or publicly distribute any manufactured product of similar character to which such design shall, without the license of the owner, have been applied.

JURISDICTION OF COURTS

SEC. 15. That the district and territorial courts of the United States and its insular possessions, including the courts of first instance of the Philippine Islands and the Supreme Court of the District of Columbia, shall have original jurisdiction, and the circuit courts of appeal of the United States, the Court of Appeals of the District of Columbia, and the Supreme Court of the Philippine Islands, shall have appellate jurisdiction of all suits at law or in equity respecting designs registered in accordance with the provisions of this Act.

WRITS OF CERTIORARI

SEC. 16. That writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this Act in the same manner as provided in the Judicial Code.

REMEDIES

SEC. 17. That the several courts vested with jurisdiction of cases arising under this Act shall have power to grant injunctions, according to the course and principles of equity, to prevent the infringement of any rights secured by registration under this Act, on such terms as the court may deem reasonable, and upon a decree being rendered in any such case for wrongful use of a design, the complainant shall be entitled to cover the

profits to be accounted for by the defendant and the damages to be assessed by the court or under the direction of the court. The courts shall have power within their discretion to increase the damages to treble the amount assessed, and in cases where the plaintiff may so request, or where from the record it is apparent to the court that an accounting would not find damages or profits to exceed \$100, the court may dispense with an accounting and may hold the defendant liable to pay to the plaintiff not less than \$100 nor more than \$250, or if upon proof, the use, copying, or sale complained of be shown to be without knowledge or notice of the copyright the courts may dispense with any recovery of profits and damages. In any suit or action brought for the infringement of any copyright registered hereunder there shall be no recovery of profits or damages or other relief granted for any infringement committed more than three years before the filing of the bill of complaint or the issuing of the writ in such suit or action.

DISPOSAL OF INFRINGING COPIES

SEC. 18. That in any action for infringement of copyright in a design registered under this Act, upon judgment for complainant, the court may order all infringing articles, products, or parts disposed of in a manner which shall be just as between the parties, and all dies, molds, and devices useful only in producing the infringing design, and all labels, prints, advertising matter, or samples of such design, or substantial copies or imitations thereof, to be delivered up and destroyed or otherwise disposed of.

FILING COPIES OF RECORD IN ANOTHER COURT AS BASIS FOR APPLICATION FOR NEW INJUNCTION

SEC. 19. That after adjudication and the entry of a final decree by any court in any action brought under this Act any of the parties thereto may, upon payment of the legal fees, have the clerk of the court prepare a certified copy or copies of such decree, or of the record, or any part thereof, and forward the same to any of the designated courts of the United States, and any such court to

which such copy or copies may be forwarded under the provisions of this section shall forthwith make the same a part of its record; and any such record, judgment, or decree may thereafter be made, as far as applicable, the basis of an application to that court for injunction or other relief by any court in which such copies shall have been recorded; and in the preparation of such copies the printed copies of the record of either party on file with the clerk may be used without charge other than for the certificate. When the necessary printed copies are not on file with the clerk either party may file copies which shall be used for the purpose, and in such cases the clerk shall be entitled to charge a reasonable fee for comparing such copies with the original record before certification and for certifying the same.

FRAUDULENT REGISTRATION

SEC. 20. That any author or assignee of an author who shall register a design under this Act knowing that the design is not new and original or who shall bring suit under a certificate of registration procured for a design known by the registrant or by the plaintiff to be not new or not original with the author or registrant, shall, when party to a suit under such registration, and upon due showing of such knowledge, be liable in the sum of \$500, or such part thereof as the court may determine, to be charged against the plaintiff and paid to the defendant, in addition to the customary costs.

DEFENSES

SEC. 21. That in any action for the infringement of a design registered under this Act the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial any of the following special matters: That the design as embodied in or applied to the particular manufactured product was not the result of authorship; that it was not originated by the party named as the author in the certificate of registration; that such design has been used for the same product in this country prior to its use by the author or proprietor;

that such design had been illustrated and disclosed by another in an analogous relation or use in connection with the same character of product prior to its use by the author or proprietor; that such design is substantially identical with the design illustrated in a registration for an analogous manufactured product of the same character for which the term of protection had expired before the application for the registration in suit was made; that the design has a functional or mechanical purpose or produces a functional or mechanical result, and, if new, renders the product embodying the same an appropriate subject of a patent for an invention; that the design in suit had not been registered within the period of the first term of registration for the same design in the same class, and that intervening rights had accrued; that said design had been in public use as embodied in or applied to the same character of manufactured product which was on sale in the United States for more than four months before the application for registration thereof; that the owner of the design had discontinued and abandoned its use for a period of two years prior to institution of suit: *Provided further*, That in any suit for infringement hereunder the court may, in its discretion, and notwithstanding the classification of section 6 of this Act, determine that no actual conflict between the subject matter of the designs, or the trade therein, is involved in the controversy between the parties to the suit, and that no injury to the plaintiff results or is likely to result by reason of the alleged infringement, and for such reasons dismiss the bill either on motion or on final hearing.

ADJUDICATION OF INVALIDITY TO BE RECORDED IN THE
COPYRIGHT OFFICE

SEC. 22. That if any one of such special matters named in section 21 shall be found to be established, the registration of such design shall be adjudicated invalid, and a judgment or decree shall be entered for the defendant with costs; and the clerk shall forward a certified copy of such judgment or decree to the register of copyrights, who shall forthwith make the same a part of the records of the Copyright Office.

ASSIGNMENT

SEC. 23. That every copyright for a design registered under the provisions of this Act or any interest therein shall be assignable in law by an instrument in writing; and the copyright claimant of record or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his copyright to the whole or any part of the United States. Such assignment, grant, or conveyance shall be recorded in the Copyright Office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded. Every such assignment executed abroad shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts before it is recorded in the Copyright Office.

TRADE-MARK RIGHTS PRESERVED

SEC. 24. That registration under this Act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

DATE WHEN ACT TAKES EFFECT

SEC. 25. That this Act shall go into effect on July 1, 1924.

ADDENDUM II

CANADA

13-14 Geo. V. Chap. 10

An act to amend The Copyright Act, 1921¹

[Assented to 18th June, 1923]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This act may be cited as The Copyright Amendment Act, 1923.

2. Sections thirteen, fourteen, fifteen, and twenty-seven of The Copyright Act, 1921, shall not apply to any work the author of which is a British subject, other than a Canadian citizen, or the subject or citizen of a country which has adhered to the convention and the additional protocol thereto set out in the second schedule to the said act.

3. Section twenty-six of the said act is amended by inserting after the word "customs" in the fourth line thereof the words "and excise."

4. Section forty-two of the said act is amended by striking out the word "department" in the third line thereof and substituting therefor the words "copyright office."

5. Section fifty of the said act is amended by striking out in the first and second lines the words "a day to be fixed by proclamation of the Governor in Council" and substituting therefor the words "the first day of January, nineteen hundred and twenty-four, unless sooner proclaimed by proclamation of the Governor in Council."

NOTE.—The Amendatory Act of 1923 is here reprinted from the Acts of the Parliament of the Dominion of Canada, 13 and 14 George V. Vol. 1, Public General Acts. 8°. Ottawa, 1923, p. 31.

¹ The Canadian Copyright Act of 1921 was printed in the report of the Librarian of Congress for 1920-21, pp. 141-168; also with the above act as Bulletin No. 20 of the copyright office (see p. 190 of this report).

ADDENDUM III

COPYRIGHT—CANADA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 27,
1923.

A PROCLAMATION

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

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

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

And whereas it is provided by section 1 (e) of the said act of Congress, approved March 4, 1909, that the provisions of the act, "so far as they secure copyright controlling the parts of instruments serving to reproduce

mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights";

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

And whereas satisfactory official assurances have been received that the Minister of Trade and Commerce of Canada issued, pursuant to section 4 (2) of the Canadian copyright act assented to June 4, 1921, a certificate dated December 26, 1923, to become operative on January 1, 1924, declaring that for the purposes of the rights conferred by the said act, the United States shall be treated as if it were a country to which the act extends.

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

That on and after January 1, 1924, the conditions specified in sections 8 (b) and 1 (e) of the act of March 4, 1909, will exist and be fulfilled in respect to the citizens of Canada and that on and after that date citizens of Canada will be entitled to all the benefits of the Act of March 4, 1909, including section 1 (e) thereof and the acts amendatory of the said act.

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

And provided further, That the provisions of section 1 (e) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published on or after January 1, 1924, and registered for copyright in the United States.

Effective January 1, 1924.

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

Done at the city of Washington this 27th day of December in the year of our Lord one thousand [SEAL.] nine hundred and twenty-three, and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE.

By the President:

CHARLES E. HUGHES,
Secretary of State.

*Canadian Government notice,
December 26, 1923.*

THE CANADIAN COPYRIGHT ACT, 1921

EXTENSION TO THE UNITED STATES OF AMERICA

I, Thomas Andrew Low, Minister of Trade and Commerce for the Dominion of Canada, do hereby certify pursuant to subsection 2 of section 4 of the copyright act, 1921, that the United States of America is a country which grants or has undertaken to grant either by treaty, convention, agreement, or law, to citizens of Canada, the benefit of copyright on substantially the same basis as to its own citizens or copyright protection substantially equal to that conferred by the said act, and from the first day of January, 1924, the said country shall for the purpose of the rights conferred by the said act be treated as if it were a country to which the said act extends.

Effective January 1, 1924.

THOS. A. LOW.

OTTAWA, 26th DECEMBER, 1923.

(*In the Canada Gazette, v. 57, no. 26, December 29, 1923, Ottawa, Canada, page 2157.*)

COPYRIGHT—UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

June 26, 1924.

Whereas it is provided by the act of Congress, approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the copyright

secured by the act except the benefits under section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

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

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

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

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

And whereas satisfactory official assurances have been received that the Governor General in Council of the Union of South Africa has issued a proclamation which

will come into operation on July 1, 1924, by which rights to protection for their works in the Union of South Africa are granted to citizens of the United States on substantially the same basis as to subjects of the Union of South Africa, including rights similar to those provided by section 1 (e) of the copyright act of the United States, approved March 4, 1909.

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

Effective July 1, 1924. That on and after July 1, 1924, one of the alternative conditions specified in section 8, and the conditions specified in section 1 (e) of the act of March 4, 1909, will exist and will be fulfilled in respect to the subjects of the Union of South Africa, and that from that date subjects of the Union of South Africa will be entitled for all their works produced or published on or after said date, to all the benefits of the said copyright act of the United States, approved March 4, 1909, including the benefits of section 1 (e), and of the acts amendatory of the said act.

Provided, That the enjoyment by any work to which the provisions of this proclamation relate of the rights and benefits conferred by the copyright act approved March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States, and shall commence from and after compliance with those requirements, constituting due registration for copyright in the United States.

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

Done at the city of Washington this twenty-sixth day of June in the year of our Lord one thousand
[SEAL] nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE.

By the President:

CHARLES E. HUGHES,
Secretary of State.

UNION OF SOUTH AFRICA—COPYRIGHT PROCLAMATION,
JUNE 9, 1924

No. 118, 1924

COPYRIGHT AGREEMENT WITH UNITED STATES OF
AMERICA

Whereas by paragraph (g) of section one hundred and forty-four of the patents, designs, trade-marks and copyright act, 1916, it is enacted that the powers which, under the British Copyright Act, 1911, the Governor-in-Council of a self-governing dominion may, by order, exercise shall, in the Union, be exercised by proclamation of the Governor General in the Gazette; *June 9, 1924.*

And whereas by Part II of the British Copyright Act, 1911, authority is conferred upon His Majesty to extend by Order in Council the protection of the said act to certain classes of foreign works within any part of His Majesty's dominions, other than self-governing dominions, to which the act extends;

And whereas under subsection (2) of section thirty of the British Copyright Act, 1911, the Governor-General of the Union may, as respects the Union, make a like order as, under Part II of the said act, His Majesty-in-Council is authorized to make with respect to His Majesty's dominions other than self-governing dominions;

And whereas the Government of the United States of America has issued, or has undertaken to issue, a proclamation extending to the subjects of the Union of South Africa the benefits of the United States act of 1909, entitled "An act to amend and consolidate the acts respecting copyright," and, in consequence, such provision as it is expedient to require for the protection of works entitled to copyright under the provision of the patents, designs, trade-marks and copyright act, 1916, has been made, or will be made, by the Government of the United States of America;

And whereas it is desirable to provide protection within the Union of South Africa for the unpublished works of citizens of the United States of America, and for their works published simultaneously in that country and the Union of South Africa:

Now, therefore, under and by virtue of the authority conferred upon me by the laws hereinbefore recited, I do declare, proclaim, and make known as follows:

1. The British Copyright Act, 1911 (including the provisions as to existing works), which, subject to the modifications and additions provided by Chapter IV of Act No. 9 of 1916 of the Parliament of the Union of South Africa is by section one hundred and forty-three thereof declared to be in force in that Union, shall, subject to the provisions of the said acts and of this proclamation, apply

(a) to literary, dramatic, musical, and artistic works the authors whereof were, at the time of the making of the works, citizens of the United States of America, in like manner as if the authors had been subjects of the Union of South Africa;

(b) in respect of residence in the United States of America, in like manner as if such residence had been residence in the Union of South Africa;

Provided, That—

(i) the term of copyright within the Union of South Africa shall not exceed that conferred by the law of the United States of America;

(ii) the enjoyment of the rights conferred by this proclamation shall be subject to the accomplishment of the conditions and formalities prescribed by the law of the United States of America;

(iii) a work shall be deemed to be published simultaneously in the United States of America and the Union of South Africa if the time between the first publication in the former country and the first publication in the latter country does not exceed sixty days in lieu of the period not exceeding fourteen days provided by section thirty-five (3) of the British Copyright Act, 1911, as in force in the Union of South Africa;

(iv) in the application to existing works of the provisions of section 151 of the said Act No. 9 of 1916 of the Union Parliament, "the commencement of this proclamation" shall be substituted for "the commencement of this chapter" in subsection 1 (b) of that section.

2. This proclamation shall be construed as if it formed part of the said Act No. 9 of 1916 of the Union Parliament, and shall commence and come into operation on the first day of July, 1924, which day is in this proclamation referred to as the commencement of this proclamation. ^{Effective July 1, 1924.}

God save the King.

Given under my hand and the great seal of the Union of South Africa, at Barberton, on the ninth day of June, one thousand nine hundred and twenty-four.

ATHLONE,

Governor General.

By command of His Excellency the Governor General in Council.

PATRICK DUNCAN.

From "The Union of South Africa Government Gazette." v. 66, 4°. Pretoria, No. 1398, 13th June, 1924, pp. 474-475.)

APPENDIX III

CHINESE BOOKS ADDED TO THE LIBRARY OF CONGRESS, 1923-24

By Walter T. Swingle, Chairman Library Committee, United States Department of Agriculture

Chinese, Moso, Tibetan, and Japanese works. As usual the Chinese books far outnumber all other East Asiatic acquisitions. They total 192 works in 4,142 volumes, a smaller number of works but a larger number of volumes than were acquired last year. One work included in the above totals is printed in Chinese and Manchu, and one is printed in Manchu, Mongol, and Chinese; still another book is printed in Mongol written by using Chinese characters phonetically. For the first time the literature of the primitive tribes in West China is represented by 69 manuscript works in Moso writing and one in Chung-chia writing. A collection of 8 bundles of Tibetan manuscripts from West China show several different works included in each bundle, perhaps 30 in all. The Japanese works acquired last year number 41 in 90 volumes. No Korean or Annamite books were added to the collections during the past year.

Chinese official gazetteers. Each year it becomes more difficult to obtain gazetteers not already in the Library of Congress collection—by far the greatest outside of China and possibly Japan. Nevertheless 37 gazetteers were added last year, one being a general gazetteer of all China, 2 provincial, 7 prefectural, and 27 district gazetteers. In addition, 3 duplicate prefectural, and 5 duplicate district gazetteers were received. In some cases these duplicate copies are of use in supplying folios missing in the copies already in the Library of Congress, or in having characters that are missing or blurred in the old copies.

The Library of Congress now contains 1,333 gazetteers as well as 113 duplicate copies.

One of the most interesting gazetteers is a reprint of the Ta Ming i t'ung chih in 90 books, at first sight a smaller