

Copyright Lore

■ Frank Evina

Shortly after successfully convincing Congress to centralize the copyright registration and deposit system in the Library of Congress, Librarian of Congress Ainsworth Rand Spofford began to lay the groundwork for another significant change in U. S. copyright law.

In his annual report for 1872, Spofford suggested to the Joint Committee on the Library that the responsibility for registration of commercial prints and labels be transferred to the U. S. Patent Office. Spofford explained that “the extension of the privilege of copyright, originally designed for the protection solely of the products of the intellect, to cover such trifling articles as labels upon merchandise, is a wide departure from the true province of a copyright law, it needs but a glance at the constitutional provision upon the subject to establish.” Simply stated, Spofford felt that prints and labels used for articles of merchandise, product packaging, and advertisements were not “writings” under the constitutional clause respecting copyrights and did not involve “authorship.” Therefore, they should not be put in the same category as books or other intellectual productions.

Congress amended the law in 1874 and charged the Commissioner of Patents with “the supervision and control of the entry or registry of such prints and labels. . . .” Between 1874 and 1940, over 55,000 labels and 18,000 prints were registered in the U. S. Patent Office. One of the most famous works registered during this period is the earliest known labeling for Coca Cola, invented by John S. Pemberton in 1887. The original deposit copy, which bears a hand-written signature on the reverse believed to be Pemberton’s, is on permanent display in the Copyright Office exhibit.

In 1940, Congress transferred responsibility for registering advertising prints and labels along with all the deposit copies and record books back to the Copyright Office. ©



John S. Pemberton
Proprietor