

Reaching 100 Years Old, the © Becomes an Antique

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The year 2009 marks the 100th anniversary of the use in the United States of the copyright symbol ©. The widely recognized element of the copyright notice has become a centenarian and thus an antique.

The first federal copyright law (1790) of the new United States of America did not mention a copyright symbol or a copyright notice, but it did require deposit in a district court and publication in a U.S. newspaper of the court clerk's record of deposit.

The formality of notice crept into federal law in 1802 with the requirement that the newspaper announcement appear on the title page of a book and that a notice—Entered according to act of Congress, the ___ day of ___, 18___, by A.B. of the State of ___”—be printed on the face of maps, charts, and prints.

The first general revision of the copyright law in 1831 contained a similar notice requirement. The second general revision in 1870 did not change the basic requirement of formal notice, although the wording was changed to reflect that deposit now took place in the “office of the Librarian of Congress, at Washington.” An 1874 law provided the option of a short form of notice: “Copyright, 18___, by A.B.”

The C in a circle was first authorized in U.S. law in the 1909 Copyright Act. For printed works, the notice consisted of the word “Copyright” or the abbreviation “Copr.,” together

with the copyright owner's name and the year in which the copyright was secured by publication. But for pictorial, graphic, and sculptural works, “the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor” (§18) although the owner's name had to appear somewhere on the copies.

Writing in the November 2, 1955, issue of *Copyright Notices*, Marjorie McCannon said the symbol was “a compromise with the art interests who preferred no notice other than a signature on works of art.... The well known reason for the compromise... is [that] the full form of notice tended to deface and commercialize works intended for aesthetic enjoyment.”

Legislation in 1954 permitting U.S. adherence to the Universal Copyright Convention provided for the © in place of “Copyright” or “Copr.” for all types of works. The 1976 Copyright Act required a copyright notice consisting of the familiar three elements but substituted a © for the © in the case of phonorecords.

In 1988 the Berne Convention Implementation Act did away with the requirement of notice for works published after March 1, 1989, although the antique symbol as part of a copyright notice confers certain legal benefits and is still in wide use in the U.S. today. ©

100 ©
YEARS