

Obituary

Mark Lillis

JUDITH NIERMAN

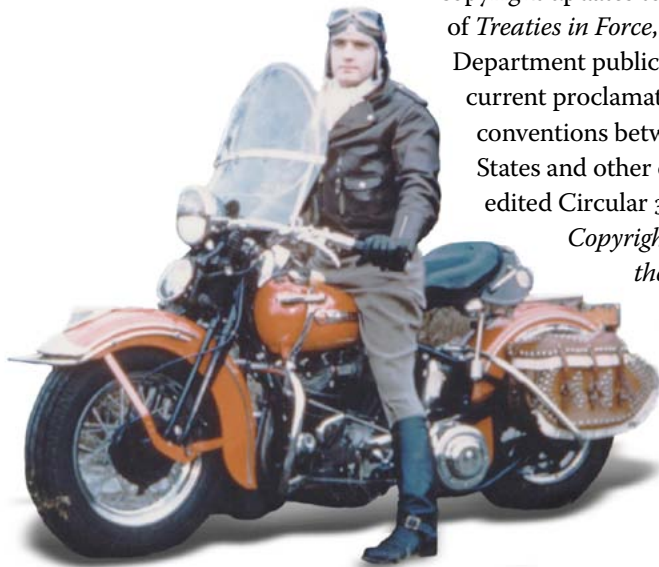


Mark Lillis, a retired attorney advisor in the General Counsel's Office, died November 15, 2011. Including his time in the Navy, Mark had 40 years of federal service. He began in the Copyright Office in 1959, working as an examiner, reviser, head of the Book Section, senior attorney for Examining in the Register's

Office, and assistant chief of the Reference Division. After the Office was reorganized in 1980, Mark assumed the new position of attorney for research programs, assisting Waldo Moore, associate Register for special programs. In 1992, Mark's position was redesignated as attorney advisor in the General Counsel's Office.

Mark was well known as the editor and compiler of volumes 41–49 of the *Bulletins of Copyright Decisions*, which included significant copyright court cases. When this publication ceased in 1994, Mark had already assembled 1,848 case files for the next volumes. He received a Library Superior Service Award for his work on the bulletin.

For many years, Mark also edited and annotated the Office's Circular 92, *Copyright Law of the United States*, and he wrote annual copyright updates to the appendix of *Treaties in Force*, a State Department publication listing current proclamations, treaties, and conventions between the United States and other countries. He also edited Circular 38A, *International Copyright Relations of the United States*, a publication that the Office still distributes.



In addition, Mark was secretary and editor of the *Compendium of Copyright Practices*, a work that the Office is now in the process of revising. For this service, he received a Meritorious Service Award in 1986.

A man of meticulous attention to detail, Mark's office sported a Royal typewriter in place of a computer. The surface of his desk was carefully arranged at all times, reflecting the preciseness of the man.

Graduating from Canisius High School, a Jesuit preparatory school in Buffalo, New York, Mark entered the College of the Holy Cross in Worcester, Massachusetts, and participated in the newly established Naval Reserve Officer Training Corps program. Upon graduation in 1944, he served in the Navy aboard the USS *Franks* (DD 554) and participated in major battles of WWII, including the second battle of the Philippine Seas. The *Franks* survived a record typhoon and was preparing for the Iwo Jima campaign when it collided with a battleship during landings on Okinawa in April 1945 and was sent home for repairs. Mark was awarded three campaign area ribbons and seven battle stars.

After the war, Mark rode a Harley motorcycle. He graduated from the Harvard Law School, and he held a master's degree in history from the University of Detroit. He lived in a penthouse apartment in Crystal City, collected antique clocks, and enjoyed his collection of Lalique glass. Upon his retirement in 1996, Jennifer Hall, a young copyright attorney and colleague, wrote a poem for Mark. In part it said,

*And if his office bore a certain 1950s feel
With the hip or substantive, [with] whom
would you rather deal?
And if his dappled Harvard days
in libraries were long ago
then still he shared those standards here
and wove them in the work he's known
to grace the copyright law and mind
and the temper of our times. ©*

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Register of Copyrights Identifies “Blockbuster” Issues — 30 Years Ago

WENDI A. MALONEY

On January 5, 1983, Register of Copyrights David Ladd addressed Copyright Office staff gathered for an orientation session. The text below is excerpted from his remarks.



The role of the Register has changed enormously in the last 30 years. ... [W]e are now out of the period where you're going to have a stable copyright law over a long period of time. What you're likely going to have are major copyright issues coming up almost every year. ...

[I]n this session of Congress, the cable television sections of the law have been drastically reworked. ... [T]hat bill ... [is] working its way through the Congress. ... [T]he photocopying sections of the Copyright Act are also incomplete and still developing. And that is evidenced by the fact that there is a section in the bill, 108(i), which requires the Register, at five-year intervals, to file a report giving an assessment of the degree of success, or lack of success, with which the Library copying sections of the act have hit a balance between the proprietors and the users. In addition, during the past year, we have been through the legislation extending the manufacturing clause.¹ ... And of course, there is legislation in the Congress now, the importance of which cannot be overstated, relating to the liability

for home taping of audiovisual works. Now I cite those, because those are the blockbusters, those are the killer issues, for the last two or three years.

But there are other issues downstream. For example, there's a bill introduced in Congress to extend copyright protection not merely to computer programs but to computer chips and to masks for making the chips. ...

[T]he amount of time which is required to support Congress with reports, testimony on legislation, has increased and, likewise, the responsibility of the Register and other officers of the Copyright Office as well to participate in public discussion of these issues. ...

[T]hese issues are discussed in international forums as well. ... For example, UNESCO and WIPO [World Intellectual Property Organization] are conducting a meeting in Paris for a week in December discussing what the liability of cable systems should be for the retransmission of broadcast signals. Now we're very far advanced on this in the United States because a large part of the United States is already cabled, and the cable industry is growing very, very rapidly. We not only have a major statute on it, but we have a major statute which has already been revised, or is being revised. And cable is just now beginning to spread in Europe. By the way, we're not the only country that has widespread cable. Canada does as well. Australia has some. But we are ahead in terms of commercial and technological development in the cable area.

Note

1. The manufacturing clause became part of the copyright law in 1891. It required English-language books and periodicals to be manufactured in the United States to receive full copyright protection. After having its scope narrowed by successive amendments, it expired in 1986. ©

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