

THE LIBRARY OF CONGRESS
COPYRIGHT OFFICE

THIRTY-SEVENTH ANNUAL REPORT
OF THE
REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30

1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

PUBLICATIONS OF THE COPYRIGHT OFFICE

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Copyright in Japan. Law of March 8, 1899, and copyright convention between the United States and Japan, May 10, 1906, together with the text of earlier enactments. v+50 pp. 8°. 1906.

BULLETIN No. 14.

The Copyright Law of the United States of America, being the act of March 4, 1909 (in force July 1, 1909), as amended by the acts of August 24, 1912, March 2, 1913, March 28, 1914, December 18, 1919, July 3, 1926, and May 23, 1928, together with Rules for Practice and Procedure under section 25, by the Supreme Court of the United States. 66 pp. 8°. 1933.

BULLETIN No. 17. Cloth, 50c.

Decisions of the United States courts involving copyright. 1909-1914. Second enlarged edition. vi, 279 pp. 8°. 1928.

BULLETIN No. 18. Cloth, 60c.

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BULLETIN No. 19. Cloth, \$1.

Decisions of the United States courts involving copyright. 1918-1924. xi, 477 pp. 8°. 1926.

DRAMATIC COMPOSITIONS COPYRIGHTED IN THE UNITED STATES, 1870-1916. [Over 60,000 titles alphabetically arranged, with complete index to authors, proprietors, translators, etc.] 1 p. l., v. 3547 pp. 4°. 1918. 2 vols. Cloth, \$4.

INFORMATION CIRCULARS. No. 4.—Text of the Convention creating an International Copyright Union, Berne, 1886, 13 pp. 4°. No. 4 A.—International Copyright Convention. Revised text, Berlin, 1906. 10 pp. 4°. No. 4 B.—Additional protocol to the International Copyright Convention of Berlin, November 13, 1906, signed at Berne, March 20, 1914. 2 pp. 4°. No. 4 C.—International Copyright Convention. New revision, signed at Rome, June 2, 1928. French text, with English translation. 14 pp. 4°.

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REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1933-34

WASHINGTON, D. C., *July 9, 1934.*

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1933, to June 30, 1934, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$258,829.53. A balance of \$17,616.71, representing the trust funds and unfinished business, was on hand July 1, 1933, making a total sum of \$276,446.24 to be accounted for. Of this amount the sum of \$5,489.06 was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$270,957.18. The balance carried over to July 1, 1934, was \$19,365.68 (representing trust funds and total unfinished business), leaving fees applied during the fiscal year 1933-34 and paid into the Treasury, \$251,591.50.

These fees show a slight gain over the previous year (the fees for last year being \$250,995.30) while the gain in the number of entries is still greater, the figures being 139,047 as compared with 137,424 for 1932-33. The gain is slight in amount, but is significant because this is the first year since 1929-30 to show an increase over the previous year. It is perhaps pertinent to observe, however, that while the copyright entries have shown a slight loss annually during the years of the depression until now, the amount of daily correspondence has been heavier, as though one result of the depression had been to cause more letter writing.

The annual applied fees since July 1, 1897, are shown in exhibit C. (See p. 17.)

EXPENDITURES

The total expenditure for salaries was \$214,946.90. The expenditure for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,281.68. The total expenditures were therefore \$216,228.58. This sum deducted from \$251,591.50, fees received and turned into the Treasury, shows a profit of \$35,362.92 to the credit of the Copyright Office.

The total appropriation made by Congress for salaries in the Copyright Office for the fiscal year 1933-34 was \$228,600, less the

amount impounded, representing the legislative reduction in salaries, \$11,126.67, leaving the net amount available \$217,473.33.

During the period of 37 years (1897-1934) the copyright business, as evidenced by the applied fees, increased nearly fivefold. During these 37 years since the organization of the present Copyright Office the copyright fees applied and paid into the Treasury have amounted to a grand total of \$5,145,392.10, and the total copyright registrations have numbered over four millions (4,743,821). The fees earned (\$5,145,392.10) were larger than the total of salaries paid during the same period (\$4,273,230.24) by \$872,161.86.

In addition to this direct profit the large number of over 7,000,000 books, maps, musical works, periodicals, prints, and other articles deposited during the 37 years were of substantial pecuniary value and of such a character that the accession of most of these 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 139,047. Of these 28,289 were registrations for unpublished works at \$1 each; 102,903 were registrations for published works at \$2 each; 866 were registrations of photographs without certificates at \$1 each. There were also 6,989 registrations of renewals at \$1 each. The fees for these registrations amounted to a total of \$241,950.

SUMMARY OF COPYRIGHT BUSINESS

Balance on hand July 1, 1933	\$17,616.71
Gross receipts July 1, 1933, to June 30, 1934	258,829.53
Total to be accounted for	276,446.24
Refunded	5,489.06
Balance to be accounted for	270,957.18
Applied as earned fees	\$251,591.50
Balance carried over to July 1, 1934:	
Trust funds	\$16,811.18
Unfinished business	2,554.50
	19,365.68
	270,957.18

FEES FOR FISCAL YEAR

Fees for registration of published works, at \$2 each	205,806.00
Fees for registration of unpublished works, at \$1 each	28,289.00
Fees for registration of photographs without certificates, at \$1 each	866.00
Fees for registration of renewals, at \$1 each	6,989.00
Total fees for registrations recorded	241,950.00

REPORT OF THE REGISTER OF COPYRIGHTS

Fees for certified copies of record, at \$1 each.....	\$873.00
Fees for recording assignments.....	7,562.00
Searches made and charged for at the rate of \$1 for each hour of time consumed.....	880.00
Notice of user recorded (music).....	218.00
Indexing transfers of proprietorship.....	118.50
	<hr/>
	\$9,641.50
 Total fees for the fiscal year, 1933-34.....	 251,591.50

ENTRIES

Number of registrations.....	182,068
Number of renewals recorded.....	6,989
	<hr/>
Total.....	189,047
Number of certified copies of record.....	878
Number of assignments recorded or copied.....	2,175

COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 217,912. The number of these articles in each class for the last 5 fiscal years is shown in exhibit E. It is not possible to determine exactly how completely the works which claim copyright are deposited, but in response to inquiries received during the year from the card division, the accessions division, law division, and the reading room in regard to 689 books supposed to have been copyrighted but not discovered in the Library, it was found that 38 of these works had been received and were actually in the Library; 21 books had been deposited and were still in the Copyright Office; 98 works were either not published, did not claim copyright, or for other valid reasons could not be deposited; while in the case of 129 works no answers to our letters of inquiry had been received up to June 30, 1934. Copies were received of 403 works in all in response to requests made by the Copyright Office during the period of 12 months for works published in recent years.

Our copyright laws have required the deposit of copies for the use of the Library of Congress, and the act in force demands a deposit of two copies of American books, and one of foreign books registered. The act provides, however, that of the works deposited for copyright, the Librarian of Congress may 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; or (3) be transferred to other governmental libraries in the District of Columbia for use therein. The law further provides (4) that articles remain-

ing undisposed of may upon specified conditions be returned to the authors or copyright proprietors.

During the fiscal year a total of 109,030 current articles deposited have been transferred to the Library of Congress. This number included 36,117 books, 61,890 periodical numbers, 7,782 pieces of music, 2,365 maps, and 876 photographs and engravings.

Under authority of section 59 of the act of March 4, 1909, there were transferred during the fiscal year to other governmental libraries in the District of Columbia for use therein, 3,991 books. Under this transfer, up to June 30, 1934, the following libraries have received a total number of books as indicated below since 1909:

Department of Agriculture, 4,130; Department of Commerce, 22,246; Navy Department, 1,872; Treasury Department, 1,496; Bureau of Education, 20,399; Federal Trade Commission, 20,352; Bureau of Standards, 2,094; Army Medical Library, 8,631; Walter Reed Hospital, 2,884; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,600; Public Library of the District of Columbia, 54,067. A number of other libraries have received a smaller number of books, under 2,000 volumes each. In all, 165,142 volumes have been thus distributed during the last 25 years.

The Copyright Act of 1909 authorizes the return to copyright claimants of such deposits as are not needed by the Library of Congress or the Copyright Office, after due notice as required by section 60. In the ordinary routine of business or in response to special requests 2,527 motion-picture films and 63,875 deposits in other classes have been so returned during the fiscal year.

INDEX AND CATALOG OF COPYRIGHT ENTRIES

All copyright entries are promptly indexed. The index cards are ultimately inserted into the great card indexes covering all classes of copyright entries from 1897 to date and now numbering approximately 9,000,000 cards. These cards are first used as copy for the printed Catalog of Copyright Entries, the current numbers of which bind up, with annual indexes, to cover for each class all the entries made for the calendar year. The annual volumes for 1933 are all completed.

The subscription price for the complete catalog for the year is \$10, and for the separate parts as follows: Part 1, group 1, books proper, \$3; part 1, group 2, pamphlets and maps, \$3; part 1, group 3, dramatic compositions and motion pictures, \$2; part 2, periodicals, \$2; part 3, musical compositions, \$3; part 4, works of art, photographs, prints, and pictorial illustrations, \$2; single numbers (except book leaflets), 50 cents; annual indexes, each, for complete calendar year, \$2; all parts for complete calendar year, \$10.

The appropriation for printing the Catalog of Copyright Entries for 1933-34 was again cut by Congress in pursuance of the program for greater economy in departmental expenditures. The cuts in the appropriation have made it necessary to reduce the size of the catalog by omitting some of the fuller details included in the entries as formerly printed and preserving only the bare facts essential to identification of the copyright entry. This practice has been followed throughout the year.

SERVICE

The Office suffered a serious loss in the death of Caspar G. Dickson on October 6, 1933. His unusual equipment and rare qualifications for his work rendered him extraordinarily valuable to the Office. His familiarity with both literature and music furnished an unusually comprehensive knowledge upon which to base his searches for facts of copyright, wherein his work lay. In addition he had gained a familiarity with the details and files of the Office during his 33 years of service which no other person now has to the same extent. Such usefulness as his, acquired only by long experience, is irreplaceable for a time when its possessor is taken away.

CORRESPONDENCE

A large part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 184,541, while the letters, parcels, etc., dispatched numbered 190,658. The latter figure shows a very considerable increase over last year.

ACCOUNTS

On July 6, 1934, the books of the Copyright Office were balanced for June, the accounts for the fiscal year were closed and the financial statements completed for the Treasury Department, showing that all earned fees to June 30 had been paid into the Treasury.

COPYRIGHT OFFICE PUBLICATIONS

The copyright law of the United States now in force was reprinted during the year as Bulletin No. 14 of the Copyright Office as usual.

Other than this and the Catalog of Copyright Entries printed periodically the Office has published nothing during the year, but has now ready for publication a further volume of compiled decisions of the courts relating to copyright which it is hoped will soon be printed to continue the series published in previous years.

INTERNATIONAL COPYRIGHT

New copyright proclamations have been issued within the period covered by this report extending copyright privileges in the United States to nationals of two other countries in exchange for protection accorded to American authors in those countries, viz: Palestine, signed September 29, 1933, effective October 1, 1933; Free City of Danzig, signed April 7, 1934, effective the same date. The proclamations are printed in full in the addenda on pages 23 and 25.

Ratification by Nicaragua of the convention revising the Convention of Buenos Aires on Literary and Artistic Copyright adopted at the Sixth International Conference of American States held at Habana, February 1928, is reported by the Department of State as having been effected April 4, 1934. The number of ratifying countries has thus been increased to 4, the other 3 being Panama, Guatemala, and Costa Rica. The United States has not yet ratified this Habana Convention.

During the period covered by this report the following countries have declared adhesion to the Berne convention as revised at Rome in 1928, as announced in *Le Droit d'Auteur*, official organ of the International Copyright Union:

Denmark, effective September 16, 1933.

France, effective December 22, 1933.

Germany, effective October 21, 1933.

Malay Federated States, effective January 10, 1933.

Newfoundland, effective December 11, 1933.

Syria and Lebanon Republic, effective December 24, 1933.

Tunis, effective December 22, 1933.

With these added it is understood that 27 countries of the Union have now subscribed to the Rome Convention.

CONGRESS CONSIDERS THE COPYRIGHT CONVENTION

The only interest in copyright legislation shown by Congress in the last session was seen in the action taken by the Senate Committee on Foreign Relations in regard to entry by the United States into the International Copyright Union, under the Convention of Rome¹ as provided for in the Cutting bill (S. 1928)² which had been introduced in the Senate towards the close of the first session of the Seventy-third Congress and referred to the Committee on Foreign Relations.

¹ For the full text of the convention and of the message transmitting it, see p. 27 of this report.

² 1933 (June 10). A bill to enable the United States to enter the International Copyright Union. Introduced by Mr. Cutting. S. 1928, 73d Cong., 1st sess. Referred to the Committee on Foreign Relations. For the full text of this bill see p. 39 of this report.

The Convention of Berne as revised at Rome was transmitted by the President to the Senate on February 19, 1934, and was referred to the Committee on Foreign Relations.

With this treaty before it and with the Cutting-Lace bill in its hands as a sort of enabling act to implement the treaty if and when the Senate should ratify it, the Committee on Foreign Relations held a restricted hearing on March 28, 1934, at which there were present, officially or by invitation, besides the 8 or 10 members of the committee in attendance, Senator Bronson Cutting, Hon. Sol Bloom, Dr. Wallace McClure of the State Department, Hon. Robert Underwood Johnson, Mr. Thorvald Solberg, formerly Register of Copyrights, Mr. M. J. Flynn, representing the International Allied Printing Trades Association, and Dr. M. Llewellyn Raney, director of libraries of the University of Chicago.

At this hearing Dr. McClure explained the desire of the State Department for ratification of the convention on grounds of promoting American interests abroad. Mr. Johnson, ever the stalwart champion of the rights of authors, whether American or foreign, and Mr. Solberg, earnest advocate of international copyright, with others, urged favorable action on the bill. Mr. Flynn opposed it because he believed that labor would thereby lose some of its protection in the printing of books.

At about the same time Mr. Robert Underwood Johnson made public, through the daily press, a letter addressed to him by President Roosevelt expressing the satisfaction that he (the President) would feel to be empowered to negotiate the treaty and make the United States a party to the Rome Convention.

Thereupon there followed considerable comment and discussion, editorially and otherwise, in the daily press. The New York Times, the Boston Transcript, the Herald-Tribune, the Washington Post, the World-Telegram, and the Nation, spoke out strongly for ratification of the treaty. Some adverse comment was offered by the Publishers' Weekly and others who believed that the American publishers and copyright proprietors might lose valuable advantages if we joined the union under the Rome Convention without some reservations and without first amending our own copyright law. There was obviously a feeling that the American author would be put in a disadvantageous position as compared with the foreign author, since the former would still be required to print his book in the United States, as he does now, while the foreign author would not be subject to these restrictions. For it is to be observed that our law excepts from the requirement of American manufacture all books of foreign origin in a foreign language. These last, therefore, are not now required to be printed in this country to secure copyright and have not been so required for about 25 years.

Other users of copyright material expressed adverse views in the columns of their trade journals or otherwise. The radio interests feared that they would be exposed to exorbitant demands on the part of foreign performing-rights societies for the use of their music. The National Association of Broadcasters accordingly asked the Chairman of the Committee on Foreign Relations to give the organized broadcasters an opportunity to be heard before the bill should be reported.

The motion-picture people objected to the retroactive provisions of the convention, which would bring under copyright some works now in the public domain in the United States, and to the so-called "moral-rights clause" intended to prevent the distortion or mutilation of an author's work. They contended that some modification of a work is often necessary to adjust it to the requirements of screen production. Therefore the Motion Picture Theatre Owners' Association passed a resolution petitioning the Committee on Foreign Relations to withhold approval of the bill S. 1928, or any bill which would allow the entrance of the United States into the International Copyright Union without first securing protection to the motion-picture industry.

On the other hand, the Music Publishers' Association passed a resolution of full accord with such congressional action as may be necessary to enable our country to enter the Copyright Union,—but this upon conditions and only after being told that "unless we went into the union through the front door, instead of over the transom as we have been doing", we would have less and less protection for our rights abroad which, under existing conditions, are more and more jeopardized. The American Library Association in council session passed a resolution petitioning Congress to permit the United States to enter the International Copyright Union by adherence to the Convention of Rome, and the officials of the American Academy of Arts and Letters advised the members of that association to urge ratification of the treaty.

Finally, a series of public hearings was held on May 28 and 29, 1934, before a subcommittee of the Senate Committee on Foreign Relations consisting of Senator Duffy, chairman, and Senators Van Nuys and Fess. The first day was devoted to the proponents of the measure and the second day to the opponents.

Dr. Wallace McClure of the State Department opened the case for the proponents of the treaty. He advocated the early adhesion of the United States to the Convention of Rome, pointing out that such action had been suggested for many years past in connection with bills before Congress to revise the copyright law. He proposed that now the Senate should take prompt action but that the date on which adhesion is to take effect should be postponed for perhaps a year, so

as to allow time for appropriate legislation to be framed which would bring the American copyright law into line with the convention. He further suggested that the subcommittee continue in existence through the summer, with power to call for assistance from Government experts and others interested in the framing of such a bill as would be necessary, which could be introduced promptly at the beginning of the next session.

He was followed by others who spoke in favor of the early entry of the United States into the union, although some of them objected to bill S. 1928. Among them were Mr. William Hamilton Osborne, counsel for the Authors' League; Mr. Frederic G. Melcher, chairman of the copyright committee of the National Association of Book Publishers; Mr. James L. Brown, in charge of the Patent, Trade Mark, and Copyright Section of the Department of Commerce; Mr. John Macrae, of the firm of Messrs. E. P. Dutton & Co.; Miss Leila Mechlin of the American Federation of Arts; Dr. John H. MacCracken, associate director of the American Council on Education; Mr. William O. Tufts, representing the map publishers; and Mr. Thorvald Solberg, former Register of Copyrights.

The opponents were heard on the following day, May 29. Senator Dill opened the discussion. Speaking at some length, he opposed the treaty which, he thought, should be carefully scrutinized by Congress, and he severely criticized the bill which, he said, would wipe out existing legislation that has been in operation for years. He believed that there would be reasons for going into the Berne Convention if we could make some reservations but that we ought not to "scrap 140 years of copyright law to get in."

Further objections to the bill were voiced by many speakers, among them being Mr. E. P. Kilroe, attorney for the Fox Film Corporation, Mr. Julian Brylawski, representing the Motion Picture Theater Owners' Association, and Mr. Fulton Brylawski, Mr. Oswald F. Schuette, representing the National Association of Broadcasters, Mr. William B. Warner, president of the National Publishers' Association, Colonel Robert E. Coulson, and Mr. M. J. Flynn, representing the printing trades, who declared unequivocally that labor is opposed to ratification of this treaty and to the passage of the Cutting-Luce bill at this time. He suggested that during the summer the State Department might hold conferences with all interested parties, with a view to working out something that would be acceptable to the various conflicting interests.

Reviewing the hearings as a whole it appears that while the objectors were the more articulate in that they marshalled more speakers and made their points quite specific, the advocates of the treaty took their stand upon a somewhat higher level of argument and revealed a support which carried much weight, since they had

on their side the endorsement of the President and of influential metropolitan journals. Thus what Hon. Robert Underwood Johnson and those associated with him considered a measure of justice and fair play on the part of the United States, tending to secure mutual protection for authors in all countries, was opposed by the practical considerations which the publishers, broadcasters, and motion-picture producers believed necessary for the successful conduct of their industries.

There the matter rests for the present. The hearings have been printed and presumably are to be obtained from the Chairman of the Senate Committee on Foreign Relations.

DESIGN PROTECTION

Two new bills were introduced in Congress during the session dealing with the protection of designs but containing no proposals affecting the Copyright Office.

On January 25, 1934, Mr. Peyser introduced a bill (H. R. 7359) to amend the law relating to design patents to provide for the registration of designs, and for other purposes, which was referred to the Committee on Patents, and on March 23, 1934, Mr. Nye introduced a bill (S. 3166) similar in all respects to H. R. 7359, which was also referred to the Committee on Patents.³

This is an entirely new measure. It proposes to transfer the problem of design piracy into the realm of unfair competition by providing for registration of designs under the N. R. A. codes. The registration of designs would be done under a special committee of the trade association in each industry, and the Commissioner of Patents is authorized to prescribe rules and regulations.

Congress adjourned on June 18, 1934, without taking action on the bill, but the probability now is that efforts to secure this legislation will be resumed.

Meantime, it is of interest to note in connection with protection of designs that on May 15, 1934, Mr. Byrnes introduced in the Senate, Senate Joint Resolution 120, authorizing and directing the Federal Trade Commission "to investigate and report regarding the piracy, infringement, imitation, or simulation of designs, trade marks, patterns, shapes, forms, and other distinctive marks or dress of goods."⁴

³1934 (Mar. 20 (calendar day, Mar. 23)). A bill to amend the law relating to design patents to provide for the registration of designs, and for other purposes. Introduced by Mr. Nye. S. 3166, 73d Cong., 2d sess. Referred to the Committee on Patents.

⁴1934 (May 10 (calendar day, May 15)). Joint resolution authorizing and directing the Federal Trade Commission to investigate and report regarding the piracy, infringement, imitation, or simulation of designs, trade marks, patterns, shapes, forms, and other distinctive marks or dress of goods. Introduced by Mr. Byrnes. S. J. Res. 120. Referred to the Committee on Interstate Commerce.

PAN AMERICAN CONFERENCE

The Seventh International Conference of American States held at Montevideo, Uruguay, December 1933, undertook no discussion concerning the copyright relations among the various countries represented. It did, however, adopt a resolution calling for creation of a committee to prepare a preliminary draft convention which shall harmonize its own findings with the principles set forth in the Convention of Berne as revised at Rome in 1928, and report its conclusions to the Pan American Union. This was in accordance with the preliminary program for the conference approved by the governing board of the Pan American Union at its session May 31, 1933, which included under chapter VI on Intellectual Cooperation:

SEC. 21. Inter-American copyright protection and the possibility of reconciling the Habana and Rome conventions.*

The report was subsequently made by the executive committee of the American Institute of International Law and was printed by the Pan American Union as Document No. 5 of the Montevideo Conference.

A CENTURY OF PROGRESS (CHICAGO FAIR, 1933)

The year has passed without any requirement for establishing the branch copyright office at the Chicago Fair as provided (if demanded) by the act approved July 19, 1932. No registrations were made under this act.

Respectfully submitted.

WILLIAM L. BROWN,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

* See Bulletin of the Pan American Union, July 1933, p. 551.

EXHIBITS

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EXHIBIT B
RECORD OF APPLIED FEES

Month	Registrations of published works, including certificates		Registrations of unpublished works, including certificates		Registrations of published photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$2	Number	Fees at \$1	Number	Fees at \$1	Number	Fees at \$1		
1933										
July.....	7,596	\$15,192.00	1,939	\$1,939.00	74	\$74.00	638	\$638.00	10,247	\$17,843.00
August.....	7,390	14,780.00	2,462	2,462.00	143	143.00	259	259.00	10,254	17,644.00
September.....	7,649	15,298.00	1,879	1,879.00	107	107.00	231	231.00	9,866	17,516.00
October.....	8,446	16,892.00	2,315	2,315.00	59	59.00	610	610.00	11,430	19,876.00
November.....	7,918	15,836.00	2,118	2,118.00	52	52.00	390	390.00	10,478	18,396.00
December.....	8,883	17,766.00	2,090	2,090.00	48	48.00	170	170.00	11,191	20,074.00
1934										
January.....	9,895	19,790.00	2,870	2,870.00	90	90.00	1,032	1,032.00	13,887	23,782.00
February.....	7,845	15,690.00	2,652	2,652.00	92	92.00	1,037	1,037.00	11,626	19,471.00
March.....	10,057	20,114.00	3,139	3,139.00	43	43.00	726	726.00	13,695	24,022.00
April.....	9,065	18,130.00	2,215	2,215.00	30	30.00	936	936.00	12,246	21,311.00
May.....	9,178	18,356.00	2,479	2,479.00	59	59.00	413	413.00	12,129	21,307.00
June.....	8,981	17,962.00	2,131	2,131.00	69	69.00	547	547.00	11,728	20,709.00
Total.....	102,903	205,806.00	28,289	28,289.00	866	866.00	6,989	6,989.00	139,047	241,950.00

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of user		Search fees	Total fees applied
	Number	Fees at \$1	Number	Fees	Number	Fees at \$0.10	Number	Fees		
1933										
July.....	71	\$71.00	142	\$722.00	48	\$4.80	19	\$19.00	\$47.00	\$18,706.80
August.....	36	36.00	128	442.00	34	3.40	15	15.00	111.00	18,251.40
September.....	38	38.00	140	430.00	67	6.70	11	11.00	58.00	18,058.70
October.....	40	40.00	159	554.00	31	3.10	33	33.00	36.00	20,542.10
November.....	88	88.00	167	592.00	37	3.70	21	21.00	50.00	19,150.70
December.....	41	41.00	166	540.00	58	5.80	22	22.00	123.00	20,806.80
1934										
January.....	104	104.00	190	668.00	184	18.40	12	12.00	67.00	24,651.40
February.....	65	65.00	178	716.00	109	10.90	15	15.00	94.00	20,371.90
March.....	89	89.00	194	582.00	225	22.50	16	16.00	75.00	24,806.50
April.....	72	72.00	196	602.00	72	7.20	13	13.00	72.00	22,077.20
May.....	123	123.00	307	962.00	133	13.30	19	19.00	90.00	22,514.30
June.....	106	106.00	208	752.00	137	13.70	17	17.00	57.00	21,654.70
Total.....	873	873.00	2,175	7,502.00	1,135	113.50	213	213.00	880.00	261,891.80

EXHIBIT C

STATEMENT OF GROSS CASH RECEIPTS, YEARLY FEES, NUMBER OF REGISTRATIONS, ETC., FOR 37 FISCAL YEARS

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98	\$61,099.56	\$58,926.50	75,545		
1898-99	64,185.65	58,267.00	80,968	5,423	
1899-1900	71,072.33	65,206.00	94,798	13,830	
1900-1901	69,525.25	63,687.50	92,351		2,447
1901-02	68,405.08	64,687.00	92,978	627	
1902-03	71,533.91	68,874.50	97,979	5,001	
1903-04	75,302.83	72,629.00	103,130	5,151	
1904-05	80,440.56	78,068.00	113,374	10,244	
1905-06	82,610.92	80,198.00	117,704	4,330	
1906-07	87,384.31	84,685.00	123,829	6,125	
1907-08	85,042.03	82,387.50	119,742		4,087
1908-09	87,065.53	83,816.75	120,131	389	
1909-10	113,662.83	104,644.95	109,074		11,057
1910-11	113,661.52	109,913.95	115,198	6,124	
1911-12	120,149.51	116,685.05	120,931	5,733	
1912-13	118,968.29	114,980.60	119,495		1,436
1913-14	122,639.92	120,219.25	123,154	3,659	
1914-15	116,594.55	111,922.75	115,193		7,961
1915-16	116,663.42	112,986.85	115,967	774	
1916-17	113,806.51	110,077.40	111,488		4,529
1917-18	109,105.87	106,352.40	106,728		4,710
1918-19	117,618.96	113,118.00	113,003	6,275	
1919-20	132,371.37	129,492.25	126,562	13,559	
1920-21	141,199.33	134,516.15	135,290	8,718	
1921-22	146,398.26	138,516.15	138,633	3,353	
1922-23	153,923.62	149,207.00	148,946	10,318	
1923-24	167,705.98	162,544.90	162,694	13,748	
1924-25	173,971.95	169,909.55	165,848	3,154	
1925-26	185,038.29	178,307.20	177,635	11,787	
1926-27	191,375.16	184,727.60	184,000	6,365	
1927-28	201,054.49	195,167.65	193,914	9,914	
1928-29	322,135.82	308,993.80	161,959		31,955
1929-30	336,960.75	327,629.90	172,792	10,833	
1930-31	312,865.41	309,414.30	164,642		8,150
1931-32	294,719.20	280,964.90	151,735		12,907
1932-33	254,754.09	250,995.30	137,424		14,311
1933-34	258,829.53	251,501.50	139,047	1,623	
Total	5,320,782.16	5,145,392.10	4,743,821		

EXHIBIT D

NUMBER OF REGISTRATIONS MADE DURING THE LAST 5 FISCAL YEARS

Class	Subject matter of copyright	1929-30	1930-31	1931-32	1932-33	1933-34
A	Books:					
	(a) Printed in the United States:					
	Books proper.....	15,221	14,175	13,460	10,820	9,660
	Pamphlets, leaflets, etc.....	26,135	27,143	26,996	24,290	26,236
	Contributions to newspapers and periodicals.....	14,587	12,698	10,489	9,290	7,740
	Total.....	55,943	54,016	50,944	44,400	43,636
(b) Printed abroad in a foreign language.....	4,664	4,839	4,784	4,232	3,593	
(c) English books registered for ad-interim copyright.....	1,228	1,198	1,337	1,352	1,169	
	Total.....	61,835	59,553	57,065	49,984	48,398
B	Periodicals (numbers).....	43,939	42,416	39,177	35,464	35,819
C	Lectures, sermons, addresses.....	567	563	521	388	432
D	Dramatic or dramatico-musical compositions.....	5,734	5,784	6,296	6,359	5,945
E	Musical compositions.....	32,129	31,488	29,264	26,846	27,001
F	Maps.....	2,554	2,940	1,774	1,178	1,260
G	Works of art, models or designs.....	2,734	2,551	2,590	2,667	5,447
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	1,687	1,998	1,667	1,465	1,845
J	Photographs.....	4,311	3,618	2,570	1,882	1,574
K	Prints and pictorial illustrations.....	9,170	5,813	3,354	3,143	2,834
L	Motion-picture photoplays.....	890	940	800	864	821
M	Motion pictures not photoplays.....	1,305	966	739	743	692
R	Renewals.....	5,937	5,998	5,888	6,411	6,999
	Total.....	172,792	164,642	151,725	137,424	139,047

EXHIBIT E

NUMBER OF ARTICLES DEPOSITED DURING THE LAST 5 FISCAL YEARS

Class	Subject matter of copyright	1929-30	1930-31	1931-32	1932-33	1933-34
A	Books:					
	(a) Printed in the United States:					
	Books proper.....	60,442	28,350	26,920	21,640	19,309
	Pamphlets, leaflets, etc.....	51,996	54,348	53,922	48,538	52,472
	Contributions to newspapers and periodicals.....	14,587	12,698	10,499	9,290	7,740
	Total.....	97,025	95,396	91,331	79,468	79,521
	(b) Printed abroad in a foreign language.....	4,664	4,839	4,784	4,232	3,896
	(c) English works registered for ad-interim copyright.....	1,228	1,198	1,837	1,352	1,166
	Total.....	102,917	100,933	97,452	85,052	84,283
	B	Periodicals.....	87,992	84,830	78,354	70,928
C	Lectures, sermons, etc.....	555	563	521	388	432
D	Dramatic or dramatico-musical compositions.....	6,504	6,502	7,077	7,048	6,731
E	Musical compositions.....	41,183	39,040	36,331	32,886	32,694
F	Maps.....	4,947	5,869	3,535	2,353	2,499
G	Works of art, models or designs.....	2,993	2,636	2,645	2,664	5,805
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	2,837	3,121	2,737	2,366	2,801
J	Photographs.....	8,032	6,666	4,638	3,437	2,848
K	Prints and pictorial illustrations.....	12,887	8,761	6,357	6,027	5,408
L	Motion-picture photoplays.....	1,779	1,846	1,602	1,728	1,633
M	Motion pictures not photoplays.....	2,688	1,923	1,440	1,442	1,350
	Total.....	275,214	262,690	242,689	216,339	217,912

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ADDENDUM I

COPYRIGHT—PALESTINE (EXCLUDING TRANS-JORDAN)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is provided by the act of Congress approved March 4, 1909 (ch. 320, 35 Stat. 1075-1088), 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 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) 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 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 on and after October 1, 1933, citizens of the United States will be entitled to obtain copyright for their works in Palestine (excluding Trans-Jordan) which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (e);

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim:

That on and after October 1, 1933, the conditions specified in section 8 (b) and 1 (e) of the act of March 4, 1909, will exist and be fulfilled in respect of the citizens of Palestine (excluding Trans-Jordan) and that on and after October 1, 1933, citizens of Palestine (excluding Trans-Jordan) shall be entitled to all the benefits of this act and acts amendatory thereof:

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, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to October 1, 1933, on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of September, in the year of our Lord nineteen hundred and thirty-three, and of the Independence [SEAL] of the United States of America the one hundred and fifty-eighth.

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,
Secretary of State.

[No. 2058]

ADDENDUM II

COPYRIGHT—FREE CITY OF DANZIG

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is provided by the act of Congress approved March 4, 1909 (ch. 320, 35 Stat. 1075-1088), 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 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) 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 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 evidence has been received that in the Free City of Danzig the law permits and from the date of this proclamation will grant to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of the Free City of Danzig; and

WHEREAS satisfactory official assurance has been given that in the Free City of Danzig the law now permits to citizens of the United States similar rights to those accorded in section 1(e) of the act of March 4, 1909:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim:

That on and after April 7, 1934, the conditions specified in section 8(b) and 1(e) of the act of March 4, 1909, will exist and be fulfilled in respect of the citizens of the Free City of Danzig and that on and after April 7, 1934, citizens

of the Free City of Danzig shall be entitled to all the benefits of this act and acts amendatory thereof:

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, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to April 7, 1934, on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of April, in the year of our Lord nineteen hundred and thirty-four, and of the Independence of [SEAL] the United States of America the one hundred and fifty-eighth.

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,

Secretary of State.

[No. 2079]

ADDENDUM III

[Senate Executive E, 73d Congress, 2d Session]

INTERNATIONAL COPYRIGHT CONVENTION

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING THE INTERNATIONAL CONVENTION OF THE COPYRIGHT UNION AS REVISED AND SIGNED AT ROME ON JUNE 2, 1928

FEBRUARY 19, 1934.—Convention read the first time and referred to the Committee on Foreign Relations, and, together with the message, ordered to be printed in confidence for the use of the Senate

MAY 28, 1934.—Made public

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to adherence thereto on the part of the United States, I transmit herewith the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928. I invite the consideration of the Senate to this convention instead of the Convention of the International Copyright Union signed at Berlin on November 13, 1908, and the additional protocol thereto signed at Bern on March 20, 1914, which were transmitted to the Senate by my predecessor in office on January 21, 1931.

According to the provisions of the convention as revised and signed at Rome in 1928, which I am now transmitting to the Senate, adherence to the convention as signed at Berlin in 1908 is no longer permissible. I call attention to this provision and likewise to the other reasons given in the accompanying report of the Secretary of State for asking the Senate to consider the convention as revised on the later date in lieu of the one previously submitted to it.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
February 19, 1934.

THE PRESIDENT:

On January 21, 1931, President Hoover transmitted to the Senate, with a view to receiving the advice and consent of the Senate to adherence thereto by the United States, the International Convention of the Copyright Union as revised and signed at Berlin on November 13, 1908, and an additional protocol thereto signed at Bern, March 20, 1914 (Senate Executive H, 71st Cong., 3d sess.). Since such transmission, the Convention of the International Copyright Union as revised and signed at Rome on June 2, 1928, has come into force. This convention provides in article 28 that countries that are not within the union might, until August 1, 1931, enter the union by means of adherence either to the convention signed at Berlin on November 13, 1908, or to the convention signed at Rome, but that after August 1, 1931, they may adhere only to the Rome Convention. The latter Convention has, therefore, superseded the Berlin Convention and the Bern protocol in the relations of the countries which have ratified it with each other.

The undersigned, the Secretary of State, is, therefore, laying before the President a certified copy of the convention as revised and signed at Rome

in 1928, with a translation thereof into English, in order that, should his judgment approve thereof, it may be transmitted to the Senate so that the Senate may consider adherence to this convention instead of adherence to the convention of 1908 and the protocol of 1914 which are before it.

Adherence by the United States to the Rome Convention would give to American authors the right to enjoy for their literary and artistic works in countries members of the Copyright Union the same rights as are enjoyed by authors of similar works who are nationals of such countries. Reciprocally, the nationals of those countries would enjoy in the United States the rights enjoyed by citizens of this country.

According to the information of the Department of State, the following countries have either ratified or adhered to the convention of 1928: Bulgaria, Brazil, Canada, Free City of Danzig, Denmark, Finland, France (including the French colonies, protectorates, and territories under authority of the French Ministry for the Colonies), Syria and the Lebanon, Germany, Great Britain (including Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands and Dependencies, Federated Malay States, Fiji, Cambia Colony and Protectorate, Gibraltar, Gold Coast Colony (Ashanti and the Northern Territories), Togoland under British Mandate, Hong Kong, Jamaica (including Turks and Caicos Islands and Cayman Islands), Fenza Colony and Protectorate, Leeward Islands (Antigua, Dominica, Montserrat, St. Christopher and Nevis, and the Virgin Islands), Malta, Neeritius, Newfoundland, Nigeria Colony and Protectorate and the Camaroons under British Mandate, Northern Rhodesia, Nyasaland Protectorate, Palestine (including Trans-Jordan), St. Helena and Ascension, Seychelles, Sierra Leone Colony and Protectorate, Somaliland Protectorate, Union of South Africa, Basutoland, Bechuanaland Protectorate, Swaziland, Southern Rhodesia, Straits Settlements, Tanganyika Territory, Trinidad and Tobago, Uganda Protectorate, Western Pacific Islands (British Solomon Islands Protectorate, and Gilbert and Ellice Islands Colony), Windward Islands (Grenada, St. Lucia, and St. Vincent), Greece, Hungary, India, Italy, Japan (including Chosen, Jarafuto, Leased Territory of Kwantung, and Taiwan), Leichtenstein, Luxemburg, Monaco, the Netherlands (including Curacao, Netherland India, and Surinam), Norway, Spain, Sweden, Switzerland, Tunis, and Yugoslavia.

The following countries members of the Union under the 1908 convention have not yet ratified or adhered to the convention of 1928: Australia, Austria, Belgium, Czechoslovakia, Estonia, Haiti, Irish Free State, Liberia, Morocco, New Zealand, Poland, Portugal, and Rumania.

As the first of the foregoing lists indicates, a very large proportion of the countries of the world are parties to the instrument herewith submitted, thus having agreed to the provision that after August 1, 1931, new members may adhere only to it. The United States has become a great producer of literary and artistic works, which include, of course, not merely the writings of authors and composers, but the output of vast industries such as the motion-picture studios. The demand for these products is world-wide. At present protection against piracy is, in many places, nonexistent or inadequate. Adherence to the convention for the protection of literary and artistic works, which represents the most complete and modern conception of such protection, is the most important step that can be taken to remedy the present situation. It would assure to American authors and artists the enjoyment of copyright without formality in all of the countries which are parties to it, as well as such other privileges as each country respectively accords to its own citizens. The United States would, of course, be obligated reciprocally to accord to the citizens of

the other countries copyright without formality and, in general, the protection which it accords to its own citizens.

The revision of 1928 added substantial new provisions for the benefit of authors of literary and artistic works, such as protection of an author against mutilation or modification by assignees which may be prejudicial to his honor or his reputation, and certain rights with respect to the communication of his work by radio.

The register of copyrights of the United States has long been on record as favoring the entry of the United States into the International Copyright Union, and in this position the Librarian of Congress concurs. Adherence on the part of the United States prior to the adjournment of the present session of Congress is earnestly recommended.

Respectfully submitted.

CORDELL HULL.

DEPARTMENT OF STATE,
Washington, February 16, 1934.

[Translation]

BERNE CONVENTION OF SEPTEMBER 9, 1886, FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS, REVISED AT BERLIN, NOVEMBER 13, 1908, AND AT ROME, JUNE 2, 1928.

The President of the German Reich; the Federal President of the Republic of Austria; His Majesty the King of the Belgians; the President of the United States of Brazil; His Majesty the King of the Bulgarians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the Republic of Estonia; the President of the Republic of Finland; the President of the French Republic; His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India; the President of the Hellenic Republic; His Most Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Royal Highness the Grand Duchess of Luxemburg; His Majesty the Sultan of Morocco; His Most Serene Highness the Prince of Monaco; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic in the name of Poland and of the Free City of Danzig; the President of the Portuguese Republic; His Majesty the King of Rumania; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the States of Syria and the Great Lebanon; the President of the Czechoslovak Republic; His Highness the Bey of Tunis—

Equally animated by the desire to protect in as efficacious and uniform a manner as possible the rights of authors as to their literary and artistic works,

Have resolved to revise and complete the Act signed at Berlin on November 13, 1908.

They have consequently named as their plenipotentiaries:

[NOTE.—The names of the plenipotentiaries which follow in the official print are omitted here to save space.]

Who, being thereunto duly authorized, have agreed upon the following:

ARTICLE 1

The Countries to which the present Convention applies shall be constituted into a Union for the protection of the rights of authors in their literary and artistic works.

ARTICLE 2

(1) The term "literary and artistic works" shall include all productions in the literary, scientific, and artistic domain, whatever the mode or form of expression, such as: books, pamphlets, and other writings; lectures, addresses, sermons and other works of like nature; dramatic or dramatico-musical works; choreographic works and pantomimes, the staging (*mise en scène*) of which is fixed in writing or otherwise; musical compositions with or without words; drawings, paintings; works of architecture and sculpture; engravings and lithographs; illustrations; geographical charts; plans, sketches, and plastic works relating to geography, topography, architecture, or the sciences.

(2) Translations, adaptations, arrangements of music and other reproductions transformed from a literary or artistic work, as well as compilations from different works, shall be protected as original works without prejudice to the rights of the author of the original work.

(3) The countries of the Union shall be bound to secure protection in the case of the works mentioned above.

(4) Works of art applied to industry shall be protected so far as the domestic legislation of each country allows.

ARTICLE 2 Bis

(1) The authority is reserved to the domestic legislation of each country of the Union to exclude, partially or wholly, from the protection provided by the preceding Article political discourses or discourses pronounced in judicial debates.

(2) There is also reserved to the domestic legislation of each country of the Union authority to enact the conditions under which such lectures, addresses, sermons and other works of like nature may be reproduced by the press. Nevertheless, the author alone shall have the right to bring such works together in a compilation.

ARTICLE 3

The present convention shall apply to photographic works and to works obtained by any process analogous to photography. The countries of the Union shall be bound to guarantee protection to such works.

ARTICLE 4

(1) Authors within the jurisdiction of one of the countries of the Union shall enjoy for their works, whether unpublished or published for the first time in one of the countries of the Union, such rights, in the countries other than the country of origin of the work, as the respective laws now accord or shall hereafter accord to nationals, as well as the rights specially accorded by the present Convention.

(2) The enjoyment and the exercise of such rights shall not be subject to any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the stipulations of the present Convention, the extent of the protection, as well as the means of redress guaranteed to the author to safeguard his rights, shall be regulated exclusively according to the legislation of the country where the protection is claimed.

(3) The following shall be considered as the country of origin of the work: for unpublished works, the country to which the author belongs; for published works, the country of first publication, and for works published simultaneously in several countries of the Union, the country among them

whose legislation grants the shortest term of protection. For works published simultaneously in a country outside of the Union and in a country within the Union, it is the latter country which shall be exclusively considered as the country of origin.

(4) By "published works" ("*oeuvres publiées*") must be understood, according to the present Convention, works which have been issued ("*oeuvres éditées*"). The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

ARTICLE 5

Authors within the jurisdiction of one of the countries of the Union who publish their works for the first time in another country of the Union, shall have in this latter country the same rights as national authors.

ARTICLE 6

(1) Authors not within the jurisdiction of any one of the countries of the Union, who publish their works for the first time in one of the Union countries, shall enjoy in such Union country the same rights as national authors, and in the other countries of the Union the rights accorded by the present Convention.

(2) Nevertheless, when a country outside of the Union does not protect in an adequate manner the works of authors within the jurisdiction of one of the countries of the Union, this latter Union country may restrict the protection for the works of authors who are, at the time of the first publication of such works, within the jurisdiction of the non-union country and are not actually domiciled in one of the countries of the Union.

(3) Any restriction, established by virtue of the preceding paragraph, shall not prejudice the rights which an author may have acquired in a work published in one of the countries of the Union before the putting into effect of this restriction.

(4) The countries of the Union which, by virtue of the present article, restrict the protection of the rights of authors, shall notify the fact to the Government of the Swiss Confederation by a written declaration indicating the countries in whose case protection is restricted, and indicating also the restrictions to which the rights of authors within the jurisdiction of such country are subjected. The Government of the Swiss Confederation shall immediately communicate this fact to all the countries of the Union.

ARTICLE 6 BIS

(1) Independently of the author's copyright, and even after assignment of the said copyright, the author shall retain the right to claim authorship of the work, as well as the right to object to every deformation, mutilation or other modification of the said work, which may be prejudicial to his honor or to his reputation.

(2) It is left to the national legislation of each of the countries of the Union to establish the conditions for the exercise of these rights. The means for safeguarding them shall be regulated by the legislation of the country where protection is claimed.

ARTICLE 7

(1) The duration of the protection granted by the present Convention shall comprise the life of the author and fifty years after his death.

(2) In case this period of protection, however, should not be adopted uniformly by all the countries of the Union, its duration shall be regulated by the law of the country where protection is claimed, and it can not exceed the term fixed in the country of origin of the work. The countries of the Union will consequently not be required to apply the provision of the preceding paragraph beyond the extent to which it agrees with their domestic law.

(3) For photographic works and works obtained by a process analogous to photography; for posthumous works; for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, but this term shall not exceed the term fixed in the country of origin of the work.

ARTICLE 7 BIS

(1) The term of copyright protection belonging in common to collaborators in a work shall be calculated according to the date of the death of the last survivor of the collaborators.

(2) Persons within the jurisdiction of countries which grant a shorter period of protection than that provided in paragraph 1 can not claim in the other countries of the Union a protection of longer duration.

(3) In any case the term of protection shall not expire before the death of the last survivor of the collaborators.

ARTICLE 8

Authors of unpublished works within the jurisdiction of one of the countries of the Union, and authors of works published for the first time in one of these countries, shall enjoy in the other countries of the Union during the whole term of the right in the original work the exclusive right to make or to authorize the translation of their works.

ARTICLE 9

(1) Serial stories, tales and all other works, whether literary, scientific, or artistic, whatever may be their subject, published in newspapers or periodicals of one of the countries of the Union, may not be reproduced in the other countries without the consent of the authors.

(2) Articles of current economic, political, or religious discussion may be reproduced by the press if their reproduction is not expressly reserved. But the source must always be clearly indicated; the sanction of this obligation shall be determined by the legislation of the country where the protection is claimed.

(3) The protection of the present Convention shall not apply to news of the day or to miscellaneous news having the character merely of press information.

ARTICLE 10

As concerns the right of borrowing lawfully from literary or artistic works for use in publications intended for instruction or having a scientific character, or for chrestomathies, the provisions of the legislation of the countries of the Union and of the special treaties existing or to be concluded between them shall govern.

ARTICLE 11

(1) The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works and to the public performance of musical works, whether these works are published or not.

(2) Authors of dramatic or dramatico-musical works shall be protected, during the term of their copyright in the original work, against the unauthorized public representation of a translation of their works.

(3) In order to enjoy the protection of this article, authors in publishing their works shall not be obliged to prohibit the public representation or public performance of them.

ARTICLE 11 Bis

(1) The authors of literary and artistic works shall enjoy the exclusive right to authorize the communication of their works to the public by broadcasting.

(2) It belongs to the national legislatures of the countries of the Union to regulate the conditions for the exercise of the right declared in the preceding paragraph, but such conditions shall have an effect strictly limited to the country which establishes them. They can not in any case adversely affect the moral right of the author, nor the right which belongs to the author of obtaining an equitable remuneration fixed, in default of an amicable agreement, by competent authority.

ARTICLE 12

Among the unlawful reproductions to which the present Convention applies shall be specially included indirect, unauthorized appropriations of a literary or artistic work, such as adaptations, arrangements of music, transformations of a romance or novel or of a poem into a theatrical piece and vice-versa, etc., when they are only the reproduction of such work in the same form or in another form with non-essential changes, additions or abridgments and without presenting the character of a new, original work.

ARTICLE 13

(1) Authors of musical works shall have the exclusive right to authorize: (1) the adaptation of these works to instruments serving to reproduce them mechanically; (2) the public performance of the same works by means of these instruments.

(2) The limitations and conditions relative to the application of this article shall be determined by the domestic legislation of each country in its own case; but all limitations and conditions of this nature shall have an effect strictly limited to the country which shall have adopted them.

(3) The provisions of paragraph 1 shall have no retroactive effect, and therefore shall not be applicable in a country of the Union to works which, in that country, shall have been lawfully adapted to mechanical instruments before the going into force of the Convention signed at Berlin, November 13, 1908; and, in the case of a country which has acceded to the Union since that date, or shall accede to it in the future, then when the works have been adapted to mechanical instruments before the date of its accession.

(4) Adaptations made by virtue of paragraphs 2 and 3 of this article and imported, without the authorization of the parties interested, into a country where they would not be lawful, shall be liable to seizure there.

ARTICLE 14

(1) Authors of literary, scientific, or artistic works shall have the exclusive right to authorize the reproduction, adaptation, and public representation of their works by means of the cinematograph.

(2) Cinematographic productions shall be protected as literary or artistic works when the author shall have given to the work an original character. If this character is lacking, the cinematographic production shall enjoy the same protection as photographic works.

(3) Without prejudice to the rights of the author of the work reproduced or adapted, the cinematographic work shall be protected as an original work.

(4) The preceding provisions apply to the reproduction or production obtained by any other process analogous to cinematography.

ARTICLE 15

(1) In order that the authors of the works protected by the present Convention may be considered as such, until proof to the contrary, and be admitted consequently before the courts of the various countries of the Union to proceed against infringers, it shall suffice that the author's name be indicated upon the work in the usual manner.

(2) For anonymous or pseudonymous works, the publisher whose name is indicated upon the work shall be entitled to protect the rights of the author. He shall, without other proof, be considered the legal representative of the anonymous or pseudonymous author.

ARTICLE 16

(1) All infringing works may be seized by the competent authorities of the countries of the Union where the original work has a right to legal protection.

(2) Seizure may also be made in these countries of reproductions which come from a country where the copyright on the work has terminated, or where the work has not been protected.

(3) The seizure shall take place in conformity with the domestic legislation of each country.

ARTICLE 17

The provisions of the present Convention may not prejudice in any way the right which belongs to the Government of each of the countries of the Union to permit, to supervise, or to forbid, by means of legislation or of domestic police, the circulation, the representation or the exhibition of every work or production in regard to which competent authority may have to exercise this right.

ARTICLE 18

(1) The present Convention shall apply to all works which, at the time it goes into effect, have not fallen into the public domain of their country of origin because of the expiration of the term of protection.

(2) But if a work by reason of the expiration of the term of protection which was previously secured for it has fallen into the public domain of the country where protection is claimed, such work shall not be protected anew.

(3) This principle shall be applied in accordance with the stipulations to that effect contained in the special Conventions either existing or to be concluded between countries of the Union, and in default of such stipulations, its application shall be regulated by each country in its own case.

(4) The preceding provisions shall apply equally in the case of new accessions to the Union and where the protection would be extended by the application of Article 7 or by the abandonment of reservations.

ARTICLE 19

The provisions of the present Convention shall not prevent a claim for the application of more favorable provisions which may be enacted by the legislation of a country of the Union in favor of foreigners in general.

ARTICLE 20

The governments of the countries of the Union reserve the right to make between themselves special treaties, when these treaties would confer upon authors more extended rights than those accorded by the Union, or when they contain other stipulations not conflicting with the present Convention. The provisions of existing treaties which answer the aforesaid conditions shall remain in force.

ARTICLE 21

(1) The international office instituted under the name of "Bureau of the International Union for the Protection of Literary and Artistic Works" ("Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques") shall be maintained.

(2) This Bureau is placed under the high authority of the Government of the Swiss Confederation, which controls its organization and supervises its working.

(3) The official language of the Bureau shall be French.

ARTICLE 22

(1) The International Bureau shall bring together, arrange and publish information of every kind relating to the protection of the rights of authors in their literary and artistic works. It shall study questions of mutual utility interesting to the Union, and edit, with the aid of documents placed at its disposal by the various administrations, a periodical in the French language, treating questions concerning the purpose of the Union. The governments of the countries of the Union reserve the right to authorize the Bureau by common accord to publish an edition in one or more other languages, in case experience demonstrates the need.

(2) The International Bureau must hold itself at all times at the disposal of members of the Union to furnish them, in relation to questions concerning the protection of literary and artistic works, the special information of which they have need.

(3) The Director of the International Bureau shall make an annual report on his administration, which shall be communicated to all the members of the Union.

ARTICLE 23

(1) The expenses of the Bureau of the International Union shall be shared in common by the countries of the Union. Until a new decision, they may not exceed one hundred and twenty thousand Swiss francs per year. This sum may be increased when needful by the unanimous decision of one of the Conferences provided for in Article 24.

(2) To determine the part of this sum total of expenses to be paid by each of the countries, the countries of the Union and those which later adhere to the

Union shall be divided into six classes each contributing in proportion to a certain number of units to wit:

	Units
1st class.....	25
2d class.....	20
3d class.....	15
4th class.....	10
5th class.....	5
6th class.....	3

(3) These coefficients are multiplied by the number of countries of each class, and the sum of the products thus obtained furnishes the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

(4) Each country shall declare, at the time of its accession, in which of the above-mentioned classes it demands to be placed, but it may always ultimately declare that it intends to be placed in another class.

(5) The Swiss Administration shall prepare the budget of the Bureau and superintend its expenditures, make necessary advances and draw up the annual account, which shall be communicated to all the other administrations.

ARTICLE 24

(1) The present Convention may be subjected to revision with a view to the introduction of amendments calculated to perfect the system of the Union.

(2) Questions of this nature, as well as those which from other points of view pertain to the development of the Union, shall be considered in the Conferences which will take place successively in the countries of the Union between the delegates of the said countries. The administration of the country where a Conference is to be held shall, with the cooperation of the International Bureau, prepare the agenda of the same. The Director of the Bureau shall attend the meetings of the Conferences and take part in the discussions without a deliberative voice.

(3) No change in the present Convention shall be valid for the Union except by the unanimous consent of the countries which compose it.

ARTICLE 25

(1) The countries outside of the Union which assure legal protection of the rights which are the object of the present Convention, may accede to it upon their request.

(2) Such accession shall be communicated in writing to the Government of the Swiss Confederation and by the latter to all the others.

(3) The full right of adhesion to all the clauses and admission to all the advantages stipulated in the present Convention shall be implied by such accession and it shall go into effect one month after the sending of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a later date has been indicated by the adhering country. Nevertheless, such accession may contain an indication that the adhering country intends to substitute, provisionally at least, for Article 8 concerning translations, the provisions of Article 5 of the Convention of the Union of 1886, revised at Paris in 1896, it being of course understood that these provisions relate only to translations into the language or languages of the country.

ARTICLE 26

(1) Each of the countries of the Union may, at any time, notify in writing the Government of the Swiss Confederation that the present Convention shall be applicable to all or to part of its colonies, protectorates, territories under mandate or all other territories subject to its sovereignty or to its authority, or all territories under suzerainty, and the Convention shall then apply to all the territories designated in the notification. In default of such notification, the Convention shall not apply to such territories.

(2) Each of the countries of the Union may, at any time, notify in writing the Government of the Swiss Confederation that the present Convention shall cease to be applicable to all or to part of the territories which were the object of the notification provided for by the preceding paragraph, and the Convention shall cease to apply in the territories designated in such notification twelve months after receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All the notifications made to the Government of the Swiss Confederation, under the provisions of paragraphs 1 and 2 of this article, shall be communicated by that Government to all the countries of the Union.

ARTICLE 27

(1) The present Convention shall replace in the relations between the countries of the Union the Convention of Berne of September 9, 1886, and the acts by which it has been successively revised. The acts previously in effect shall remain applicable in the relations with the countries which shall not have ratified the present Convention.

(2) The countries in whose name the present Convention is signed may still retain the benefit of the reservations which they have previously formulated on condition that they make such a declaration at the time of the deposit of the ratifications.

(3) Countries which are at present parties to the Union, but in whose name the present Convention has not been signed, may at any time adhere to it. They may in such case benefit by the provisions of the preceding paragraph.

ARTICLE 28

(1) The present Convention shall be ratified, and the ratifications shall be deposited at Rome not later than July 1, 1931.

(2) It shall go into effect between the countries of the Union which have ratified it one month after that date. However, if, before that date, it has been ratified by at least six countries of the Union it shall go into effect as between those countries of the Union one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, for the countries of the Union which shall later ratify, one month after the notification of each such ratification.

(3) Countries that are not within the Union may, until August 1, 1931, enter the Union, by means of adhesion, either to the Convention signed at Berlin November 13, 1908, or to the present Convention. After August 1, 1931, they can adhere only to the present Convention.

ARTICLE 29

(1) The present Convention shall remain in effect for an indeterminate time, until the expiration of one year from the day when denunciation of it shall have been made.

(2) This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only as regards the country which shall have made it, the Convention remaining in force for the other countries of the Union.

ARTICLE 30

(1) The countries which introduce into their legislation the term of protection of fifty years provided for by Article 7, paragraph 1, of the present Convention, shall make it known to the Government of the Swiss Confederation by a written notification which shall be communicated at once by that Government to all the other countries of the Union.

(2) It shall be the same for such countries as shall renounce any reservations made or maintained by them by virtue of Articles 25 and 27.

In faith whereof, the respective Plenipotentiaries have signed the present Convention.

Done at Rome, the second of June, one thousand nine hundred and twenty-eight, in a single copy, which shall be deposited in the archives of the Royal Italian Government. One copy, properly certified, shall be sent through diplomatic channels to each of the countries of the Union.

[NOTE.—The names of the signers which follow in the official print are omitted here to save space. They represent the following countries in the order named: Germany, Austria, Belgium, Brazil, Bulgaria, Denmark, Free City of Danzig, Spain, Estonia, Finland, France, Great Britain and Northern Ireland, Canada, Australia, New Zealand, Irish Free State, India, Hellenic Republic, Hungary, Italy, Japan, Luxemburg, Morocco, Monaco, Norway, The Netherlands, Poland, Portugal, Rumania, Sweden, Switzerland, Syria and Great Lebanon, Czechoslovakia, and Tunis.]

ADDENDUM IV

[S. 1928, 73d Congress, 1st Session]

In the Senate of the United States. June 6 (calendar day, June 10), 1933.
Mr. Cutting introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL To enable 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 copyright throughout the United States and its dependencies shall subsist in the work of alien authors, not domiciled in the United States, by virtue of the adherence of the United States to the Convention of Berne for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Rome on June 2, 1928.

SEC. 2. From and after the date upon which the adherence of the United States to the said convention of 1928 becomes effective, copyright protection shall be accorded without compliance with any conditions or formalities whatever for all works by such alien authors who are nationals of any country which is a member of the International Copyright Union; as well as for any work which may be or has been first published in a country which is a member of the said union: *Provided*, That as to copyright in works not previously copyrighted in the United States, no right or remedy given pursuant to this Act shall prejudice lawful acts done or rights in or in connection with copies lawfully made or the continuance of business undertakings or enterprises lawfully undertaken within the United States or any of its dependencies prior to the date on which the adherence of the United States to the said convention of 1928 goes into force; and the author or other owner of such copyright or person claiming under him shall not be entitled to bring action against any person who has prior to such date taken any action in connection with the exploitation, production, reproduction, circulation, or performance (in a manner which at the time was not unlawful) of any such work whereby he has incurred any substantial expenditure or liability.

SEC. 3. Copyright is hereby granted and secured by this Act to all authors entitled thereto from and after the creation of their work, whether published or unpublished, including works of architecture and choreographic works and pantomimes, and the duration and termination of such copyright shall be governed by the provisions of Sections 23 and 24 of the Act of March 4, 1909 (U. S. C., title 17): *Provided*, That the duration of copyright in the United States shall not in the case of the work of any alien author extend beyond the date upon which such work has fallen into the public domain in the country of its origin as defined in said convention of 1928.

SEC. 4. The rights granted in Section 1 of the said Act of 1909 (U. S. C., title 17) shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work.

and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work.

SEC. 5. 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 under the provisions of this Act.

SEC. 6. This Act shall take effect from the date of its passage.

