

THE LIBRARY OF CONGRESS
COPYRIGHT OFFICE

FIFTIETH ANNUAL REPORT
OF THE
REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30
1947



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1948

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THE COPYRIGHT OFFICE

REPORT TO THE LIBRARIAN OF CONGRESS BY THE REGISTER OF COPYRIGHTS

SIR: The Copyright business and the work of the Copyright Office for the fiscal year July 1, 1946 to June 30, 1947, inclusive, are summarized as follows:

Continuing Increase in Business

It was anticipated that the experience of the Copyright Office with respect to the amount of business transacted during and after the second World War might duplicate the pattern of World War I. This has occurred. During both wars the number of registrations fell off markedly, only to rise rapidly to new high totals at their conclusion. For fiscal year 1946 I reported a total of 202,144 registrations—10 percent more numerous than in any single previous year. For fiscal year 1947 I have a similar report to make: registrations totaled 230,215—representing a further increase of 14 percent over the year immediately preceding.

There were corresponding increases in receipts and earnings. Gross receipts totaled \$471,119.41—an increase of 16 percent; and of this amount \$442,626.10 was credited during the year as fees earned for registrations and other services.

The principal increases of registrations occurred in the categories of domestic books, pamphlets, musical compositions, periodicals and newspapers, and commercial prints and labels. Because of continued paper shortages, and disturbed conditions abroad, it is believed that both domestic and foreign registrations of books and pamphlets have not yet reached their normal peacetime volume.

Materials deposited in accordance with provisions of the Copyright Act numbered

354,856 pieces, an increase of 49,807, or 16 percent over the total of 305,049 received in fiscal year 1946. Of these, 205,827 were transferred to the collections of the Library. Copies of motion pictures received during the year, totaling 3,884, were returned to the claimants after examination under the arrangement entitling the Library at a subsequent date to claim one copy for its collections. Deposits in advance of publication, effected under an arrangement with American book publishers to expedite the issuance of catalog cards, increased from 1,091 to 1,345 during the year.

Adjustments to Increase in Business

At the beginning of the past fiscal year there were arrears of work in some phases of the operations of the Office nearly as high as 50,000 titles. These arrearages were reduced more than a third during the year, in spite of the 16 percent increase in deposits. The reduction has been accomplished in several ways—through improvements in the organizational structure of the Office, through revision of procedures and forms, and through the continued training and recruitment of the staff to handle these changed procedures.

In my last Annual Report I described the organizational changes being effected to render the operations of the Copyright Office more efficient, and to take advantage of certain opportunities for the elimination of duplicative work as between the Office and other units of the Library. These changes have now been completed and the present grouping of the various units of the Office into four divisions of

Service, Examining, Reference and Cataloging permits more efficient supervision of the varied activities, simplification of routines and procedures, and improved service to the public.

Particularly in the Cataloging Division a strenuous effort has been made to fill the positions needed to handle the various language and form problems presented by the copyright deposits, to fill out the plan of organization, and to devise procedures for accelerating the work. This Division has four sections; two are assigned to the handling of books and music; a third treats eleven classes of miscellaneous materials such as motion pictures, advertisements, maps, etc., in three units; and the fourth is responsible for the preparation of cumulative catalogs. The Division as a whole is responsible for cataloging the copyright deposits and for the preparation and issuance of the published catalogs of the Office. Its procedures must be adjusted, if duplication of work is to be avoided, to those of several divisions in the Library. Much progress has been made in this direction. The Division participated in the preparation of preliminary rules for the cataloging of maps, motion pictures, prints and photographs. New rules for descriptive cataloging of Library materials were reviewed, and their use was initiated. The form of catalog entries for all classifications was simplified. During the past year this Division cataloged 186,538 items, involving the preparation of 1,084,533 cards. Techniques were developed with a view to producing, in one operation, duplicate copies of catalog cards as well as copy for production of the annual catalog by the photo-offset method. On October 14, 1946, the Office began to supply copy for the Library's printed catalog cards, and by the end of the fiscal year it prepared 7,280 such entries. As a part of this work it made 11,270 preliminary entries, corrected 3,340 other entries, and supplied 19,884 entries in briefer style of which

15,005 were for music, 3,039 for maps and the remainder for pamphlets.

Further economies were realized by reducing the number of forms in use and by extending the use of the combined application-certificate form. This form eliminates a separate copying operation in the issuance of a certificate, with a resulting improvement in speed and accuracy. Ten of these forms have replaced twenty-six forms previously in use, and additional improved forms are in process of preparation.

The Catalog of Copyright Entries

The Copyright Office is required by law to print at periodic intervals a catalog of the titles of articles deposited and registered for copyright, together with suitable indexes. Hitherto it has been the practice of the Office to issue catalogs for each class of entries in monthly issues with an annual index. The increase in the number of registrations and the increased cost of printing have compelled revision of this practice during the past year in favor of the issuance of a single annual volume with an index for each class of entries. Before the close of the fiscal year, catalogs for all classes of registrations for the calendar year 1946, with the exception of periodicals, had been sent to the Government Printing Office. Due to the rising costs of printing it may be necessary to withhold from annual publication catalogs of certain categories which are least in demand. Meanwhile studies are being given to methods by which the costs of publication can be reduced, and publication itself rendered more effective. Also in view of the fact that the present printing funds will not permit the continuance of the issue of monthly catalogs with annual indexes as in the past, the Office is arranging to offer its cards for registrations in music, as well as cards in certain other classes, to those interested in their current receipt on a cooperative basis.

Legal Aspects

The rules and regulations of the Copyright Office, last published on October 1, 1941 under the title *Code of Federal Regulations of the Copyright Office* have been under study during the year with a view to the early issuance of a much needed revision. This review has necessitated the study of numerous legal questions, such as the form and position of the copyright notice in the case of published motion pictures, the factors which determine a book to be of foreign origin, and the question whether unpublished maps and other unpublished material may be registered.

One of these questions, whether the editing of music creates copyrightable material, which has led to considerable correspondence over the years with applicants for registration, was the subject of an extensive study by Mr. Louis C. Smith, senior attorney, who has concluded that such material should be registered. Copies of his recommendation, in the form of a brief, have been submitted to interested attorneys and publishers for comment before a final decision is made concerning the desirability of revoking the present regulation preventing copyright registration of edited music.

A new *Bulletin of Decisions of United States Courts Involving Copyright* during the years 1944-45 and part of 1946 was compiled during the year and sent to the Government Printing Office.

A number of legal cases affecting the work of the Office were decided during the year. In one of these (*Brown Instrument Co. v. Warner*, 161 F. (2d) 910, App. D. C., 1947) the court upheld the action of the Register of Copyrights in refusing registration to temperature and pressure recording charts on the ground that these were merely blank forms. In another (*Universal Pictures v. Harold Lloyd*, 73 U. S. P. Q. 317, C. C. A. 9, 1947) the court held that the rule of the Copyright Office regarding

motion pictures as dramatic compositions does not govern Section 1 (d) of the Copyright Act, but Section 5 which sets up a classification system for convenience of registration. In still another (*Shapiro, Bernstein & Co., Inc. v. Jerry Vogel Music Co.*, 161 F. (2d) 406, C. C. A. 2, 1946) the court held that the words and music of a musical composition are not separable for copyright purposes; that the composer and lyricist are joint authors, either of which "had the statutory privilege of renewal, and, if he did renew, he did so for both." The court also held that a deposit of the work in the twenty-seventh year of the copyright term was valid.

Legislation

The only completed legislation of the year was the enactment of the codification of present copyright law as Title 17 of the United States Code, when the bill H. R. 2083 was approved by the President on July 30, 1947 and became Public Law 281. This act codifies the existing law without substantive change other than a new arrangement and renumbering of the sections. The Copyright Office was given the opportunity to review and approve its adoption.

A number of bills received attention during the year. H. R. 2860 (a bill to provide protection for textile fabrics and designs) was reported favorably on July 19, 1947 by the Subcommittee on Patents, Trademarks and Copyrights of the House Committee on the Judiciary. H. R. 1270, a bill to provide copyright protection for acoustic recordings, was adversely reported on July 18, 1947. The same Subcommittee also gave extensive consideration to H. R. 1269, a bill declaring all music played on coin operated machines subject to public performance for profit under Section 1 (e) of the Copyright Act. H. R. 4186, passed by the House on July 25, 1947, prohibiting the unauthorized use of the official seal and name of the United

Nations, permits any valid and subsisting trademark or copyright in that name or its abbreviation or emblem to continue for the remaining period, but not to be renewed.

In the closing days of the first session of the Eightieth Congress, in accordance with the recommendations of the House Appropriations Committee, H. R. 4052 was introduced—a bill to authorize increases in the fees for copyright registration, charges for searches, and the price of the *Catalog of Copyright Entries*. No action has as yet been taken on this bill.

International Copyright

Problems of international copyright are closely related to the broader subject of international exchange of intellectual and artistic works, and it is obvious, therefore, that sound solutions of international copyright problems may be an important factor in better international understanding and the maintenance of peace; while failure to establish good international copyright relations may be an important factor in the opposite direction. The settlements marking the end of World War II have reopened many earlier copyright arrangements. The present world situation makes desirable the reconsideration of the international copyright policy of the United States and its relationship to the copyright policies of other countries. Such consideration must take into account not only the importance of promoting international understanding and principles underlying the domestic copyright legislation of other countries and the conventions and treaties to which they are parties, but also the basic principles underlying the copyright policy and constitutional and statutory provisions of the United States. The basic principle of the United States copyright policy, namely promotion of the public interest, together with definiteness in determination of individual property rights compatible with maximum freedom

in the interchange of intellectual and artistic works, should not be abandoned or modified without careful consideration. In many details, the United States copyright law and administrative procedure can undoubtedly be improved to the advantage of all interests concerned with copyright, but judged by results in their broadest aspect, basic United States copyright law and policy may well bear favorable comparison with any other copyright systems.

On July 17, 1947, the Inter-American Convention on the Rights of the Author in Literary, Scientific and Artistic Works, which was signed by the delegates to the Inter-American Conference of Experts on Copyright at the Pan American Union on June 1-22, 1946, was presented by President Truman to the Senate of the United States with a favorable recommendation for ratification.

On November 4, 1946, also, the President submitted to the Senate a proposed Treaty of Friendship, Commerce and Navigation with China, providing that nationals of the United States shall be afforded the same copyright treatment as afforded by China to its nationals. This protection does not extend to translations. A similar copyright clause has been proposed in a treaty between the United States and Italy. The President, by proclamation, has extended indefinitely the time for securing *ad interim* copyright and renewal of copyright by nationals and citizens of France and New Zealand. The proclamation for France was dated March 27, 1947, and for New Zealand, April 24, 1947.

The Brussels meeting, called by the International Copyright Union at Berne for consideration of the modification of the Rome Convention of June 2, 1928, was originally scheduled before the war. It was later set for the fall of 1947, but has again been postponed pending the signing of peace treaties and settlements. The

United States has indicated its intention to be represented at the Brussels conference, but has recommended for the present the postponement of the meeting.

Meanwhile also, the treaties of peace with Hungary and Italy have raised questions as to the possibility of continuance, under existing law and conditions in those countries, of previous copyright arrangements. A review is required to determine whether current judicial decisions and administration afford the protection to United States authors and copyright owners contemplated by former Section 8 of the Copyright Law of the United

States, now Section 9 of Title 17 of the United States Code. Similar questions have been raised by copyright decisions in the Netherlands. Any analysis of the copyright law of the USSR must also give consideration to the practical effect of the administrative, financial, and industrial controls exercised over the materials and subject matter with which copyrights are concerned, with particular consideration to the matter of translations.

I append the usual tables showing the state of the copyright business and the work of the Office.

REGISTRATION BY SUBJECT MATTER CLASSES FOR THE FISCAL YEARS 1943 TO 1947, INCLUSIVE

Class	Subject matter of copyright	1947	1946	1945	1944	1943
A	Books:					
	(a) Printed in the United States:					
	Books proper	9,903	7,679	6,962	7,585	8,658
	Pamphlets, leaflets, etc.	34,940	30,554	27,936	27,683	27,558
	Contributions to newspapers and periodicals	4,400	5,504	4,856	4,730	3,568
	Total	49,243	43,737	39,754	39,998	39,784
	(b) Printed abroad in a foreign language	3,970	3,513	111	82	156
	(c) English books registered for ad interim copyright	712	610	679	602	517
	Total	53,925	47,860	40,544	40,682	40,457
B	Periodicals (numbers)	58,340	48,289	45,763	44,364	42,995
C	Lectures, sermons, addresses	972	1,129	1,177	1,126	629
D	Dramatic or dramatico-musical compositions	6,456	5,356	4,714	4,875	3,687
E	Musical compositions	68,709	63,367	57,835	52,087	48,348
F	Maps	1,779	1,304	857	494	737
G	Works of art, models, or designs	4,044	3,094	1,821	1,743	1,649
H	Reproductions of works of art	540	317	186	173	221
I	Drawings or plastic works of a scientific or technical character	2,147	1,777	1,554	1,957	1,911
J	Photographs	1,838	1,752	1,258	1,270	1,042
KK	Commercial prints and labels	9,674	7,975	7,403	5,953	5,385
K	Prints and pictorial illustrations	6,506	5,384	2,634	2,426	2,317
L	Motion picture photoplays	666	774	615	604	693
M	Motion pictures not photoplays	1,418	1,250	1,120	1,268	1,074
RR	Renewals of commercial prints and labels	21	33	30	44	20
R	Renewals of all other classes	13,180	12,483	11,337	10,203	9,630
	Total	230,215	202,144	178,848	169,269	160,789

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NUMBER OF ARTICLES DEPOSITED DURING THE FISCAL YEARS 1943 TO 1947, INCLUSIVE

Class	Subject matter of copyright	1947	1946	1945	1944	1943
A	Books:					
	(a) Printed in the United States:					
	Books proper	19,806	15,358	13,924	15,170	17,316
	Pamphlets, leaflets, etc.	69,880	61,108	55,872	55,366	55,116
	Contributions to newspapers and periodicals	4,410	5,504	4,878	4,746	3,568
	Total	94,096	81,970	74,674	75,282	76,000
	(b) Printed abroad in a foreign language	3,970	3,660	113	82	156
	(c) English books registered for ad interim copyright	713	610	655	602	517
	Total	98,779	86,240	75,442	75,966	76,673
B	Periodicals	116,680	96,578	91,526	88,736	85,990
C	Lectures, sermons, etc.	972	1,129	1,177	1,126	629
D	Dramatic or dramatico-musical compositions	7,056	5,877	5,182	5,278	4,190
E	Musical compositions	79,428	72,824	67,173	61,060	57,343
F	Maps	3,526	2,558	1,709	977	1,462
G	Works of art, models, or designs	5,454	3,938	2,392	2,419	2,277
H	Reproductions of works of art	1,064	596	341	319	393
I	Drawings or plastic works of a scientific or technical character	3,014	2,375	2,017	2,514	2,698
J	Photographs	2,982	2,605	1,953	1,893	1,655
KK & K	Prints, labels, and pictorial illustrations	31,848	26,344	19,780	16,508	15,329
L	Motion picture photoplays	1,312	1,545	1,228	1,208	1,386
M	Motion pictures not photoplays	2,741	2,440	2,172	2,334	2,098
	Total	354,856	305,049	272,092	260,338	252,123

REPORT OF THE REGISTER OF COPYRIGHTS, 1947

GROSS RECEIPTS, ETC., SINCE JULY 1, 1897

Since July 1, 1897, the date of organization of the Copyright Office, the total registrations have been 7,017,762 and the total receipts for fees \$9,382,737.70. The figures, year by year, appear in the following table:

STATEMENT OF GROSS CASH RECEIPTS, YEARLY FEES, NUMBER OF REGISTRATIONS, ETC., FOR 50 FISCAL YEARS

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98.....	\$61,099.56	\$55,926.50	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		2,441
1901-2.....	68,405.08	64,687.00	92,978	627	
1902-3.....	71,533.91	68,874.50	97,979	5,001	
1903-4.....	75,302.83	72,629.00	103,130	5,151	
1904-5.....	80,440.56	78,058.00	113,374	10,244	
1905-6.....	82,610.92	80,198.00	117,704	4,330	
1906-7.....	87,384.31	84,685.00	123,829	6,125	
1907-8.....	85,042.03	82,387.50	119,742		4,087
1908-9.....	87,085.53	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.....	118,968.26	114,980.60	119,495		1,436
1913-14.....	122,636.92	120,219.25	123,154	3,659	
1914-15.....	115,594.55	111,922.75	115,193		7,961
1915-16.....	115,663.42	112,986.85	115,967	774	
1916-17.....	113,808.51	110,077.40	111,438		4,529
1917-18.....	109,105.87	106,352.40	106,728		4,710
1918-19.....	117,518.96	113,118.00	113,003	6,275	
1919-20.....	132,371.37	126,492.25	126,562	13,559	
1920-21.....	141,199.33	134,516.15	135,280	8,718	
1921-22.....	145,398.26	138,516.15	138,633	3,353	
1922-23.....	153,923.62	149,297.00	148,946	10,313	
1923-24.....	167,705.98	162,544.90	162,694	13,748	
1924-25.....	173,971.95	166,909.55	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.....	336,980.75	327,629.90	172,792	10,833	
1930-31.....	312,865.41	309,414.30	164,642		8,150
1931-32.....	284,719.20	280,964.90	151,735		12,907
1932-33.....	254,754.69	250,995.30	137,424		14,311
1933-34.....	258,829.53	251,591.50	139,047	1,623	
1934-35.....	269,348.81	259,881.70	142,031	2,984	
1935-36.....	293,149.82	285,206.90	156,962	14,931	
1936-37.....	295,313.24	280,541.40	154,424		2,538
1937-38.....	326,326.67	298,799.60	166,248	11,824	
1938-39.....	330,466.37	306,764.40	173,135	6,887	
1939-40.....	341,061.35	320,082.90	176,997	3,862	
1940-41.....	347,125.35	347,430.60	180,647	3,650	
1941-42.....	376,906.63	351,158.10	182,232	1,585	
1942-43.....	324,300.99	306,836.70	160,789		21,443
1943-44.....	333,270.24	319,466.30	169,269	8,480	
1944-45.....	367,402.04	338,812.90	178,848	9,579	
1945-46.....	405,740.58	379,738.00	202,144	23,296	
1946-47.....	471,119.41	442,626.10	230,215	28,071	
Total.....	9,808,313.66	9,382,737.70	7,017,762		

REPORT OF THE REGISTER OF COPYRIGHTS, 1947

SUMMARY OF COPYRIGHT BUSINESS, FISCAL YEAR 1947

Balance on hand July 1, 1946		\$94,725.71
Gross receipts July 1, 1946 to June 30, 1947		471,119.41
Total to be accounted for		<u>565,845.12</u>
Refunded	\$23,866.63	
Checks returned unpaid	201.29	
Deposited as earned fees	434,816.20	
Balance carried over to July 1, 1947:		
Fees earned in June 1947 but not deposited until July 1947	\$37,123.10	
Unfinished business balance	15,001.62	
Deposit accounts balance	54,836.28	
	<u>106,961.00</u>	
		<u>565,845.12</u>
<i>Fees Received</i>		
Registrations for prints and labels	9,674 at \$6.00	\$58,044.00
Registrations for published works	141,065 at \$2.00	282,130.00
Registrations for published photographs without certificates	608 at \$1.00	608.00
Registrations for unpublished works	65,667 at \$1.00	65,667.00
Registrations for renewals of prints and labels	21 at \$6.00	126.00
Registrations for renewals, all other classes	13,180 at \$1.00	13,180.00
Total number of registrations	230,215	
Fees for registrations		419,755.00
Fees for recording 5,252 assignments	\$15,000.00	
Fees for indexing 19,181 transfers of proprietorship	1,918.10	
Fees for certified documents	1,843.00	
Fees for notices of user recorded	633.00	
Fees for searches made at \$1 per hour of time consumed	3,477.00	
		<u>22,871.10</u>
		442,626.10

Respectfully submitted.

WASHINGTON, D. C.,
August 25, 1947.

SAM BASS WARNER,
Register of Copyrights.

Publications of the Copyright Office

NOTE.—Orders for the following publications (except those listed as free, which may be obtained from the Copyright Office) should be addressed to the Superintendent of Documents, U. S. Government Printing Office, Washington, 25, D. C., accompanied by remittance (postage stamps not accepted—coin at sender's risk).

BULLETIN NO. 3. Cloth, 35c.

Copyright Enactments of the United States, 1783–1906. 2d ed. rev., 174 pp. 8°. 1906.

BULLETIN NO. 8. Cloth, 65c.

Copyright in Congress, 1789–1904. A bibliography and chronological record of all proceedings in Congress in relation to copyright. 468 pp. 8°. 1905.

BULLETIN NO. 14. Paper, 20c.

Copyright Law of the United States of America. (Title 17 of the United States Code). 1948.

BULLETIN NO. 17. Cloth, 65c.

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

BULLETIN NO. 18. Cloth, \$1.

Decisions of the United States courts involving copyright. 1914–1917. ix, 605 pp. 8°. Reprinted 1938.

BULLETIN NO. 19. Cloth, \$1.

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

BULLETIN NO. 20. Cloth, \$1.50.

Decisions of the United States courts involving copyright. 1924–1935. xiii, 947 pp. 8°. 1936.

BULLETIN NO. 21. Cloth, 75c.

Decisions of the United States courts involving copyright. 1935–1937. vii, 355 pp. 8°. 1938.

BULLETIN NO. 22. Cloth, 75c.

Decisions of the United States courts involving copyright. 1938–June 1939. vii, 327 pp. 8°. 1939.

BULLETIN NO. 23. Cloth, \$1.

Decisions of the United States courts involving copyright. 1939–1940. vii, 391 pp. 8°. 1943.

BULLETIN NO. 24. Cloth, \$2.

Decisions of the United States courts involving copyright. 1941–1943. ix, 683 pp. 8°. 1944.

BULLETIN NO. 25. Cloth, \$1.50.

Decisions of the United States courts involving copyright. 1944–1946. vii, 459 pp. 8°. 1947.

CATALOG OF COPYRIGHT ENTRIES OF ARTICLES REGISTERED UNDER THE COPYRIGHT LAW. The Third Series of the Catalog is issued in semiannual volumes, except Part 2, Periodicals, and Part 14A, Renewals other than Music. These parts will be issued as annual volumes. The price of each semiannual number is one-half the price given below for the whole year. Subscription price for the complete set is \$20. Individual parts of the Catalog are obtainable as follows:

Part 1A. Books and Selected Pamphlets, \$3.

Part 1B. Pamphlets, Serials and Contributions to Periodicals, \$3.

Part 2. Periodicals, \$2.

Parts 3 and 4. Dramas and Works Prepared for Oral Delivery, \$2.

Part 5A. Published Music, \$3.

Part 5B. Unpublished Music, \$3.

Part 6. Maps, \$1.

Parts 7 to 11A. Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, \$2.

Part 11B. Commercial Prints and Labels, \$2.

Parts 12 and 13. Motion Pictures, \$1.

Part 14A. Renewal Registrations, Literature, Art, Film, \$1.

Part 14B. Renewal Registrations, Music, \$2.