

THE LIBRARY OF CONGRESS
COPYRIGHT OFFICE

THIRTY-FIFTH
ANNUAL REPORT
OF THE
REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30

1932



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1931-32



WASHINGTON, D. C., *July 9, 1932.*

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1931, to June 30, 1932, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$284,719.20. A balance of \$21,381.10, representing trust funds and unfinished business, was on hand July 1, 1931, making a total sum of \$306,100.30 to be accounted for. Of this amount the sum of \$5,615.49 was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$300,484.81. The balance carried over to July 1, 1932, was \$19,519.91 (representing trust funds and total unfinished business), leaving fees applied during the fiscal year 1931-32 and paid into the Treasury, \$280,964.90.

The annual applied fees since July 1, 1897, are shown in Exhibit C (see p. 16).

EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1932, was \$247,940. The total expenditure for salaries was \$247,440.50. The expenditure for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,225.12. The total expenditures were therefore \$248,665.62. This sum deducted from \$280,964.90, fees received and turned into the Treasury, shows a profit of \$32,299.28 to the credit of the Copyright Office.

During the period of 35 years (1897-1932) the copyright business, as evidenced by the applied fees, increased nearly fivefold. During these 35 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 \$4,642,805.30, and the total copyright registrations have numbered over four millions (4,467,350). The fees earned (\$4,642,805.30) were larger than the total of salaries paid during the same period (\$3,839,066.55) by \$803,738.75.

REPORT OF THE REGISTER OF COPYRIGHTS

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 35 years were of substantial pecuniary value and of such a character that their accession 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.

Value of copyright deposits

COPYRIGHT ENTRIES AND FEES

The registrations for the fiscal year numbered 151,735. Of these, 25,751 were registrations for unpublished works at \$1 each; 118,365 were registrations for published works at \$2 each; 1,731 were registrations of photographs without certificates at \$1 each. There were also 5,888 registrations of renewals at \$1 each. The fees for these registrations amounted to a total of \$270,100.

SUMMARY OF COPYRIGHT BUSINESS

Balance on hand July 1, 1931.....	\$21, 381. 10
Gross receipts July 1, 1931, to June 30, 1932.....	284, 719. 20
	<hr/>
Total to be accounted for.....	306, 100. 30
Refunded.....	5, 615. 49
	<hr/>
Balance to be accounted for.....	300, 484. 81
	<hr/>
Applied as earned fees.....	\$280, 964. 90
Balance carried over to July 1, 1932:	
Trust funds.....	\$16, 778. 41
Unfinished business.....	2, 741. 50
	<hr/>
	19, 519. 91
	<hr/>
	300, 484. 81

FEES FOR FISCAL YEAR

Fees for registration of published works, at \$2 each.....	\$236, 730. 00
Fees for registration of unpublished works, at \$1 each.....	25, 751. 00
Fees for registration of photographs without certificates, at \$1 each.....	1, 731. 00
Fees for registration of renewals, at \$1 each.....	5, 888. 00
	<hr/>
Total fees for registrations recorded.....	270, 100. 00
Fees for certified copies of record, at \$1 each.....	\$1, 263. 00
Fees for recording assignments.....	8, 500. 00
Searches made and charged for at the rate of \$1 for each hour of time consumed.....	495. 00
Notice of user recorded (music).....	304. 00
Indexing transfers of proprietorship.....	302. 90
	<hr/>
	10, 864. 90
	<hr/>
Total fees for the fiscal year, 1931-32.....	280, 964. 90

ENTRIES

Number of registrations.....	145,847
Number of renewals recorded.....	5,888
Total.....	151,735
Number of certified copies of record.....	1,263
Number of assignments recorded or copied.....	2,523

COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 242,689. The number of these articles in each class for the last five 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 797 books supposed to have been copyrighted but not discovered in the Library, it was found that 77 of these works had been received and were actually in the Library, 21 books had been deposited and were still in the Copyright Office, 92 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 94 works no answers to our letters of inquiry had been received up to June 30, 1932. Copies were received of 513 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. 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 remaining undisposed of may upon specified conditions be returned to the authors or copyright proprietors.

During the fiscal year a total of 122,398 current articles deposited have been transferred to the Library of Congress. This number included 39,720 books, 68,772 periodical numbers, 8,478 pieces of music, 3,850 maps, and 1,578 photographs and engravings.

The condition of the oldest copyright deposits which have remained in storage under the Copyright Office for more than 30 years has long

been a matter of concern because of the deterioration which was gradually ruining them. Some of this material had been deposited in the clerks' offices of the various district courts prior to 1870. Much of it consisted of the works entered in the office of the Librarian of Congress during the two decades following 1870. Almost all of it came to the present office from the old library in the Capitol when the present Library of Congress building was opened. That it contained much of bibliographical interest and value was certain. Obviously also there was much obsolete material in which copyright has long since expired and the retention of which was no longer warranted in view of the provisions of sections 59 and 60 of the present copyright law.

Accordingly an examination was made and during the year there were transferred from these oldest deposits to the Library of Congress in reserve storage for further consideration and selection, approximately 91,417 volumes, pamphlets and leaflets for the reading room and the exchange collections; 279,879 copies of sheet music and literature for the music division; and 1,000 old prints and engravings for the fine arts division. Since, however, these doubtless contain many duplicates yet to be sorted out, these figures do not necessarily mean that the permanent Library collections are increased by this amount.

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" 6,622 books. Under this transfer, up to June 30, 1932, the following libraries have received a total number of books as indicated below since 1909:

Transfers to other libraries

Department of Agriculture, 4,042; Department of Commerce, 21,533; Navy Department, 1,867; Treasury Department, 1,496; Bureau of Education, 19,450; Federal Trade Commission, 17,763; Bureau of Standards, 2,094; Surgeon General's library, 8,109; Walter Reed Hospital, 2,765; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,600; Public Library of the District of Columbia, 51,583. A number of other libraries have received a smaller number of books, under 1,000 volumes. In all, 156,278 volumes have been thus distributed during the last 23 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 response to special requests 8,328 motion-picture films and 79,658 deposits in other classes have been so returned during the fiscal year.

Return of deposits to copyright claimants

INDEX AND CATALOGUE 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 more than 7,000,000 cards. These cards are first used as copy for the printed Catalogue 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 1931 are all completed, except the Annual Index for part 1, group 1, containing books.

Copyright catalogue

Beginning with the year 1928 the copyright entries for dramas and motion pictures make a separate part of the catalogue (part 1, group 3) printed in monthly numbers.

By the act of Congress approved May 23, 1928 the subscription price for the catalogue was increased, the complete catalogue for the

Subscription prices

year to \$10, and 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.

SERVICE

As a consequence of the compulsory retirement provisions of the so-called economy act (the act of June 30, 1932), the Copyright Office lost at the end of June, the services of one of its senior clerks, Mr. William H. Cole. Mr. Cole came to the office in 1902. For the past 20 years he has been Chief of the Correspondence Division, in charge of the work of some 30 clerks. It is an exacting and responsible position, requiring an intimate knowledge of the office, with a proper understanding of its responsibilities to the public. One of the finest traits of human character is found in such loyal and constant devotion to duty as he has shown throughout long years and sometimes in the face of much discouragement. Fortunately the trait is not rare but it is always admirable.

Service

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 204,215, while the letters, parcels, etc., dispatched numbered 198,313.

Correspondence

ACCOUNTS

On July 6, 1932, 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.

Accounts closed

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. The office has also reprinted its Information Circular No. 4, International Copyright Union, (Convention of Berne, 1886, with amendments agreed to at Paris, 1896.)

Copyright Office publications

Other than these and the Catalogue 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

One new copyright proclamation has been declared within the period covered by this report. It is in favor of Greece and was issued February 23, 1932, in effect March 1, 1932. Under a decree of the President of Greece the benefits of the copyright laws of Greece are extended to citizens of the United States and by the proclamation of the President of the United States the nationals of Greece are declared to be entitled to copyright here.

Copyright proclamation, Greece

The Convention of Rome has been ratified by the following unionist countries, valid from the 1st of August, 1931, as reported in *Le Droit d'Auteur* of April 15, 1932: Bulgaria, Canada, Danzig (Free City of), Finland, Great Britain and Northern Ireland, Hungary, India (British), Italy, Japan, Netherlands, Norway, Sweden, Switzerland, Liechtenstein (adhered—to go into effect August 30, 1931), Yugoslavia (adhered—to go into effect August 1, 1931), Greece (adhered—to go into effect February 25, 1932), and Luxemburg (adhered—to go into effect February 4, 1932).

Ratification—Rome Convention

By a note dated September 22, 1931, the Secretary of State of Cuba informed the Secretary of State of the United States that the ratification by Guatemala 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, had been received by the Government of Cuba on that day.

Guatemala

According to the records of the Department of State, Panama is the only other country which has ratified the convention. (See Treaty Information Bulletin No. 25, October, 1931, p. 15, the Department of State.)

TREASURY DECISIONS

An important ruling of the Treasury Department regarding restriction of importation of copyrighted books, even with the consent of the copyright owner, was published in Treasury Decisions, volume 60, no. 21, issue of November 19, 1931, on page 23 (No. 45252).

Treasury ruling

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COPYRIGHT BILLS IN CONGRESS

The year has been a prolific one in copyright bills, new and old, introduced in Congress for a general revision of the copyright law and for the protection of industrial designs.

Copyright bills in Congress

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GENERAL REVISION OF THE COPYRIGHT LAW

On December 8, 1931, Mr. Vestal introduced in the House (H. R. 139) a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works. This was substantially identical with H. R. 12549¹ in the Seventy-first Congress, which was passed by the House and reported out somewhat amended by the committee in the Senate. Some of the Senate amendments were adopted in H. R. 139, and others rejected and the language of the House bill restored, particularly in some of the provisions for assignments and for damages in cases of infringement. There were three important changes. H. R. 139 makes the term of copyright during the life of the author and 50 years after his death, as it was first written. This bill also includes the criminal infringement provisions in section 24 which had been eliminated by a House amendment. It also provides for entry of the United States into the International Copyright Union under the Convention of Rome (1928) instead of under the Convention of Berlin (1908). The Vestal bill was referred to the Committee on Patents.

On December 9, 1931, Mr. King introduced in the Senate (S. 21) a bill to amend sections 23, 25, and 28 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (the present copyright law). This was similar to S. 5687² which Mr. King had introduced in the Seventy-first Congress.

¹ See Annual Report of the Register of Copyrights for the fiscal year ending June 30, 1931.

² For the text of S. 5687 see the Annual Report of the Register of Copyrights for the fiscal year ending June 30, 1931.

It provides for a copyright term of 17 years and makes some other changes in existing law. It was referred to the Committee on Patents.

On December 9, 1931, Mr. Hebert introduced in the Senate a general revision bill (S. 176). This bill follows closely H. R. 12549³ as amended in the Seventy-first Congress, with some notable changes. The term of copyright is here changed to 60 years and adherence to the International Copyright Union is proposed under the Convention of Rome. Damages for infringement are altered in certain particulars and there are further minor changes.

On December 9, 1931, Mr. Tydings introduced a bill (S. 1035) to amend section 1 of the act of March 4, 1909, so as to provide that the sale of a piece of sheet music should carry with it the right of performance in public for profit; also providing that a royalty once paid on articles or devices reproducing thoughts or music shall free the articles or devices from further contributions to the copyright owner except in case of performance for profit.

On March 8, 1932, Mr. Dill introduced in the Senate his own bill (S. 3985) to amend and consolidate the acts respecting copyright. This was a new bill based largely upon the present copyright law but with substantial changes and some novel features. Under its provisions copyright may be had by the author or any other person entitled thereto for published or unpublished works, and is obtained by affixing the notice upon the work. Registration is optional. The term of copyright is made 56 years from date of completion of the work. The bill repeats section 15 of the present act, requiring American manufacture, and the importation provisions are the same as in the present law. One entirely new feature calls for special mention. Provision is made for controlling licensing companies and performing rights societies in their licensing for public performance, as is done in Canada under a recent amendment to their copyright law. Such societies must place on file in the Copyright Office lists of the music which they control, and excessive fees may be protested before an established arbiter in disputes. This bill makes no provision for adherence by the United States to any international copyright convention.

On March 24, 1932, Mr. Bloom introduced a bill (H. R. 10796) to amend section 9 of the act of March 4, 1909. It provides, in addition to the section as it now stands, "That in the case of any manufactured product in which the work is repeated, or where several copies are contained in one package, one copyright notice on the manufactured product embodying or containing such repetition of work shall be sufficient."

³ For the text of H. R. 12549, with the accompanying Senate report, see the Annual Report of the Register of Copyrights for the fiscal year ending June 30, 1931.

On June 15, 1932, Mr. Hebert introduced in the Senate a brief bill (S. 4919) to vest in the Register of Copyrights the registration of prints and labels.

Mr. Sirovich, the new Chairman of the House Committee on Patents, set out early in the session to write a wholly new copyright law upon the statute books, based upon a few fundamental principles which he believed could be generally accepted, chief among them being (1) copyright first in the author's name (automatic copyright); (2) rights of assignment and license in whole or in part (divisible copyright); and (3) provision for entry of the United States into the International Copyright Union (international copyright).

With this in view he introduced in the House in quick succession a series of bills generally quite similar but each of them differing from the others by amendments in particular sections. They were all referred in regular course to the Committee on Patents. There was first H. R. 10364, introduced March 10, 1932, followed in turn by H. R. 10740 on March 22; H. R. 10976 on March 30; H. R. 11948 on May 7; H. R. 12094 on May 16; and finally H. R. 12425 on June 2, 1932.

The active program of the House committee for copyright legislation began in February.

Before presenting any bill and without any prepared draft in hand, the committee conducted a long series of public hearings for the pur-

Public hearings on
copyright

pose of ascertaining facts and opinions as to what should be embodied in a new law that should be

up to date and meet the needs of all parties concerned. The hearings were held on February 1, 2, 3, 12, 15, 23, 24, 26, 29, March 1, 2, 7, 10, 14, 21, 24, and 25. A later series of hearings were held on May 6, 12, and 19.

The chairman's avowed intention was that all groups and individuals interested in copyright reform who wished to appear should have an opportunity to be heard. Authors and dramatists, composers and artists, motion-picture producers and exhibitors, lawyers representing the radio industry and the mechanical-device industry and various other organizations dealing in copyrights, newspaper, magazine and book publishers, music publishers, and library associations, all took part in the discussion. The procedure was unusual in that there was no bill before the committee and therefore no distinction between proponents and opponents.

Throughout all the hearings there was expressed rather unanimous approval of the Sirovich principles in general, but there developed sharp differences of opinion about several of the provisions. International copyright, for example, proved a controversial subject. Compulsory registration was another. Most speakers held strongly

for registration in the Copyright Office, even though copyright might not be made dependent upon compliance.

Among the features which were subjected to considerable discussion and controversy were the following: (1) Automatic copyright and copyright initiating always in the name of the author, with registration optional and with insistence upon recordation in the Copyright Office of all assignments and licenses; (2) the objectionable practice of some publishers having first publication rights in selling out the other inherent rights without consent of or benefit to the author; (3) privilege of broadcasting literary productions without license from the copyright owner; (4) changes in importation provisions which would deprive the individual of the privilege of limited importation of foreign editions of copyrighted books, as under the present law; (5) length of the copyright term, including the indefinite term for unpublished works; (6) the proposed abrogation of common law protection; (7) requirement of notice and exemption of the innocent infringer from damages, even limiting his punishment to mere injunction; (8) modification or adjustment of all the various statutory damages and penalties, with emphasis on penalties for dishonest dealing; (9) lightest penalties only in cases where registration has not been made, the purpose being to encourage registration by making it profitable; (10) protection of newspapers and magazines against injunction which would stop publication; (11) royalties for broadcasting music collected not merely for the initial broadcasting but for re-broadcasting and even for reception; (12) regulation of royalties for rendition of music by coin-operated machines and elimination of the present compulsory royalty of two cents on phonograph records, with privilege of free bargaining instead.

The motion picture theater owners (Allied States Association of Motion Picture Exhibitors) at the hearing on March 2 protested vigorously against having to pay several different licenses and argued that, while authors and composers are entitled to be paid for the use of their copyrighted works, there should be only one charge made to the theater for rent of the film rather than the prevailing multiplicity of charges, which are burdensome and unjust. They objected also to suits for copyright infringement in cases where a motion picture has been exhibited for a longer time than is named in the license contract or where it is exhibited in other theaters than those specified. Such a violation of the contract, as they contend, should be remedied by a suit on the contract and they asked for a change in the law to correct these grievances.

The publishers generally supported the principle of copyright first in the author's name and assignments thereafter. The map publishers, however, insisted that in their field copyright in the author's name was a somewhat different matter because in their composite

works, such as atlases and textbooks, they were themselves the authors of works made for hire. In the course of the discussions on importation the publishers protested against the right of private importation by individuals and argued for exclusive rights in geographical divisions because only so could the English author (for example) secure all the benefits of the American agent's activities.

Referring to international copyright, motion-picture producers and distributors explained that the attitude of their organization toward joining the International Copyright Union had changed somewhat since it is now too late to join under the Berlin Convention. The organization is not so favorably disposed toward the Rome Convention on account of the retroactive provisions.

At these hearings was demonstrated a significant change of emphasis upon copyright. Formerly it was the publishers who, as almost the sole users of an author's copyright material, were the high-powered parties particularly commanding and controlling the situation. Now the power has largely passed to other users and it is now the motion-picture organizations, the radio broadcasters, the performing rights societies, and the authors' league who are principally to be reckoned with.

At length, on April 5, one of the Sirovich bills (H. R. 10976) ⁴ was reported out of the House Committee (Report 1008) and was committed to the Committee of the Whole House on the state of the Union. The chairman attempted on April 12 to obtain a rule so as to permit early consideration of the bill but was at first unsuccessful. Finally, however, on May 19, a rule was obtained for consideration of a similar bill, H. R. 12094, which had been introduced and reported out meantime (Report 1361).

The Sirovich bill (H. R. 12094) came up on the floor of the House on May 24, and was debated for a couple of hours, at the end of which time a motion "to strike out the enacting clause" was carried by an overwhelming vote and the measure went down to defeat. The vote was 71 to 18. The main objection raised against the bill was that it was ill considered and too hastily introduced. Mr. Lanham, of the Committee on Patents, who spoke in opposition to the bill, stated that few hearings had been held on the bill itself after it had been introduced, and therefore he believed that it had not received sufficient consideration. He urged that the Vestal bill, which passed the House in 1931, was the result of eight years or more of careful consideration and gradual reconciliation of conflicting interests, whereas the Sirovich bill had been hastily drafted and there was evidence of opposition to it in various quarters. Criticism was aimed specifically at the clause repealing the common-law right of authors and at the provisions relating to per-

⁴ For full text of this Bill and Report see p. 21 et seq. of this Report.

forming rights by broadcasters and moving-picture exhibitors. Finally it was urged that the time was inopportune for enactment of a new copyright law. The House then voted to recommit the bill to the committee.

So ended another chapter in the history of copyright legislation.

The sudden death of Hon. Albert H. Vestal on April 1, removed from the scene an able and respected champion of copyright, whose loss is widely felt and deeply regretted. For eight years he had labored faithfully, diligently, and efficiently to procure the passage of a modern, fair, and just copyright law, and to reconcile and harmonize divergent interests affected by copyright legislation. As Chairman of the House Committee on Patents for several years he worked early and late for a cause which he had much at heart. His loss, coming as it did just at this crucial time, was felt to be a double misfortune.

Death of Mr. Vestal

DESIGN COPYRIGHT

On December 8, 1931, Mr. Vestal introduced in the House a bill (H. R. 138) amending the Statutes of the United States so as to provide for copyright registration of designs.

Design copyright

This was substantially identical with H. R. 11852⁶ as passed by the House and referred to the Senate in the Seventy-first Congress. The amendments which had afterwards been put in by the Senate were eliminated. One of them, of special significance, limited the application of the measure to five specified classes of products. This bill (H. R. 138) makes the provisions applicable to unlimited classes, excluding only designs for automobiles and for containers made from glassware and the like.

On January 6, 1932, Mr. Hebert introduced in the Senate a corresponding bill (S. 2678). This bill also was similar to H. R. 11852 as amended and reported out by the Senate Committee on Patents at the last session (71st Cong., 3d sess.). It, therefore, contained the amendments which the Senate Committee had put into it.

Thus was restored, as to design copyright, the situation as it stood at the time of adjournment of the last Congress.

DESIGN REGISTRATION

The agitation for promptly securing protection for industrial designs was sharply revived before the House Committee on Patents in the early summer of 1932. But it was agreed that the protection should be called by some other name to distinguish it from both patent and copyrights, "since," as the chairman said, "it is a hybrid thing." The title "Design

Design registration

⁶ For the text of H. R. 11852 and the Senate Report on same, see Annual Report of the Register of Copyrights for the fiscal year ending June 30, 1931.

registration" was proposed, the registration to be made in the Copyright Office after brief search. The inherent difficulty in the situation is briefly that the manufacturers generally want only prompt registration while the retailers and some others want (among other demands) a search to establish originality which must take time and necessarily cause delay. It is this unavoidable delay which has caused dissatisfaction with the design protection now secured through the Patent Office. Still others, such as the stove and bottle manufacturers, demand exemption from the provisions of the proposed or of any similar legislation. In the course of the hearings which ensued Mr. Thomas Ewing, former Commissioner of Patents, explained at length the objections to search as he sees it, and Mr. Henry D. Williams, a veteran student and exponent of the subject, said that "search is unnecessary where the protection secured is copyright protection." The chairman announced that the diverse views and conflicting demands of those clamoring for relief, were a stumbling block to the Committee, since the chairman in conference with the Commissioner of Patents had already worked out a plan which was calculated to meet the approval of all interested.

Public hearings on design protection were held before the House Committee on Patents on May 10, 11, and 17, 1932, in the course of which the pressing need of some sort of legislation to prevent the wholesale pirating of designs as now practiced was clearly manifested. At the final hearings on May 17 the representatives of the department stores and the proponents of the legislation stated that they had reached an agreement in principle on what should be contained in the proposed bill. Mr. Lanham, temporary chairman, then suggested that they now get together and draft the actual text of a bill and added that, if there was entire agreement on the part of everybody concerned, he thought it would be possible to pass such a bill through the House in the current session.

On June 8, 1932, Mr. Sirovich introduced a bill (H. R. 12528)⁶ to provide protection for textiles and other designs. The protection is limited to textiles, laces, and embroideries, and registration is to be made in the Copyright Office, after search to determine that the design is "original and novel." The term is five years from the date of the certificate.

On July 5 Mr. Sirovich introduced a precisely similar bill (H. R. 12897) extending the protection to include ladies' hand bags, ladies' pocketbooks, vanities and other designs applicable to pouch bags, underarm bags, and other ladies' novelty hand bags.

⁶ For full text of this bill see p. 45 of this Report.

Both bills were referred to the Committee on Patents and no final action has yet been taken.

FOREIGN EXHIBITS AT CHICAGO IN 1933

One of the last acts passed in the closing days of the first session of the Seventy-second Congress was for the protection of foreign exhibitors at the forthcoming Century of Progress (Chicago World's Fair Centennial Celebration) to be held in Chicago in 1933. The act follows quite closely the law passed in the Sixty-third Congress, first session, for protection of foreign exhibitors at the Panama-Pacific International Exposition at San Francisco.

On June 15, 1932, Mr. Chindblom introduced in the House a bill (H. R. 12646) "to protect the copyrights and patents of foreign exhibitors at A Century of Progress," etc., and on June 20 Mr. Lewis introduced in the Senate an identical bill (S. 4912). The bill was passed by both Houses and was approved on July 19, 1932. The act provides that the Librarian of Congress and the Commissioner of Patents shall establish at Chicago, for the period of the Exposition, branch offices under the direction of the Register of Copyrights and the Commissioner of Patents for the free registration of any foreign copyright or any foreign certificate of trade-mark registration or letters patent of invention, design, or utility model.

For the full text of the act, see page 48 of this report.

Respectfully submitted.

WILLIAM L. BROWN,
Acting Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

EXHIBITS

EXHIBIT A.—STATEMENT OF GROSS RECEIPTS, REFUNDS, NET RECEIPTS, AND FEES APPLIED FOR FISCAL YEAR ENDING JUNE 30, 1932

Month	Gross receipts	Refunds	Net receipts	Fees applied
1931				
July.....	\$27,211.90	\$1,017.76	\$26,194.14	\$24,904.80
August.....	19,450.06	405.15	19,045.83	20,736.80
September.....	22,870.21	329.05	22,541.16	22,106.10
October.....	24,465.40	384.45	24,080.95	25,942.10
November.....	22,818.19	393.76	22,424.43	22,761.10
December.....	24,981.62	446.50	24,535.12	24,013.80
1932				
January.....	29,348.27	575.65	28,772.62	25,808.30
February.....	21,200.92	461.63	20,739.29	21,762.70
March.....	26,514.87	466.90	26,047.97	25,091.20
April.....	23,082.50	353.20	22,729.30	25,090.10
May.....	21,774.96	399.25	21,375.71	22,285.60
June.....	20,999.38	382.19	20,617.19	20,462.30
Total.....	284,719.20	5,615.49	279,103.71	280,964.90

Balance brought forward from June 30, 1931.....	\$21,381.10
Net receipts July 1, 1931 to June 30, 1932:	
Gross receipts.....	\$284,719.20
Less amount refunded.....	5,615.49
	279,103.71
Total to be accounted for.....	300,484.81
Copyright fees applied July 1, 1931, to June 30, 1932.....	280,964.90
Balance carried forward to July 1, 1932:	
Trust funds.....	16,778.41
Unfinished business.....	2,741.50
	300,484.81

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		
1931										
July.....	10,490	\$20,980.00	2,027	\$2,027.00	165	\$165.00	666	\$666.00	13,348	\$23,838.00
August.....	8,881	17,762.00	1,976	1,976.00	167	167.00	210	210.00	11,234	20,115.00
September.....	9,417	18,834.00	2,000	2,000.00	331	331.00	169	169.00	11,917	21,334.00
October.....	10,958	21,916.00	2,269	2,269.00	90	90.00	562	562.00	13,879	24,837.00
November.....	9,882	19,764.00	1,775	1,775.00	154	154.00	423	423.00	12,234	22,116.00
December.....	10,249	20,498.00	1,955	1,955.00	142	142.00	409	409.00	12,755	23,004.00
1932										
January.....	10,722	21,444.00	2,183	2,183.00	178	178.00	985	985.00	14,068	24,790.00
February.....	8,993	17,986.00	2,276	2,276.00	40	40.00	587	587.00	11,896	20,889.00
March.....	10,423	20,846.00	2,433	2,433.00	96	96.00	634	634.00	13,586	24,009.00
April.....	10,271	20,542.00	2,593	2,593.00	77	77.00	762	762.00	13,703	23,974.00
May.....	9,407	18,814.00	2,228	2,228.00	101	101.00	216	216.00	11,950	21,357.00
June.....	8,672	17,344.00	2,038	2,038.00	190	190.00	265	265.00	11,165	19,837.00
Total.....	118,365	236,730.00	25,751	25,751.00	1,731	1,731.00	5,888	5,888.00	151,735	270,100.00

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT B.—RECORD OF APPLIED FEES—Continued

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		
1931										
July.....	210	\$210.00	239	\$786.00	68	\$6.80	31	\$31.00	\$33.00	\$24,904.80
August.....	97	97.00	154	448.00	78	7.80	19	19.00	50.00	20,736.80
September.....	93	93.00	229	648.00	51	5.10	3	3.00	23.00	22,106.10
October.....	167	167.00	245	822.00	221	22.10	42	42.00	52.00	25,942.10
November.....	69	69.00	144	516.00	81	8.10	12	12.00	40.00	22,781.10
December.....	119	119.00	204	790.00	338	33.80	16	16.00	51.00	24,013.80
1932										
January.....	74	74.00	273	832.00	233	23.30	55	56.00	33.00	25,808.30
February.....	84	84.00	205	684.00	367	36.70	22	22.00	47.00	21,762.70
March.....	107	107.00	232	888.00	412	41.20	19	19.00	27.00	25,091.20
April.....	116	116.00	212	836.00	771	77.10	31	31.00	56.00	25,090.10
May.....	94	94.00	209	714.00	306	30.60	34	34.00	56.00	22,285.60
June.....	33	33.00	177	536.00	103	10.30	19	19.00	27.00	20,462.30
Total.....	1,263	1,263.00	2,523	8,500.00	3,029	302.90	303	304.00	495.00	280,964.90

EXHIBIT C.—STATEMENT OF GROSS CASH RECEIPTS, YEARLY FEES, NUMBER OF REGISTRATIONS, ETC., FOR 35 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	-----	2,447
1901-02.....	68,406.06	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.....	80,440.66	78,058.00	113,374	10,244	-----
1905-06.....	82,610.92	80,198.00	117,704	4,330	-----
1906-07.....	87,384.81	84,685.00	123,829	6,125	-----
1907-08.....	85,042.03	82,387.50	119,742	-----	4,087
1908-09.....	87,085.83	83,816.75	120,131	389	-----
1909-10.....	113,662.83	104,644.95	109,074	-----	11,057
1910-11.....	113,661.62	109,913.95	115,198	6,124	-----
1911-12.....	120,149.61	116,685.05	120,931	5,733	-----
1912-13.....	118,068.26	114,980.60	119,496	-----	1,436
1913-14.....	122,636.92	120,219.25	123,154	3,659	-----
1914-15.....	115,594.65	111,922.75	115,193	-----	7,961
1915-16.....	115,663.42	112,986.85	115,967	774	-----
1916-17.....	113,808.61	110,077.40	111,438	-----	4,529
1917-18.....	109,106.87	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.....	146,398.26	138,516.15	138,633	3,353	-----
1922-23.....	153,923.62	149,297.00	148,946	10,313	-----
1923-24.....	167,706.98	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.....	191,376.16	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	-----	31,055
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
Total.....	4,813,197.94	4,642,806.30	4,467,350	-----	-----

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT D.—NUMBER OF REGISTRATIONS MADE DURING THE LAST FIVE FISCAL YEARS

Class	Subject matter of copyright	1927-28	1928-29	1929-30	1930-31	1931-32
A	Books:					
	(a) Printed in the United States—					
	Books proper.....	13,401	13,501	15,221	14,175	13,480
	Pamphlets, leaflets, etc.....	30,585	25,205	26,185	27,143	26,995
	Contributions to newspapers and periodicals.....	26,986	13,574	14,587	12,698	10,489
	Total.....	70,972	52,280	55,943	54,016	50,944
	(b) Printed abroad in a foreign language.....	4,405	3,868	4,664	4,339	4,784
	(c) English books registered for ad interim copyright.....	1,704	1,466	1,228	1,198	1,337
	Total.....	77,081	57,614	61,835	59,553	57,065
	B	Periodicals (numbers).....	47,384	44,161	43,939	42,415
C	Lectures, sermons, addresses.....	389	348	567	563	521
D	Dramatic or dramatico-musical compositions..	4,473	4,594	5,734	5,784	6,206
E	Musical compositions.....	26,897	27,023	32,129	31,488	29,264
F	Maps.....	2,862	2,232	2,554	2,940	1,774
G	Works of art, models or designs.....	3,152	2,486	2,734	2,551	2,590
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	1,705	1,511	1,687	1,993	1,697
J	Photographs.....	7,968	4,850	4,311	3,618	2,570
K	Prints and pictorial illustrations.....	14,272	9,873	9,170	5,813	3,354
L	Motion-picture photoplays.....	1,288	1,087	800	940	800
M	Motion pictures not photoplays.....	1,016	1,232	1,305	986	739
R	Renewals.....	5,447	4,948	5,937	5,998	5,888
	Total.....	193,914	161,959	172,792	164,642	151,735

EXHIBIT E.—NUMBER OF ARTICLES DEPOSITED DURING THE LAST FIVE FISCAL YEARS

Class	Subject matter of copyright	1927-28	1928-29	1929-30	1930-31	1931-32
A	Books:					
	(a) Printed in the United States—					
	Books (proper).....	26,802	27,002	30,442	28,350	26,920
	Pamphlets, leaflets, etc.....	61,170	50,582	51,996	54,348	53,922
	Contributions to newspapers and periodicals.....	26,986	13,574	14,587	12,698	10,489
	Total.....	114,958	91,158	97,025	95,396	91,331
	(b) Printed abroad in a foreign language.....	4,405	3,689	4,664	4,339	4,784
	(c) English works registered for ad interim copyright.....	1,704	1,466	1,228	1,198	1,337
	Total.....	121,067	96,313	102,917	100,933	97,452
	B	Periodicals.....	94,728	87,926	87,992	84,830
C	Lectures, sermons, etc.....	389	336	555	563	521
D	Dramatic or dramatico-musical composition..	5,156	5,205	6,504	6,502	7,077
E	Musical compositions.....	37,664	37,051	41,183	39,040	36,331
F	Maps.....	5,724	4,452	4,947	5,869	3,535
G	Works of art, models or designs.....	3,152	2,569	2,993	2,636	2,645
H	Reproductions of works of art.....	0	0	0	0	0
I	Drawings or plastic works of a scientific or technical character.....	2,783	2,428	2,837	3,121	2,737
J	Photographs.....	15,414	9,337	8,032	6,666	4,638
K	Prints and pictorial illustrations.....	19,652	14,012	12,887	8,761	6,357
L	Motion-picture photoplays.....	2,552	2,196	1,779	1,846	1,602
M	Motion pictures not photoplays.....	1,938	2,379	2,588	1,923	1,440
	Total.....	310,209	264,204	275,214	262,690	242,689

ADDENDA

	Page
I. A bill to amend and consolidate the acts respecting copyright and to codify and amend common-law rights of authors in their writings (H. R. 10976). In the House of Representatives March 30, 1932. (Committed to the Committee of the Whole House April 5, 1932)-----	21
II. H. R. Report No. 1008 to accompany H. R. 10976-----	39
III. A bill to provide protection for textiles and other designs (H. R. 12528). In the House June 8, 1932-----	45
IV. An act to protect the copyrights and patents of foreign exhibitors at A Century of Progress (Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933. Approved, July 19, 1932-----	48
V. Proclamation in behalf of Greece, February 23, 1932-----	51

ADDENDUM I

[72d Cong., 1st sess. H. R. 10076. Report No. 1006. In the House of Representatives. March 30, 1932.]

Mr. Sirovich introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

April 5, 1932, committed to the Committee of the Whole House on the state of the Union and ordered to be printed)

A BILL To amend and consolidate the acts respecting copyright and to codify and amend common-law rights of authors in their writings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

COPYRIGHT GRANTED TO AUTHORS

SECTION 1. Authors are secured copyright in all their writings and the component parts thereof subject to the provisions of this act.

EXCLUSIVE RIGHTS OF COPYRIGHT OWNER

SEC. 2. The author or other owner of a copyright shall have the exclusive right to copy, print, reprint, manufacture, publish, perform, present, represent, produce, reproduce, exhibit, deliver, render, disseminate, broadcast and/or televise the copyright work through any medium or in any mode or form by which such work can be expressed, including the modes, forms, and mediums of expression set forth in section 3; to translate, adapt, compile, abridge, arrange, rearrange, and/or complete the same; to convert and/or transform the same from one mode or form of expression into any other mode or form; and to sell, vend, assign, transfer, and/or otherwise dispose of the copyright work or any copy, reproduction or record thereof.

COPYRIGHTABLE WORKS

SEC. 3. The writings of an author include—

- (a) Books, pamphlets, and contributions to periodicals;
- (b) Newspapers, magazines, and other periodicals;
- (c) Lectures, sermons, addresses, and other works prepared for oral delivery;
- (d) Dramatic and dramatico-musical compositions; dramatizations; scenarios and continuities;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art and reproductions of a work of art;

(h) Literary scripts not included in other classes enumerated in this section:

(i) Plans, drawings, models, and plastic works of a scientific or technical character; and models and designs for architectural works;

(j) Photographs;

(k) Prints and pictorial illustrations;

(l) Motion pictures, with or without sound and/or dialogue; and

(m) Miscellaneous writings including works mentioned in section 4 not enumerated above. The foregoing specifications shall not be held to limit the subject matter of copyright as defined in section 1 of this act.

OTHER WORKS

SEC. 4. Translations, and compilations, abridgements, adaptations, and arrangements, including sound disk records, sound film records, electrical transcription records, and perforated rolls, and arrangements and compilations for radio broadcasting and television or other versions of works, shall be regarded as new works and copyright shall subsist therein, notwithstanding such works are based in whole or in part upon works in the public domain and/or copyright works provided the consent of the copyright owner has been secured; but the copyright secured by this section shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works or to secure or extend copyright in such original works.

WORKS NOT COPYRIGHTABLE

SEC. 5. In no event shall copyright under this act extend to—

(a) Works in the public domain;

(b) Publications of the United States Government; but the use by the Government of a copyright work shall not in any manner affect or impair the copyright; and the Government shall not use any such copyright work without the consent of the owner;

(c) Designs capable of being patented, or designs or patterns for wearing apparel, or pictorial representations of such designs or patterns;

(d) Works of an alien author, except where (1) such author is residing within the United States at the time of the creation of his work, or (2) such author is a citizen of a foreign country which, at the time of the creation of his work (A) by treaty, convention, agreement, or law grants to citizens of the United States copyright on substantially the same basis as the United States grants copyright to its own citizens, or (B) is an adhering party to a general copyright convention to which the United States is, at the same time, an adhering party; and

(e) Works or parts of works to the extent that they are substantially identical in expression to any previous work designated in subsections (a), (b), or (d) hereof.

COPYRIGHT DISTINGUISHED FROM MATERIAL OBJECT COPYRIGHTED

SEC. 6. The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

TERM OF COPYRIGHT

SEC. 7. The copyright of the author begins upon the creation of the work of the author and terminates fifty-six years from the date of first public presentation of the work. Where the work is not publicly presented, the copyright shall terminate three years after the death of the author, or the death of the survivor of joint authors. Where a corporation is deemed to be the author of the work under section 16 of this act, the copyright shall terminate within three years of its creation unless publicly presented prior to the expiration of such period. For the purposes of this section 7, registration shall be deemed a public presentation. Upon the death of the author or other owner of the copyright, the copyright or any residual interest therein shall be disposed of either by will or according to the applicable laws governing the intestate disposition of personal property upon the death of such author or other owner, as the case may be.

EFFECT OF FAILURE TO REGISTER OR RECORD

SEC. 8. The copyright, or any assignment or license thereof, shall not in any manner be impaired by the failure, after the effective date of this act, to register such copyright or to record any assignment or license thereof: *Provided*, That in respect of infringements of copyrights coming into existence after the effective date of this act, occurring (1) prior to the date of registration of the copyright, in the case of a work that has not been publicly presented, or (2) more than thirty days prior to the date of registration of the copyright, in the case of a publicly presented work that has not been registered previous to such public presentation, or (3) prior to the time the claimant, if he be an assignee or licensee, has recorded his assignment or license—

(a) The owner of the copyright or any assignee or licensee shall not be entitled, where it shall appear to the court that the infringer acted in good faith, to any remedy under this act other than an injunction; but where such infringer has incurred a substantial expenditure or

liability in connection with the exploitation, production, or performance of the copyright work, the infringer shall be liable only for a reasonable license fee not in excess of \$2,500 nor less than \$25, and no injunction shall issue; and

(b) The total damages and profits which the owner of the copyright or any assignee or licensee may recover under section 10 shall not be in excess of \$5,000 nor less than \$100, in the case of a willful infringement of a publicly presented work.

EFFECT OF FAILURE TO AFFIX NOTICE OF COPYRIGHT

SEC. 9. Copyright secured by this act shall not in any manner be impaired by the failure, after the effective date of this act, to affix notice of copyright: *Provided*, That in an action for infringement (1) brought by the owner of a copyright, or an assignee or licensee, who has consented to the publication of the work without copyright notice as provided in section 18 or (2) brought against an infringer who has been misled by the omission of copyright notice by accident or mistake from a particular printed copy or copies, no remedy under this act except an injunction against future infringement shall be available where it appears to the court that the infringer acted in good faith; except, that where such infringer has incurred a substantial expenditure or liability in connection with the exploitation, production or performance of any such copyright work, such infringer shall be liable only for a reasonable license fee not in excess of \$2,500 nor less than \$25, and no injunction shall issue.

REMEDIES OF COPYRIGHT OWNER

SEC. 10. Subject to the limitations provided in section 11 the author or other owner of any right secured by this act is entitled to the following remedies against any infringer of such right:

(a) Injunctive relief restraining any such infringement, according to the principles and rules of courts of equity, including the impounding during the pendency of the action of all infringing articles; but no temporary restraining order shall be issued which would prevent or delay the publication of a newspaper, magazine, or other similar periodical; and in the case of a newspaper, magazine, or other similar periodical reproduction of a photograph, no injunction shall issue.

(b) The recovery of (1) such damages as the owner of the right infringed has suffered due to the infringement, and in the determination of such damages the prices currently paid for similar rights in copyright works of the same or like character shall be considered, but nothing herein contained shall be construed to limit such damages to the prices so paid; or (2) such part of the profits of the infringer as may justly be attributed to such infringement; but where the infringer

establishes that he has acted in good faith, recovery under this subsection (b) shall be limited to an amount which will justly compensate the owner of the right infringed for the use made of the copyright or any right therein and in determining the amount of such just compensation, the prices currently paid for similar rights in copyright works of the same or like character, shall be considered.

(c) Where it appears that the remedy provided under subsection (b) does not justly compensate the owner of the right infringed for the use made of the work, statutory damages shall be awarded in an amount not in excess of \$5,000 nor less than \$50.

(d) Upon the conclusion of the action resulting in a judgment in favor of the owner of the right infringed all infringing articles owned by the infringer shall, if the infringer has not acted in good faith, be destroyed. In all other cases, the court may, in its discretion, direct the destruction of the infringing articles.

(e) In the case of the unauthorized exhibition of a motion picture, the infringer shall pay, in lieu of the remedies provided for in subsections (b) and (c) hereof, such statutory damages as the court may deem just, but such statutory damages shall not exceed the total sum of \$10,000 nor be less than \$150 for all infringements up to date of suit. The recovery provided by this subsection shall be at the option of the complainant exercised at any time prior to the conclusion of the trial upon the merits.

LIMITATIONS ON REMEDIES

SEC. 11. Notwithstanding any other provision of this act, the remedies given to the owner of the right infringed shall be limited as follows:

(a) Where an infringer is engaged solely in the business of printing the copyright work for others, and has no actual knowledge of the infringement, the owner of the right infringed shall be entitled, as against such infringer, only to an injunction against future printing.

(b) Where the infringement complained of is contained in or is part of paid advertising matter, the remedies of the owner of the right infringed shall be (1) available only against the advertiser and advertising agency, and (2) in the case of any other infringer, confined to an injunction, subject to the provisions of subsection (c) hereof, against the future public presentation of such advertising matter.

(c) Injunctive relief shall not be available to the owner of the right infringed in respect of an issue of a newspaper, magazine, or other similar periodical containing infringing matter after the commencement and/or preparation of the engraving and/or composition work either (1) for the issue containing such infringing matter, or (2) for any issue containing a previous installment or portion of the serial or other work in which such infringing matter appears.

EXEMPTIONS

SEC. 12. None of the remedies given by this act to the author or other owner of the right infringed, shall be deemed to apply to—

(a) The performance, delivery, or other presentation of a copyright work which is neither public nor for profit; but this subsection shall not apply to the performance or presentation of a dramatic or dramatico-musical work or any exhibition of a motion picture;

(b) The public performance of a copyright musical composition not for profit;

(c) The performance of a copyright musical work by a recognized charitable, religious, fraternal, agricultural, or educational organization solely for charitable, religious, or educational purposes;

(d) The reception of any copyright work by the use of a radio receiving set or other receiving, reproducing, or distributing apparatus, except where admission fees, cover charges, operating charges, or similar charges are made;

(e) The performance (except by broadcasting) of any copyright work by means of a coin-operated machine or by means of a disk, record, perforated roll, or film manufactured by or with the consent of the copyright owner or anyone claiming under him, or of a copyrighted sound disk, sound film record, perforated roll or film, except where admission fees, cover charges, or similar charges are made; or

(f) The fair use of quotations from copyright matter provided credit is given to the copyright owner, or the work quoted.

LICENSES

SEC. 13. The author or other owner of the copyright may, to the extent of his ownership, license all or any part of the rights of such author or other owner. Such license may be general, restricted, assignable, nonassignable, exclusive, nonexclusive, or limited in time, or for a specified place or territory, or to a particular mode, form, or medium of expression, or to a particular type of presentation, or by any other terms, conditions, or limitations. Any license for first publication before public presentation in the same or any other mode, form, or medium of expression shall be given effect according to the terms of such license; but in no event shall any license be deemed to include the right of first publication unless such right is expressly included in the license: *Provided, however,* That where the owner of a copyright work grants a license for the first publication of a work in newspapers, magazines, or other similar periodical publications such license shall secure to the licensee an exclusive right to complete the publication of such work prior to its public presentation in any mode, form, or medium of expression by anyone else, including the owner of the copyright work and anyone claiming under him; and licenses of other rights of publication or public presentation take such rights

in the absence of express agreement to the contrary, subject to such rights of first publication granted, or to be granted by the author or other owner of the copyright; but in the absence of express agreement to the contrary, such license of the right of first publication (1) automatically expires ninety days after the completion of the publication of any such work, and (2) becomes a nonexclusive license in the event the licensee fails to commence publication within three years from the time the completed work is delivered to such licensee; but such three-year period shall not in any manner limit or affect any right of first publication acquired prior to the effective date of this act.

ACTIONS BY LICENSEES

SEC. 14. Any license granted by the owner of a copyright work shall be deemed to secure to the licensee, to the extent of his interest, any and all remedies given by this act to any owner of the copyright. The licensee shall be entitled to proceed in his own name and behalf against any infringer of his rights under the license, without joining in such proceeding the owner of the copyright or any person claiming under him.

RIGHTS OF LICENSEES

SEC. 15. Licenses shall be construed to vest in the licensee those rights of the copyright owner which are necessary to carry out the purpose of such license, but not to extend to distinct and separate purposes. An author, by express agreement with the licensee, may give to such licensee the right to modify or alter a copyright work to any specified extent, even though such modifications and alterations extend beyond the limits of the reasonable or customary editing of literary material in preparing such material for first publication.

ASSIGNMENTS

SEC. 16. The author or other owner of a copyright may at any time, either before or after registration, assign or otherwise dispose of the copyright. Such assignee shall thereupon become the owner of the copyright. In the absence of agreement to the contrary, where any copyrightable work is created by an employee within the scope of his employment, his employer shall be considered as the author of the work. This provision shall not apply to works created under special commission where there is no relation of employer and employee, unless the parties agree otherwise.

RECORDATION

SEC. 17. The failure to record an assignment or license shall not impair or limit the rights of the assignee or licensee except as provided in section 8. To record such instrument, the recordation fee prescribed

in section 34 must be deposited, and either the original assignment or license or a sworn copy of the original assignment or license must be sent to the Copyright Office for recordation. All instruments sent for recordation shall be returned by the Register of Copyrights. As between conflicting assignments and/or licenses, the instrument first recorded shall prevail, except where the party first recording had knowledge of any prior conflicting assignment or license. No assignment or license shall be recorded (1) unless it is in writing, signed by the assignor or his agent; and (2) unless the copyright work assigned or licensed is first registered as provided in section 19 hereof. In the event the author has failed to register the copyright work, any assignee or licensee of such work, upon complying with the provisions of section 19, may obtain registration of such work in the name of and on behalf of the author, at the time he presents his assignment or license for recordation.

NOTICE OF COPYRIGHT

SEC. 18. To constitute valid notice of copyright as referred to in section 9 there must be affixed to all printed copies of published copyright work, a legible statement indicating that copyright is claimed. The notice may consist of the word "copyright" or "copr." or the letter C inclosed in a circle or the phrase "all rights reserved." In the case of books, pamphlets, and similar printed publications, such notice may be placed upon the title-page or the page immediately following and may include, in addition to the word "copyright," the year date of first publication and the name of the copyright owner. In the case of a newspaper, magazine, or similar periodical publication the copyright notice may be placed in the column containing the editorial and publishing statement, in which event such notice shall be deemed sufficient to constitute due notice of copyright in behalf of each individual contributor entitled to copyright in any of the individual contributions in the issue of that date. In the case of anonymous and pseudonymous works the copyright notice inserted by the publisher shall be deemed sufficient to protect the author or other owner of the copyright. However, any form of notice is sufficient which is affixed to some readily accessible part of the copy and which reasonably informs anyone in possession of any such copy that copyright is claimed in the work.

REGISTRATION

SEC. 19. The failure to register a copyright shall not impair or limit the rights of the author in the copyright work, except as provided in section 8. Only one registration is necessary to comply with section 8, whether such registration is obtained before the public presentation of the work or thereafter. The author, or his duly authorized agent,

or an assignee or licensee in the name and on behalf of the author may, at any time, obtain registration of the author's claim to copyright in any work—

(a) By filing an application for registration with the Register of Copyrights at Washington, District of Columbia, specifying in such application (1) which of the classes of works set forth in section 3 such work belongs; and (2) in the event that the work has been publicly presented, the place and the date of the first public presentation;

(b) By depositing at the same time a registration fee of \$2 in the case of each book, magazine, newspaper, or other copyright work so registered; except, that where no certificate of registration is requested for a separate work published in a newspaper, magazine, or other composite work, a fee of \$0.50 shall be paid upon the filing of the application for registration of copyright for any such separate work; and

(c) By depositing at the same time two copies of the best edition of a work, if it be published in printed form, and one copy in all other cases. In the case of any separate work appearing in a newspaper, magazine, or other periodical, the deposit of one copy of the issue or issues containing such separate work shall be sufficient. The postmaster to whom the copies under this subsection are delivered shall mail such copies to the Copyright Office without cost to the person seeking registration. In the case of any work which can not be expediently kept on file because of its character, bulk, or fragility, or its dangerous ingredients, the Register of Copyrights may determine that there shall be deposited, in lieu of such copy or copies, identifying photographs and prints and a sufficient written description of the work; and in the case of an unpublished or manuscript work, there shall be deposited a legible copy or photostat of such work; and, in the case of a work of art or a reproduction of a work of art, or a drawing or plastic work, or an architectural work there may be deposited a photograph or print or photostat or other representation of such work sufficient to identify it; and in the case of a motion picture, a clear description or synopsis, identifying prints and the title shall be sufficient; and in the case of sound disk records, sound film records, electrical transcription records, and perforated rolls, there may be deposited the title, the factory serial number and any other words of description sufficient to identify the work.

DISPOSAL OF COPIES

SEC. 20. The Librarian of Congress shall determine which books and other articles deposited as provided in the preceding section shall be transferred to the permanent collections of the Library of Congress, including the Law Library, and which of such books or articles shall be placed in the reserve collections of the Library of Congress for sale

or exchange or be transferred to other governmental libraries in the District of Columbia. The Librarian of Congress and the Register of Copyrights jointly shall, at suitable intervals, determine which of such books and other articles received it is desirable or useful to preserve in the permanent files of the Copyright Office and after due notice as hereinafter provided, may, at their discretion, cause the remaining books and articles to be destroyed; except that no manuscript of a work that has not been publicly presented shall be destroyed during its term of copyright without specific notice to the copyright owner of record permitting him to claim and remove it: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author or other owner of the copyright or other lawful claimant to claim and remove, before the expiration of the month of December of that year, any of such books or articles which he has deposited within the period of years stated and which are not reserved or deposited as hereinabove provided.

JURISDICTION

SEC. 21. All actions or other proceedings arising under this act shall be originally cognizable by the district courts of the United States, any territory thereof, Alaska, Hawaii, Panama, Canal Zone, and Porto Rico, the Supreme Court of the District of Columbia, and the court of first instance of the Philippine Islands. Such courts shall have jurisdiction in equity, in a proper case, whether or not the relief granted is incident to an injunction. Any injunction granted pursuant to this act shall be operative and may be served upon the parties enjoined, anywhere in the United States, and is enforceable by proceedings in contempt or otherwise by any court specified above having jurisdiction of the person of the party enjoined. The clerk of the court, or judge, granting the injunction, shall, upon request of the court hearing the contempt proceedings, transmit without delay to such court a certified copy of all papers in the cause on file. Orders, judgments, or decrees of any court having jurisdiction arising under this act may be reviewed on appeal in the manner and to the extent provided by law for the review of cases determined in said courts. Proceedings for injunctions, damages, profits, and for the impounding of infringing articles may be united in one action.

VENUE AND LIMITATIONS OF ACTIONS

SEC. 22. Any civil action or other proceeding arising under this act may be instituted in the district in which the defendant or his agent is an inhabitant, or in which the defendant has an office or is doing business. No civil or criminal action or proceeding shall be maintained under the provisions of this act unless the same is commenced within three years after the cause of action arose.

JOINDER OF INTERESTED PARTIES

SEC. 23. In any action or other proceeding pursuant to this act, in which the copyright owner, or his assignee or licensee, seeks profits or damages, statutory or actual, and where any party to the action shows to the satisfaction of the court that some third person may claim to be entitled to said profits or damages or some part thereof by reason of the ownership of rights or licenses involved in the same suit, the court, on the application of such party or on its own motion, may order that notice be given of the pendency of the action to such third persons, where their rights or licenses have been recorded or registered in the Copyright Office prior to the commencement of the action. Such notice shall be deemed sufficient if sent by registered mail to the address of the person entitled to such notice appearing in the instruments recorded or registered in the Copyright Office. The court may permit such persons to appear in the action and such provision may be made with reference to profits or damages by way of division or otherwise, the entire controversy and the rights and interests of the several parties to the action adjudicated as justice may require; but this section shall not in any manner prejudice or delay the rights and remedies of the plaintiff, and the plaintiff shall be entitled to prosecute his action to a final determination and secure the remedies provided in this act despite the absence of such third party. No judgment shall be res judicata against the owner or any assignee or licensee who shall not be named and served as a party to such action or proceeding.

RULES OF PRACTICE

SEC. 24. The Supreme Court of the United States shall prescribe such rules and regulations as may be necessary for practice and procedure in any action or other proceeding under this act.

ATTORNEY'S FEE

SEC. 25. Upon the conclusion of the action or other proceeding resulting in a judgment against the copyright claimant the court may, in its discretion, award a reasonable attorney's fee to the successful party.

REGISTER AND ASSISTANT REGISTER

SEC. 26. The Librarian of Congress shall appoint a register of copyrights and an assistant register, who in the absence or incapacity of the register shall have all the authority of the register. He shall also appoint such subordinate assistants to the register as may from time to time be authorized by law, the salaries of all such, as well as of the register and assistant register, being determined in the same manner as other salaries in the Library under the Librarian.

COPYRIGHT RECORDS; RULES AND REGULATIONS; SEAL

SEC. 27. The register shall keep and preserve in the Copyright Office of the Library of Congress all records and other things relating to copyrights and required by law or necessary to effectuate the provisions of this act. Under the supervision and direction of the Librarian of Congress, the register shall perform all duties relating to the registration of copyrights and the recordation of assignments and licenses of copyrights, and shall make rules and regulations for registration and recordation and for the disposal of works deposited in the Copyright Office, and shall prescribe the form or forms of applications and affidavits and other papers used for registration and recordation. The seal used in the Copyright Office on July 1, 1909, shall be the lawful seal affixed to all papers requiring authentication.

FISCAL REPORTS OF REGISTER; BOND

SEC. 28. The register shall make daily deposits of all copyright fees with the Treasurer of the United States, and shall make weekly transfers to the Treasurer of the United States, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters. The register shall make monthly reports to the Comptroller General of the United States and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balance. In addition, the register shall make an annual report to the Librarian of Congress of all copyright business for the previous fiscal year, which report shall be printed promptly after the close of the fiscal year. The register shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

CERTIFICATE OF REGISTRATION

SEC. 29. Upon receipt of the application for registration, the registration fee, and the copies or other identifying matter, all as set forth in subsections (a), (b), and (c) of section 19, the register shall make a full and complete record of the copyright registration and send a certificate of registration under the seal of the Copyright Office to the person indicated in the application. Such certificate shall contain—

(a) The name and address of the copyright owner; the name of the country of which the author of the work is a citizen; the title of the registered work; the date of the deposit of the copy or copies of such work; the date of the first public presentation of such work where the work has been publicly presented prior to the date of the applica-

tion for registration; and such marks as to class designation and entry number as shall fully identify the entry; and

(b) If the author be an alien resident of the United States at the time of making the work, a statement of that fact, including his place of residence.

REGISTRATION CERTIFICATE PRIMA FACIE EVIDENCE

SEC. 30. The register shall prepare printed forms for the certificates referred to in the last section and such certificate, sealed with the seal of the Copyright Office, shall, upon payment of the prescribed fee, be given to any applicant therefor. The register shall furnish upon request, without additional fee, a receipt for the copy or copies of any work deposited in the Copyright Office. Such certificate, or a certified copy thereof under the seal of the Copyright Office, and the receipt therefor, shall be admitted in any court as prima facie evidence of the facts stated therein.

RECORDING CERTIFICATE PRIMA FACIE EVIDENCE

SEC. 31. Upon receipt of the recordation fee the register shall record any assignment or license of copyright as provided in section 17, and shall send to the assignee or licensee a certificate of record attached under seal of the Copyright Office, and upon the payment of the prescribed fee the register shall furnish to any person requesting the same a certified copy thereof under the said seal. Such certificate and certified copy shall be admitted in any court as prima facie evidence that such assignment or license has been recorded on the date specified therein. All instruments sent to the register for recordation shall be returned to the senders thereof.

INDEX OF COPYRIGHT RECORDS

SEC. 32. The register shall fully index all registrations of copyright and all recorded assignments and licenses, and shall print at periodic intervals a catalogue of the names of the authors, where known, and of the titles of works deposited and registered, together with suitable indices, and at intervals may print complete and indexed catalogues for each class of copyright entries, and after such catalogues are printed may destroy the original manuscript catalogue cards. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. Both the current catalogues and the complete and indexed catalogues for each class of copyright entries shall be furnished to all persons desiring them at reasonable prices, to be determined by the register, and all subscriptions for the catalogues shall be received by the Superintendent of Documents, who shall forward the said publications. The printed current catalogues as they are issued shall be

promptly distributed by the Copyright Office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General.

RECORD BOOKS

SEC. 33. The record books of the Copyright Office, the indices to such record books, and all works deposited and retained in the Copyright Office, shall be open to public inspection, and copies may be taken of the entries actually made in such record books, and of the applications on which such entries have been made, subject to such safeguards and regulations as shall be prescribed by the Register of Copyrights and approved by the Librarian of Congress. The register may allow copies to be made of the works deposited and retained in the Copyright Office upon authority of the copyright owner of record or upon application of any party to a suit for infringement of the copyright.

FEEES OF COPYRIGHT OFFICE

SEC. 34. The register shall receive, and the persons to whom the services designated are rendered shall pay, in addition to the registration fee specified in subsection 19 (b), the following fees: For every certificate of registration except the certificate furnished without extra charge at the time of registration, \$1; for recording and certifying any assignment or license or any duly certified copy thereof, \$2 for each Copyright Office record-book page or fraction thereof up to five pages, and \$1 for each such page or fraction thereof beyond five pages; for a certified copy of an application, \$1; for comparing any copy of an assignment or license with the record of such document in the Copyright Office and certifying the same under seal, \$2; for the filing of every affidavit of manufacture, except where such affidavit is filed simultaneously with the application for registration, \$1; for any other certificate under seal of the Copyright Office, \$1; for any requested search of Copyright Office records, indices, or deposits, for each full hour of time consumed in making such search, \$1; for recording notice of user or acquiescence under section 1 (e) of the act of March 1, 1909, as amended, for each notice of not more than five titles, \$1.

MANUFACTURE

SEC. 35. All printed copies of any copyright work in the English language and all copyright illustrations, maps, or charts contained in such work shall be printed within the United States where (1) the author of such copyright work, illustration, map, or chart is a citizen of the United States, and, in addition (2) such printed work is dis-

tributed within the United States. The owner of any right or license to print or publish such copyright work in the United States may not bring any action for infringement of such right or license (1) where such owner has printed such work in contravention of the requirements of this section 35, or (2) where the owner of any right or license to print or publish in book, pamphlet, map, or sheet form has complied with the requirements of this section 35 as to printing, but prior to the commencement of the action, has failed to file in the Copyright Office an affidavit, sworn to by such owner or by his duly authorized agent or by the printer, stating the place where and the establishment or establishments in which the printing or any part thereof was done, and the date of completion of the printing and the date of publication. This section shall not apply—

- (a) To works in raised characters for the use of the blind; or
- (b) To rights of assignees or licensees of any right in or under such copyright other than those specified in this section.

IMPOUNDING

SEC. 36. When a copyright work has been printed within the United States under a registered copyright or a recorded license for exclusive sales in the United States (1) the customs authorities shall report to the register all printed copies of such work, imported into the United States, except used copies, and (2) such printed copies may be impounded at the instance of the owner of such copyright or license. If found to be imported in violation of the exclusive sales rights of such copyright or license, such printed copies shall be forfeited to the owner of such copyright or license or shall be otherwise disposed of at the discretion of any District Court having jurisdiction: *Provided, however—*

- (a) That where such works were printed in the country of which the author is a citizen, this section shall not apply to the importation (1) of not more than one copy of any such work on any one invoice, for use and not for sale or hire, by and for any free public library or branch thereof, any privately owned or endowed library open to free use by the public or by scholars, or any school, college, society, or institution organized and conducted in good faith for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, and not for profit; or (2) by the owner of such right or license for exclusive sales in the United States, of copies of such work to fill orders from individuals of not more than one copy on any one invoice, for use and not for sale or hire; but if such owner decline or neglect within ten days to agree to fill any such order at a price equivalent to the foreign retail price plus transportation charges and customs duties, such individual may order such copy directly;

(b) That this section shall not apply (1) to works which form parts of libraries or private collections purchased en bloc in a foreign country for the use of the organizations and libraries designated in subsection (a) (1) hereof, or (2) to the importation of not more than one copy of each such work or set at any one time which form a part of the personal baggage of persons arriving from a foreign country and which are not intended for sale or hire, or (3) to a foreign newspaper or magazine which does not contain copyright matter printed without the authority of the copyright owner, or (4) to motion pictures and motion-picture photoplays, or (5) to the authorized edition of a book in a foreign language or languages, or (6) to works in raised characters for the use of the blind, or (7) to works imported by the authority or for the use of the United States.

LIBRARY OF CONGRESS

SEC. 37. Two copies of the best edition of all copyright works printed within the United States must be deposited in the Copyright Office within ninety days of the publication of such works in the United States; but if two printed copies of such work have been deposited as provided in subsection 19 (c), no further deposit of copies need be made under this section. If such copies are not deposited as herein provided, the register may, at any time after the publication of the work, upon actual notice, require the owner of the copyright to deposit such copies. If such copies are not mailed to the register within three months after the copyright owner receives notification of the demand of the register, the copyright owner shall be liable to a fine of \$250 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work.

STATUS OF COPYRIGHTS NOW EXISTING

SEC. 38. The rights granted to authors under this act shall be in lieu of and in substitution for any common-law right of authors in their writings. All statutory copyrights subsisting on the effective date of this act shall continue, as herein provided, until the expiration of fifty-six years from the date when copyright began under the statutes which secured such copyright. Where an author has a common-law right on the effective date of this act, such author shall be protected under and pursuant to the provisions of this act until the expiration of fifty-six years from the effective date of this act. Where any statutory copyright subsisting on the effective date of this act would have expired at the end of a first period of twenty-eight years unless application for a renewal term were made, no such application for a renewal shall be required, and such copyright is hereby extended as herein provided for the period of fifty-six years from the date such copyright began under the statutes which secured such copyright. Where an assignment or a license

exists under such copyright extending to the end of such first period, and the author has agreed to renew the copyright for the renewal term for the benefit of the assignee or licensee, such assignee or licensee may at his option, continue the assignment or license upon the same royalty basis for the extended term, or if the assignment or license was paid for in a lump sum, the payment of the same amount at the end of such first period will extend the assignment or license for the balance of the copyright term. If there was no agreement for renewal, the copyright shall become the property of the author at the end of the twenty-eight year period.

PENALTIES

SEC. 39. Any person who, with intent to defraud, shall assign a copyright or grant any license thereunder, knowing that he has no right or authority to make such assignment or license, or who willfully and for profit shall infringe any copyright secured by this act, or who shall knowingly and willfully aid or abet such infringement, or who, with fraudulent intent, shall institute or threaten to institute any action or other proceeding under this act, knowing such action or other proceeding to be without foundation, or who shall fraudulently affix any notice of copyright or who shall register or cause to be registered a pirated work with knowledge that such work is pirated, or who shall record or cause to be recorded a false or fraudulent assignment or license with the knowledge that such assignment or license is false or fraudulent, or who shall make a false and fraudulent statement in any affidavit or other writing filed in the Copyright Office, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1,000 or imprisonment for not more than six months, or by both such fine and imprisonment.

DEFINITIONS

SEC. 40.

(a) "United States" means the United States of America and includes the dependencies of the United States;

(b) "Public presentation" means any nonprivate exhibition, production, publication, delivery, or performance of any copyright work in any mode, form, or medium of expression;

(c) "Publication" means the publishing, for public sale, of books, newspapers, magazines, periodicals, or pamphlets, and contributions thereto, and of any other writings appearing in any such forms or sheet form, including the works specified in subsections (c), (d), (e), (f), (h), (j), and (k) of section 3;

(d) Works in the "public domain" include (1) works in the public domain at the date this act goes into effect, (2) works which are not copyrightable, and (3) works of which the term of copyright protection has expired;

(e) "Infringer" as used in section 13 of this act, where the act complained of is an infringement of the right of first publication, shall include the author or any assignee or licensee under him who infringes upon the right of first publication;

(f) The words "printed" or "printing" include photoengraving, electrotyping, stereotyping, photogravure, gravure, lithography, or other processes used in reproductive manufacture in printed form, as well as all forms and methods of typesetting, printing, and binding;

(g) As used in section 12 (d), (1) "reception" does not include rebroadcasting or making a transcription or other record of copyright work, and (2) "admission fees," "operating charges," and "similar charges" do not include room charges and apartment rentals;

(h) "Printed sheets" and "pamphlets" do not include newspapers, magazines, or other periodicals;

(i) A license or grant of "first serial rights" to a newspaper, magazine, or other periodical, shall be deemed to give to the licensee all of the rights herein secured to a licensee of the "right of first publication;"

(j) The "owner" of the right infringed means the author or other owner of the copyright and any assignee or licensee of such right.

REPEAL OF FORMER ACTS

SEC. 41. The act entitled "An act to amend and consolidate the acts respecting copyright" approved on March 4, 1909, and all amendments thereof, are hereby repealed, as well as all laws or parts of laws in conflict with the provisions of this act; and all existing statutory copyrights and common law rights of authors, which are continued in force under section 38 of this act shall be entitled to protection under and pursuant to the provisions of this act, except that—

(a) Nothing in this act shall affect suits, actions, or proceedings for infringement theretofore commenced and pending in the courts of the United States on the effective date of this act; and such suits, actions, or proceedings shall be concluded in the manner heretofore provided by law; and

(b) Sections 1 (e) and 25 (e) of said act of March 4, 1909, as amended, relating to the mechanical reproduction of musical works, shall continue in full force and effect in respect of musical works copyrighted prior to July 1, 1934.

EFFECTIVE DATE AND SCOPE OF ACT

SEC. 42. This act shall go into effect on the 1st day of January, 1933, and shall be in effect throughout the United States, and in all Territories subject to its jurisdiction and including the Virgin Islands, the Philippine Islands, and the Territory of Hawaii.

ADDENDUM II

[72d Cong., 1st sess. House of Representatives. Report No. 1006, Apr. 5, 1932]

REVISION OF THE COPYRIGHT LAW

Mr. Sirovich, from the Committee on Patents, submitted the following report (to accompany H. R. 10976):

The Committee on Patents, to which was referred the bill (H. R. 10976) to amend and consolidate the acts respecting copyright and to codify and amend common law rights of authors in their writings, having had the same under consideration, now reports the bill to the House and recommends that the bill do pass.

This bill revises the copyright law of the United States of America in several important particulars. Some of the important provisions of the bill are:

- (1) That copyright shall in the first instance vest always in the author;
- (2) That the author may assign his entire copyright;
- (3) That the author may license any part, interest, or privilege in his copyright to his licensee;
- (4) That the licensee of any right or privilege may protect his own interest in his own name without joining the copyright proprietor;
- (5) The term of copyright is fixed for a period of 56 years from the date of first publication or public presentation of the work;
- (6) The bill provides for protection of American works abroad by making it possible for the United States to adhere to the International Copyright Union;
- (7) The bill gives complete protection for the use of works over the radio and also extends protection to any new rights which may develop in the future;
- (8) The bill protects adequately all innocent infringers;
- (9) The bill provides more reasonable methods of computing damages and awarding profits.

DEFECTS IN THE PRESENT LAW

The present copyright law in the United States was passed in 1909, nearly a quarter of a century ago. The previous act was adopted in 1891. At the time of the passage of the 1909 act trade conditions connected with the publication and other exploitation of authors' works were already in a state of flux. The act of 1909 was based upon the prior copyright acts, which were limited chiefly to the writing of books and plays. In 1909 motion pictures were new; radio broadcasting had not been invented; magazines only recently had become the great medium for the dissemination of an author's

literary works that they are to-day. Since 1909 a trade practice has been established by which the magazine publisher only buys magazine rights, the book publisher only buys book rights, the theatrical manager only stage rights, and the motion-picture producer only motion-picture rights. Because these various interests were equipped to handle only their own businesses, they adopted the method of buying and paying for only such rights as they desired to use.

The act of 1909 practically ignored all these matters probably because, as stated, all these matters were more or less in a state of flux. In the case of books or other literary works, the magazine or the book publisher who published the work became the copyright proprietor simply because he was the first man to place the work in print. Thus a book publisher, even though he acquired only book rights, because of the force of circumstances became the legal owner of the copyright. This was also true of the music publisher who, though he acquired only publishing rights, ran his own copyright notice on the sheets and became the legal owner of all rights.

The act of 1909 did not recognize the licensee of the copyright as it did not permit the licensee to sue in his own name. This restriction throughout the last quarter of a century has seriously affected the value of rights licensed by the author. Where the right of a licensee has been infringed upon it has been necessary to make the copyright owner a party to the suit—a feature that has caused material difficulty in litigation. The act of 1909, therefore, fails to protect licensees and takes into account only the copyright owner.

The act of 1909 furthermore fails to afford adequate protection to innocent infringers.

On account of its failure to give copyright protection to all unpublished work and on account of certain formalities required, the act of 1909 prevents the protection of American authors abroad, by prohibiting adherence of the United States to the International Copyright Union.

The act further provides for a divided term of copyright—28 years for the first term and 28 years for the second, with the necessary formality of renewal, with the result that many copyrights fall into the public domain at the end of the first term by reason of neglect.

The present law further imposes upon an infringer, whether innocent or guilty a tremendous penalty by awarding all the profits made by the infringer to the injured party contrary to the usual measures of compensation in force throughout the country. It is even possible that courts have hesitated with good reason before decreeing an infringement because of the very heavy penalties imposed.

The present law takes no account of radio broadcasting as such.

These are but a few of the difficulties in the existing copyright act of 1909, but it is not too much to say that both in principle and practice the act of 1909 is antiquated, impractical, and in most cases can not be administered with due justice to all concerned.

THE NEW BILL

(Copyright in the author's name)

Not only for the protection of the author, but in order to clarify titles for the benefit of the purchasers of authors' material, it is essential that the author upon creation of his work should become entitled to copyright therein. Under the provisions of the bill the author can never lose copyright except by his own act, either by making an assignment or granting a license. It is true that if he fails to register his work his remedies against an infringer are restricted according to whether the infringement is innocent or willful. Placing the copyright in the author in the first instance further accomplishes for the United States the desired protection for its nationals abroad. The interests seem agreed that starting with the author as the copyright owner, all rights, titles and interests derived in any part of his work will be the clearer, better protected, and more easily traced.

ASSIGNMENT OF COPYRIGHT

The author may assign his copyright. This is not a new provision of law but is continued from the present act which permits an assignment of copyright as a whole.

LICENSE UNDER COPYRIGHT

The author may also license any part or interest in his work. This means that an author has complete legal right to convey any and all privileges to licensees. As an illustration of this provision, an author of a novel may legally license magazine rights to a magazine, book rights to a book publisher, theatrical rights to a manager, motion-picture rights to a producer, and radio rights to a broadcaster.

LICENSEES

The bill further protects a licensee to the same extent as the present act protects a copyright proprietor. Without looking to anybody else the licensee has the absolute legal right to enforce and protect his license. This again makes for clarity of titles and clarity of title is as essential to the author as it is to the licensee.

REMEDIES

The rule of damages the world over usually resolves itself into a question as to what will make the injured party whole; in other words what will compensate him. That is the invariable rule in all

ordinary cases. The new bill provides that damages where awarded may take into account this element of compensation and that the profits that may be awarded are those which may be attributed to the creation of the injured author.

Injunctions and statutory damages are retained with certain limitations.

THE INNOCENT INFRINGER

The present law, except in the case of certain infringements by motion-picture producers, takes no account of innocence in the matter of infringements. The new bill takes account of innocence—for instance, innocent printers who act merely to print a work and who have no other interest in it are subject only to injunctions against future printing.

Aside from these specific instances, all innocent infringers are treated alike under the provisions of the bill and are protected by provisions which limit the amount of recovery and the character of the remedy, according to the registration or nonregistration of the work. Under the present copyright law all profits are taken from an infringer, whether innocent or otherwise. As pointed out, we believe that the success of infringement suits has been hampered by the drastic provisions of this kind in the law.

REGISTRATION AND NOTICE

In order to obtain full remedies against an infringer, the author is required to place upon his work a copyright notice, which need not be technical, and to register his work in the copyright office at Washington. Notice and registration under the present law have always been required in the case of all published works and all works reproduced in copies for sale. Since the new bill makes the author in first instance the copyright proprietor, it is deemed a wise provision to make it very advisable for him to protect his rights by registration. Not only is this for his own benefit but it is for the benefit of purchasers who depend upon a record title in purchasing.

TERM OF COPYRIGHT

In place of the awkward method of providing two terms of 28 years each, the bill substitutes one term of 56 years, which begins to run on the first publication or other public presentation of the work. The disadvantage of two terms of copyright has been that in many cases an author loses his copyright by failing to renew and too many controversies have arisen over the rights of purchasers and the rights of authors on the expiration of the first term. The author here is given a complete term of 56 years and his copyright for that term is a property right which can be easily dealt with, and under this provision no misunderstandings can arise. On the death of the author his

copyright continues in favor of his personal representatives until the end of the term, unless he has already assigned his copyright, in which case the same holds true of the copyright owner.

FOREIGN MARKET FOR AMERICAN WORKS

The foreign market for the works of American authors has been on the increase. American stage dramas are in great demand in the capitals of Europe and American plays are produced each year by the dozens. American books are following the progress of American plays, and of course, American motion pictures and music are known all over the world. It is not unusual for a single playwright to earn many thousands of dollars in the course of a year by the performance of one of his plays in a single city on the Continent. Protection in the foreign market is becoming more and more precarious in direct proportion to the success there of the American author. Present protection of unpublished works is had by means of treaties, but it is not in all countries that these works are protected. Protection of published works is becoming more and more uncertain every day. Treaties may easily be abrogated. The sure way of protection abroad, is by means of the machinery provided by the International Copyright Union, which is nothing but a treaty between 40 or 50 countries. The United States has never adhered to this union, but the provisions of the articles of the union are so clear and well defined and the protection to authors' works so secure that there is no other practicable method by which the United States can vouchsafe to her authors and their licensees this much-desired protection abroad to an equal degree. The bill is so drafted that the United States can adhere to the union.

RADIO AND FUTURE RIGHTS

At the time of the passage of the 1909 act radio broadcasting was an unknown quantity. Because of certain general provisions of that act, such as "public performance" and "mechanical reproduction," it turned out that dramatic and musical compositions were protected over the radio, but the act nowhere provided for protection over the radio in any other respect. The author of literary works is not protected under the present law. The new bill gives radio broadcasting rights to all authors alike without discrimination and also provides that if in the future there shall be any new mediums or methods of dissemination of authors' ideas, the author shall be protected in respect of those as well.

RIGHTS OF THE PUBLIC

The bill in section 12 carefully exempts from infringement suits, performances, etc., neither public nor for profit, public performance of music not for profit, performance of music by charitable, religious,

and other organizations, reception of radio programs and music from disks and records except where admission is charged, and the fair use of quotations from literary works. These are matters on which the House has distinctly declared itself in times past, and the committee has endeavored to meet the fixed policy of the House.

CONSTRUCTION OF THE BILL

We claim for this bill that it is simple in its form and construction, uncomplicated by too many technicalities, and that it is a piece of legislation that can be readily read and understood by an author, publisher, producer, or other layman. It provides for all authors and all interests the rights and remedies that are now recognized in the trade between the most successful authors and the most reputable business houses. In other words, it crystallizes into law the best trade practices of the day.

CONCLUSION

Finally, your committee reports that in its opinion this bill not only corrects the deficiencies and inadequacies of the present copyright law but provides a workable piece of legislation, easily understood and administered, which operates to do justice to all the parties concerned.

* * * * *

[Parallel columns showing changes in existing law (Act of March 4, 1909) made by this bill, which complete the report, are here omitted for the sake of brevity.]

ADDENDUM III

[72d Cong., 1st sess. H. R. 12526. In the House of Representatives. June 2, 1932]

Mr. Sirovich introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To provide protection for textiles and other designs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the original author of a design to be applied to textiles, laces, and/or embroidery of any kind, whether such design is to be woven into or applied to the surface of or incorporated into the surface or fiber of the fabric, or any person who is the assignee of any such original author, may procure registration of such design by filing with the Register of Copyrights two specimens, drawings, photographs, or other identifying representations of the design accompanied by a statement under oath of the name and address of the applicant and of the original author together with such other information as the Register of Copyrights shall require and a fee of \$3. The application must be filed before the design has been published or commercially distributed. The rights of priority provided for industrial designs in the Convention for the Protection of Industrial Property signed at The Hague in 1925 are hereby made applicable to designs registered under the provisions of this Act.

SEC. 2. The Register of Copyrights shall establish a file containing such registered designs and such other designs which he may see fit to include, all of which shall be open to public inspection.

SEC. 3. Upon receipt of such application the Register of Copyrights shall cause a search to be made, and if he finds the design to be original and novel, and the application to be in proper form, he shall, within seven days or less of the date of application, issue a certificate of registration under seal to the applicant.

SEC. 4. When a certificate of registration has been issued after search and examination by the Register of Copyrights there shall be in any action or suit involving the same a presumption of originality and novelty in the registered design and of validity in the registration thereof; and a presumption of copying may, in the discretion of the court, be held to arise from substantial resemblance to the registered design in defendant's design. On any motion for a preliminary injunction on production of the certificate of registration or a certified copy thereof the court, in the absence of other proof, shall hold the design covered by the certificate of registration to be original, novel, and properly registered, and if the court finds a substantial resemblance between

the registered design and the defendant's design a preliminary injunction shall be forthwith issued.

SEC. 5. During five years from the date of the certificate it shall not be lawful for any person (a) for the purpose of sale, to apply or cause to be applied to any fabric, lace, or embroidery of any kind, the registered design or any fraudulent or obvious imitation thereof except with the license or written consent of the registrant, or to do anything with a view to enable the design to be so applied; or (b) knowing that the registered design or any fraudulent or obvious imitation thereof has been applied to any such article without the consent of the registrant, to publish, sell, or expose for sale or cause to be published, sold, or exposed for sale that article; and the owner of the certificate of registration shall have against any person acting in contravention of this section the same rights to sue and recover as for infringement of copyright; but a distributor at retail to the general public shall be deemed to act in contravention of this section only as to goods purchased after written notice that in a suit a court has granted an injunction with respect to such design embodied in such goods; either preliminary or final against infringement of such certificate of registration; but this exception for the distributor at retail shall apply only if such distributor shall have made, upon request of the owner of the certificate of registration, a prompt and full disclosure as to source and particulars of the purchase of any goods claimed to be an infringement of a registered design, and if such distributor at retail had not induced or acted in collusion with a manufacturer to make, or an importer to import, an article containing a substantial resemblance to the registered design, but purchasing or giving an order for the purchases in the ordinary course of business shall not in itself be construed as constituting such inducement or collusion. In addition to other remedies provided, a person doing anything in contravention of this section shall be liable to pay a sum of not less than \$2,500 where the defendant is a manufacturer or importer, and in any other case, not less than \$400 as compensation to the plaintiff and not as a penalty, in each case, upon plaintiff's request, where the court in its discretion concludes that an accounting should be dispensed with or that upon an accounting, damages or profits, where the defendant is a manufacturer or importer, would not exceed \$2,500 or would not exceed \$100 in any other case.

SEC. 6. Failure of the registrant or his agent to apply the design to fabrics, lace, or embroidery of any kind within one year of the date of the certificate of registration shall terminate any exclusive rights in the design unless copied thereafter by one with whom negotiations for manufacture or purchase had begun during said year. Before delivery on sale by the registrant or his agent of any article to which a registered design has been applied, the registrant or his agent shall

cause every such article, or the wrapper or package in which it is contained, to be marked "Registered" or R in a circle thus: ®—as he may choose, but where the design is repeated on an article it shall not be necessary to so mark each occurrence of the design, but a single marking on each ordinary unit of sale shall be sufficient. Failure to so mark shall preclude recovery of damages or profits for an infringement unless actual notice is proven.

SEC. 7. Any person who shall (a) register a design knowing that any of the statements contained in the application for registration are false or (b) with fraudulent intent place the notice of registration provided by this act upon an article not bearing the registered design or (c) sell an article bearing the notice of registration knowing that it has not been registered, shall be guilty of a misdemeanor and liable to a fine of not less than \$100 and not more than \$1,000.

SEC. 8. Any person who shall bring an action or suit for infringement of a design alleged to be protected under this act, and known by the plaintiff to be not an original work of authorship of the person alleged in the application to be the original author of said design, shall on due showing of such knowledge be liable in the sum of \$1,000, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the taxable costs and counsel fees of the defendant to be assessed by the court.

SEC. 9. The provisions of law with respect to assignments of copyrights and recording thereof shall apply to assignments of certificates of registration under this act, and the Register of Copyrights shall have the same authority to make rules for proceedings under this act as with respect to copyrights.

SEC. 10. No patent for any design for textiles, laces, or embroideries of any kind shall issue under sections 4929 and 4931 of the Revised Statutes on an application filed after this act goes into effect.

ADDENDUM IV

[Public—No. 294—73d Congress. S. 4912]

AN ACT To protect the copyrights and patents of foreign exhibitors at A Century of Progress (Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress and the Commissioner of Patents are hereby authorized and directed to establish branch offices under the direction of the Register of Copyrights and the Commissioner of Patents, respectively, in suitable quarters on the grounds of the exposition to be held at Chicago, Ill., under the direction of A Century of Progress, an Illinois corporation, said quarters to be furnished free of charge by said corporation, said offices to be established at such time as may, upon sixty days' advance notice, in writing, to the Register of Copyrights and the Commissioner of Patents, respectively, be requested by said A Century of Progress but not earlier than January 1, 1933, and to be maintained until the close to the general public of said exposition; and the proprietor of any foreign copyright, or any certificate of trade-mark registration, or letters patent of invention, design, or utility model issued by any foreign government protecting any trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition and exhibited at said exposition may upon presentation of proof of such proprietorship, satisfactory to the Register of Copyrights or the Commissioner of Patents, as the case may be, obtain without charge and without prior examination as to novelty, a certificate from such branch office, which shall be prima facie evidence in the Federal courts of such proprietorship, the novelty of the subject matter covered by any such certificate to be determined by a Federal court in case an action or suit is brought based thereon; and said branch offices shall keep registers of all such certificates issued by them, which shall be open to public inspection.

At the close of said A Century of Progress Exposition the register of certificates of the copyright registrations aforesaid shall be deposited in the Copyright Office in the Library of Congress at Washington, District of Columbia, and the register of all other certificates of registration aforesaid shall be deposited in the United States Patent Office at Washington, District of Columbia, and there preserved for future reference. Certified copies of any such certificates shall, upon request, be furnished by the Register of Copyrights or the Commis-

sioner of Patents, as the case may be, either during or after said exposition, and at the rates charged by such officials for certified copies of other matter; and any such certified copies shall be admissible in evidence in lieu of the original certificates in any Federal court.

SEC. 2. That it shall be unlawful for any person without authority of the proprietor thereof to copy, republish, imitate, reproduce, or practice at any time during the period specified in section 6 hereof any subject matter protected by registration as aforesaid at either of the branch offices at said exposition which shall be imported for exhibition at said exposition, and there exhibited and which is substantially different in a copyright, trade-mark, or patent sense, as the case may be, from anything publicly used, described in a printed publication or otherwise known in the United States of America prior to such registration at either of said branch offices as aforesaid; and any person who shall infringe upon the rights thus protected under this act shall be liable—

(a) To an injunction restraining such infringement issued by any Federal court having jurisdiction of the defendant;

(b) To pay to the proprietor such damages as the proprietor may have suffered due to such infringement, as well as all the profits which the infringer may have made by reason of such infringement; and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims or in lieu of actual damages and profits such damages as to the court shall appear to be just;

(c) To deliver upon an oath, to be impounded during the pendency of the act, upon such terms and conditions as the court may prescribe, all articles found by the court after a preliminary hearing to infringe the rights herein protected; and

(d) To deliver upon an oath, for destruction, all articles found by the court at final hearing to infringe the rights herein protected.

SEC. 3. That any person who willfully and for profit shall infringe any right protected under this act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court.

SEC. 4. That all the acts, regulations, and provisions which apply to protecting copyrights, trade-marks, designs, and patents for inventions or discoveries not inconsistent with the provisions of this act shall apply to certificates issued pursuant to this act, but no notice of copyright on the work shall be required for protection hereunder.

SEC. 5. That nothing in this act contained shall bar or prevent the proprietor of the subject matter covered by any certificate issued.

pursuant to this act from obtaining protection for such subject matter under the provisions of the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto upon making application and complying with the provisions prescribed by such laws; and nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity under any certificate of copyright registration, certificate of trade-mark registration, or letters patent for inventions or discoveries or designs issued under the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto which any owner thereof and of a certificate issued thereon pursuant to this act might have had if this act had not been passed, but such owner shall not twice recover the damages he has sustained or the profit made by reason of any infringement thereof.

SEC. 6. That the rights protected under the provisions of this act as to any copyright, trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said A Century of Progress Exposition shall begin on the date the same is placed on exhibition at said exposition and shall continue for a period of six months from the date of the closing to the general public of said exposition.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this act shall be paid to the Treasury of the United States by A Century of Progress (The Chicago World's Fair Centennial Celebration) under regulations of the Librarian of Congress and of the Commissioner of Patents, respectively.

Approved, July 19, 1932.

ADDENDUM V

COPYRIGHT—GREECE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress approved March 4, 1909 (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 said 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) of the said act of Congress, approved March 4, 1909, 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 the said 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 March 1, 1932, citizens of the United States will be entitled to obtain copyright for their works in Greece 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) of the Copyright Act of the United States, approved March 4, 1909;

Now, therefore, I, Herbert Hoover, President of the United States of America, do declare and proclaim

That on and after March 1, 1932, the conditions specified in sections 8 (b) and 1 (e) of the act of March 4, 1909, will exist and be fulfilled in respect of the nationals of Greece and that on and after March 1, 1932, nationals of Greece shall be entitled to all the benefits of the act of March 4, 1909, including section 1 (e) thereof and the acts amendatory of the said act.

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, in so far 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 March 1, 1932, 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 23d day of February, in the year of our Lord nineteen hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

[SEAL]

HERBERT HOOVER.

By the President:

HENRY L. STIMSON
Secretary of State.

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