

LIBRARY OF CONGRESS

REPORT OF THE
REGISTER OF COPYRIGHTS

FOR THE

FISCAL YEAR 1910-1911

[REPRINTED FROM THE REPORT OF THE LIBRARIAN OF CONGRESS]

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REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1910-11

WASHINGTON, D. C., July 7, 1911.

SIR: The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1910, to June 30, 1911, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$113,661.52. *Fees, etc.*
A balance of \$6,773.71, representing trust funds and unfinished business, was on hand July 1, 1910, making a total of \$120,435.23 to be accounted for. Of this amount the sum of \$3,143.95 received by the Copyright Office was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$117,291.28. The balance carried over to July 1, 1911, was \$7,377.33 (representing trust funds, \$6,512.89, and total unfinished business since July 1, 1897—14 years—\$864.44), leaving for fees applied during the fiscal year 1910-11, \$109,913.95.

This is an increase in fees over the previous fiscal year of \$5,269.

EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1911, was \$92,900. *Salaries*
The total expenditure for salaries was \$92,808.60, or \$17,105.35 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, except furniture, *Expenditures* including stationery and other articles, and postage on foreign mail matter, etc., was \$1,007.96.

During the 14 fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1911), *Copyright receipts and fees* the total receipts have exceeded a million dollars (\$1,131,012.31); the copyright fees applied and paid into the

Treasury have amounted to more than a million dollars (\$1,072,981.65); the articles deposited number more than two and one-half million (2,582,170), and the total copyright registrations nearly one and a half million (1,456,801).

The fees (\$1,072,981.65) were larger than the appropriations for salaries (\$910,076.42) used during the same period by \$162,905.23.

*Value of copy-
right deposits*

In addition to this direct profit, a large number of the 2,582,170 books, maps, prints, and other articles deposited during the 14 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 saving to the purchase fund of the Library equal in amount to their cost.

COPYRIGHT ENTRIES AND FEES

Registrations

The registrations for the fiscal year numbered 115,198. Of these 101,561 were registrations at \$1 each, including a certificate, and 12,709 were registrations of photographs without certificates, at 50 cents each. There were also 928 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$108,379.50.

The number of registrations in each class from July 1, 1910, to June 30, 1911, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

*Articles depos-
ited*

The various articles deposited in compliance with the new copyright law, which have been registered, stamped, indexed, and catalogued during the fiscal year, amount to 209,227. The number of these articles in each class for the 14 fiscal years is shown in Exhibit G.

*Elimination of
copyright deposits*

The copyright act which went into force on July 1, 1909, provides for the gradual elimination of the accumulated copyright deposits (see sections 50 and 60).¹ These, con-

¹ SEC. 59. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange,

sisting of books, etc., not drawn up into the Library of Congress collections, and numbering more than two million articles, have been stored in the cellars under the Copyright Office, after having been properly arranged by class and entry number, and indexed on cards.

As soon as space in the new stack was available for the Copyright Office use, all book deposits (some 200,000 volumes) were moved from the cellars to deck 36 and arranged for convenient scrutiny. Under the direction of the Superintendent of the Reading Room, the examination of these books was begun on or about December 1, 1910, and is still being carried on. All books desired for the use of the Library have been so marked, and 20,572 volumes have been transferred to the Library through the Order Division. These volumes were in addition to the "first" copies of copyright books sent as received from day to day, numbering 12,903 for the fiscal year, thus making a total of 33,475 books and pamphlets delivered to the Library from the Copyright Office.

*Transfer of
books to Library of
Congress*

In addition to the current copies of maps and musical works sent from day to day to the Music and Map Divisions of the Library from the Copyright Office (4,648 maps and about 25,000 musical compositions) a special lot of 6,809 insurance maps received since January 1, 1901, and 1,566 pieces of music (duplicates selected by the Music Division) were transferred under the provisions of section 59.

*Music and maps
transferred*

or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *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, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

Books transferred to other libraries

The act of March 4, 1909 (sec. 59), provides for the transfer to other governmental libraries in the District of Columbia "for use therein" of such copyright deposits as are not required by the Library of Congress, and during the present fiscal year 6,695 books were selected by the librarians and thus transferred to the libraries of the Bureau of Education, Bureau of Mines, Bureau of Standards, Department of Agriculture, Treasury Department, Interstate Commerce Commission, Naval Observatory, Surgeon General's Office, and the public library of the District of Columbia.

Return of deposits to copyright claimants

Under the provisions of the act of March 4, 1909, authority is granted for the return to the claimant of copyright of such copyright deposits as are not required by the Library. The notice required by section 60 has been printed during the year for all classes of works deposited and registered during the years 1870 to 1879, but no requests have so far been received to enable the return of articles. On the other hand, in response to special requests, 37 dramatic or musical compositions have been returned to the copyright claimants, and of the current deposits not needed by the Library of Congress the following have also been so returned: 635 books, 3,058 photographs, 10,406 prints, 2,981 contributions to periodicals; a total of 17,117 articles.

Failure to deposit copies

It is an interesting question to what extent there may be a failure to deposit in the Copyright Office works upon which copyright is claimed. From time to time inquiries are received at the Copyright Office from the Card Section, the Order Division, and the Reading Room for books supposed to be copyrighted but not found in the Library. From January 1, 1910, to June 30, 1911, such inquiries were received in relation to 743 different works. Upon examination it was found that 101 of these works were already in the Library, and the inquiries should not have been made; 178 of the books had been deposited and were still in the Copyright Office; 29 works were either not published, did not claim copyright, or for other reasons could not be deposited, and in the case of 131 works no answers to our letters of inquiry had been received up to June 30, 1911. But copies were

received of 304 works in all, in response to request made by the Copyright Office during the period of 18 months.

THE COPYRIGHT INDEX AND CATALOGUE, BULLETINS, AND CIRCULARS

The copyright registrations are indexed upon cards. The cards made are first used as copy for the printed catalogue and after printing are added to the permanent card indexes of the copyright entries. The temporary cards made for the printed indexes, etc., to the catalogue (numbering 124,403 during the fiscal year) are eliminated; the remaining cards (187,832 for the fiscal year) are added to the permanent card indexes, now numbering considerably more than two million cards. *Index cards*

The publication of the Catalogue of Copyright Entries has been continued as required by law. For convenience of search the volumes are made to cover the works published and deposited during the calendar year rather than the fiscal year. Five volumes of the Catalogue of Copyright Entries were printed during the calendar year 1910, containing a total of 7,083 pages, divided as follows: Part I, Group 1, Books, volume 7 contains 1,854 pages of text and 211 pages of index, a total of 2,065 pages; Part I, Group 2, Pamphlets, leaflets, contributions to periodicals, lectures, dramas, maps, etc., volume 7, contains 1,186 pages of text and 278 pages of index, a total of 1,464 pages; Part II, Periodicals, volume 5, contains 684 pages of text and 50 pages of index, a total of 734 pages; Part III, Music, volume 5, contains 1,624 pages of text and 491 pages of index, a total of 2,115 pages; Part IV, Fine Arts, etc., volume 5, contains 646 pages of text and 59 pages of index, a total of 705 pages. *Catalogue of copyright entries*

Each part of the catalogue is sold separately at a nominal subscription rate within the maximum price established by law, as follows (the prices are for complete years in each case): *Subscription price*

Part I, Books, pamphlets, dramatic compositions, and maps, (two volumes), \$1; Part II, Periodicals, 50 cents; Part III, Musical compositions (a very bulky volume), \$1;

Part IV, Prints, including chromos and lithographs, photographs, and the descriptions of original works of art—paintings, drawings, and sculpture, 50 cents. The subscriptions, by express provisions of the copyright act, are required to be paid to the Superintendent of Documents (Office of the Public Printer, Washington, D. C.), and all subscriptions must be for the complete year for each part. The price for the entire catalogue for the year is \$3.

Catalogue of books All books included in the Catalogue of Copyright Entries for which printed cards are made are catalogued by the Catalogue Division of the Library of Congress. The cards are printed first and the linotype slugs are at once used for the Catalogue of Copyright Entries, thus saving the cost of resetting. To avoid delay special effort is made to forward promptly the books deposited, and 11,400 books and pamphlets were delivered to the Catalogue Division during the fiscal year on the actual day of their receipt in the Copyright Office. The Catalogue Division titles are returned to the Copyright Office in 18 days, on an average, and as soon as enough titles are received to make up not less than 4 full pages of the catalogue, they are sent to the printer. By this method two or three numbers of the catalogue of books are printed and distributed each week instead of one weekly number as heretofore, and not only is a much more prompt distribution of the catalogue thus secured, but a considerable economy in printing as well. All blank or partly blank pages are eliminated and the printing of the 52 weekly title covers is saved. The monthly indexes are printed in separate numbers which contain also the lists of copyright renewals and any miscellaneous text matter, such as copyright proclamations, notices, etc. Each printed signature contains the actual date of printing and is given a consecutive number. The pages are numbered consecutively, as well as the titles, to make one yearly volume of solid bibliographical text. A complete yearly index of authors and proprietors is supplied for each volume to take the place of the monthly indexes when the catalogue is bound.

Foreign books deposited The considerable deposit of foreign books made under the operation of the present copyright law adds a new element

of value to the Catalogue of Copyright Books. A number of the current books and dramas printed and published in the leading countries of Europe are included, and it is believed librarians and others will appreciate the opportunity offered for receiving prompt bibliographical information concerning these works.

During the fiscal year five impressions of the copyright law (Bulletin No. 14) were printed (1,000 copies each), and two impressions (6,000 copies in all) of Bulletin No. 15, "Rules and Regulations for the Registration of Claims to Copyright."

In addition, small editions were printed and distributed of the presidential proclamations in relation to copyright, as follows: General copyright proclamation in behalf of Sweden, May 26, 1911 (Circular No. 42), and special proclamations in regard to the provisions of section 1 (e) of the copyright act in relation to the mechanical reproduction of music in behalf of Germany, December 8, 1910 (Circular No. 41); Belgium, June 14, 1911 (Circular No. 43); Luxemburg, June 14, 1911 (Circular No. 44), and Norway, June 14, 1911 (Circular No. 45).

SUMMARY OF COPYRIGHT BUSINESS

Balance on hand July 1, 1910.....	\$6,773.71	
Gross receipts July 1, 1910, to June 30, 1911.	113,661.52	
Total to be accounted for.....	120,435.23	
Refunded.....	3,143.95	
Balance to be accounted for.....		\$117,291.28
Applied as earned fees.....	109,913.95	
Balance carried over to July 1, 1911:		
Trust funds.....	\$6,512.89	
Unfinished business July 1,		
1897, to June 30, 1911, 14		
years.....	864.44	
	7,377.33	
		117,291.28
Total fees earned and paid into the Treasury during the		
14 years from July 1, 1897, to June 30, 1911.....	1,072,981.65	
Total unfinished business for 14 years.....		864.44

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FEEs FOR FISCAL YEAR

<i>Fees</i>	Fees for registrations, including certificates at \$1 each.....	\$101,561.00	
	Fees for registrations of photographs without certificates at 50 cents each.....	6,354.50	
	Fees for registrations of renewals at 50 cents each.....	464.00	
	Total fees for registrations recorded.....	\$108,379.50	
	Fees for certified copies of record at 50 cents each.....	\$364.00	
	Fees for recording assignments.....	910.00	
	Searches made and charged for at the rate of 50 cents for each hour of time consumed..	132.00	
	Notices of user recorded.....	63.75	
	Indexing transfers of proprietorship.....	64.70	
		1,534.45	
	Total fees for fiscal year 1910-11.....	\$109,913.95	

ENTRIES

<i>Entries</i>	Number of copyright registrations.....	114,270	
	Number of renewals recorded.....	928	
	Total number of entries recorded.....	115,198	
	Number of certified copies of record.....	728	
	Number of assignments recorded or copied.....	738	

Correspondence, money orders, etc. The greater part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 137,000, while the letters, certificates, parcels, etc., dispatched numbered 136,800. Letters received transmitting remittances numbered 42,372, including money orders to the number of 27,905. During the last 14 fiscal years the money orders received numbered 344,479.

CONDITION OF COPYRIGHT OFFICE WORK

(a) *Current work*

Condition of current work At this date (July 7, 1911) the remittances received up to the third mail of the day have been recorded. The account books of the bookkeeping division are written up and posted to June 30, and the accounts rendered to the

Treasury Department are settled up to and including the month of June, while earned fees to June 30, inclusive, have been paid into the Treasury.

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full 14 years from July 1, 1897, to June 30, 1911, amounted on the latter date to \$864.44.

At the close of business on July 7, 1911, the works deposited for copyright registration up to and including June 30 had all been recorded, as well as a large part of the works received since that date.

(b) Deposits received prior to July 1, 1897

During the fiscal year 1910-11 about 13,000 articles received prior to July 1, 1897, were handled in the work of crediting such matter to the proper entries. Of these articles 5,265 pieces (including 2,698 pamphlets and leaflets, 1,373 periodical contributions, and 992 miscellaneous) were credited to their respective entries and were properly filed. Entries were located for about 7,000 additional articles and these were arranged by their entry numbers to facilitate later crediting. In addition, 7,271 miscellaneous articles, mostly charts, hitherto unarranged were arranged by year of entry. No entries could be found for about 650 articles. The examination of this old material becomes proportionally slow and its identification more difficult as the remaining material presents fewer clues under which search can be made for possible entries.

*Deposits prior to
July 1, 1897*

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT RELATIONS

I. Legislation

Three copyright bills were introduced during the fiscal year. The first was presented by Senator Lodge on February 2, 1911, and proposes to strike out from section 15 of the copyright act of March 4, 1909, the words "except where in either case the subjects represented are located in a foreign

Copyright bills

country and illustrate a scientific work or reproduce a work of art," thus eliminating this exception to the manufacturing requirements, in the case of lithographs or photo-engravings.¹ The full text of this bill is printed as Addendum No. 1 to this report, page 33. Hon. Philip P. Campbell, of Kansas, reintroduced his bill providing for the suspension of protection when any patent or copyright was owned, used, or leased by any trust or monopoly.² The full text of this bill (reintroduced without change) was printed in the Report of the Librarian of Congress for 1909-1910, page 119. The Hon. George W. Gordon, of Tennessee, reintroduced his former bill to provide specific damages in the case of infringement of copyright,³ for the full text of which see Report of the Librarian of Congress for 1909-10, page 120. These bills were referred to the Committees on Patents, but no further action was taken.

*Attorney Gen-
eral's opinion Jan.
9, 1911*

The opinion of the Attorney General was requested as to the correct interpretation of the copyright act of 1909, in relation to certain registrations asked for, and his replies of January 9 and May 6, 1911, are printed in full as Addendum No. 2 to this report, pages 34-43.

*Treasury De-
partment Letter
Apr. 6, 1911*

In a letter signed by the Assistant Secretary of the Treasury, dated April 6, 1911, it is stated that the department construes section 31 (d) "to permit the importation of a copyrighted book by an individual for his own use and not for sale, when such book is copyrighted by a foreign author in the United States and is reprinted in a foreign country, but this privilege does not extend to the works of American authors copyrighted in the United States and reprinted abroad." Also that "free public libraries may import not more than 1 copy on any one invoice of any book copy-

¹ 1911 (Feb. 2). A bill to amend the act to amend and consolidate the acts respecting copyright. Presented by Mr. Lodge. S. bill No. 10612. Printed, 1 p. 4° [Referred to the Committee on Patents.]

² 1911 (Apr. 10). A bill suspending the patent and copyright laws of the United States when a patent or copyright or any article or product protected by patent or copyright is owned, used, or leased by any trust or monopoly in violation of any law in restraint of trade. Presented by Mr. Campbell. H. R. bill No. 2930. Printed, 3 pp. 4° [Referred to the Committee on Patents.]

³ 1911 (May 6). A bill to amend section 4964 of the Revised Statutes of the United States. Presented by Mr. Gordon. H. R. bill No. 8890. Printed, 2 pp. 4° [Referred to the Committee on Patents.]

righted in the United States and published abroad with the authorization of the copyright proprietor. This provision applies to all copyrighted books whether by a foreign or an American author."¹

Only two judicial decisions have been rendered thus far interpreting and construing the new copyright statute. In the first, the case of *Green v. Luby* (Dec. 21, 1909), the main questions considered were the meaning of the new designation "dramatico-musical composition," and the effect of an error in the classification of the work upon the validity of the copyright claimed in it.

In the second, the case of the *White-Smith Publishing Co. v. Goff* (Aug. 5, 1910), the question considered was the right of a proprietor to renewal of copyright. The judge held:

Whatever view may be taken of the statute, I am of the opinion that it fails to support the complainant's main proposition that upon the expiration of his original term a proprietor, merely by force of section 8, is entitled to a renewal thereof for a further period of 28 years. (180 Federal Reporter, p. 260.)

This judgment was affirmed on appeal (Mar. 11, 1911). These decisions are of special interest and value and are therefore printed in full as Addendum No. 3, pages 44-53.

II. *International copyright relations*

The Berlin International Copyright Convention (signed Nov. 13, 1908) went into effect on September 9, 1910, and has been ratified by the following countries: Belgium, France, Germany, Haiti, Japan, Liberia, Luxemburg, Monaco, Norway, Portugal, Spain, Switzerland, and Tunis. These countries are all members of the International Copyright Union. In addition, the following countries are also members of the Union by reason of their ratification of the former international conventions (Berne, 1886, Paris, 1896): Denmark, Great Britain, Italy, and Sweden. The United States is not a member of this union, because the manufac-

¹ Since the above was written the Treasury Department has published its regulations governing the importation of copyrighted articles, which are printed as Addendum No. 6, pages 64-68.

turing requirements of our copyright statute are contrary to the principles of union.

*Protection of
music against me-
chanical reproduc-
tion*

These ratifications of the new Berlin text of the international convention are nevertheless of direct interest and practical importance to the United States because such ratification implies acceptance of article 13 of the convention, which grants to authors of musical works the exclusive right to authorize (1) the adaptation of these works to instruments serving to reproduce them mechanically, and (2) the public performance of such works by means of these instruments. Acceptance of article 13 of the Berlin convention would imply, in the case of any country with which the United States has established general copyright relations, when followed by corresponding domestic legislation, sufficient foundation for a claim that such country grants to citizens of the United States the "similar rights" specified in section 1 (e) of the copyright act of March 4, 1909, and a request for the assurance of reciprocal protection in the

*Copyright pro-
clamations*

United States. Upon this ground a proclamation by the President of the United States was issued on December 8, 1910, declaring the subjects of the German Empire entitled to all the benefits of section 1 (e) including copyright controlling the parts of instruments serving to reproduce mechanically the musical work. Similar proclamations were issued on June 14, 1911, in behalf of Belgium, Luxemburg, and Norway.

Germany

*Belgium, Lux-
emburg, Norway*

*Countries not
granting "similar
rights" to those in
section 1 (e)*

From information received through the Department of State, the legislation of the following countries did not, on the dates stated, fulfill the reciprocal conditions specified in the proviso to section 1 (e) of the act of March 4, 1909; Austria (March 10, 1911); Denmark (May 19, 1911); Mexico (May 8, 1911); the Netherlands (March 13, 1911); and Switzerland (April 8, 1911).

*Austria, Den-
mark, Mexico,
Netherlands,
Switzerland*

France

The Berlin International Copyright Convention was ratified by France on September 2, 1910, and foreign authors belonging to any nation having ratified that convention are protected in France against the unauthorized reproduction of their musical works by means of mechanical musical instruments. But as the United States is not a member of the International Copyright Union citizens of this country

fall under the provisions of the domestic law of France of May 16, 1866, which declares that the making and selling of instruments serving to mechanically reproduce musical tunes does not constitute infringement. The abrogation of this law is under consideration in France.

General reciprocal copyright relations were also established with Sweden to go into effect on June 1, 1911, by presidential proclamation issued May 26, 1911. The copyright relations with Sweden, however, do not include protection against unauthorized reproduction of music by means of mechanical musical instruments.

All of these proclamations are printed as Addendum No. 4, see pages 54-60.

On August 11, 1910, the eight representatives of the United States to the Fourth International Conference of American States (Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul S. Reinsch, David Kinley) signed, at Buenos Aires, the "Convention concerning literary and artistic copyright." The convention was also signed by the delegates of the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela. It was sent by the President to the Senate on January 26, 1911, for advice and consent to ratification; was read the first time and referred to the Committee on Foreign Relations on the same day, and its ratification was approved by the Senate on February 15, 1911. Up to this time, however, the convention has not been ratified and proclaimed by the President. It is the most important international copyright agreement to which the United States has consented, and therefore the full text in English is printed as Addendum No. 5, pages 61-63.

Respectfully submitted.

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

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EXHIBIT A—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1911

	Gross cash receipts	Refunds	Net receipts	Fees applied
1910				
July.....	\$7,660.44	\$226.91	\$7,433.53	\$7,069.70
August.....	7,425.97	226.36	7,199.61	6,831.65
September.....	8,800.67	305.52	8,495.15	9,050.40
October.....	9,288.51	226.13	9,062.38	9,293.85
November.....	8,636.00	197.96	8,438.04	8,852.35
December.....	11,907.32	287.07	11,620.25	9,897.35
1911				
January.....	13,564.79	272.94	13,291.85	10,441.80
February.....	9,096.69	231.32	8,865.37	10,093.60
March.....	9,984.89	352.88	9,632.01	9,665.65
April.....	9,122.67	299.43	8,823.24	9,476.50
May.....	9,036.88	191.36	8,845.52	8,778.85
June.....	9,136.69	325.47	8,811.22	10,462.25
Total.....	113,661.52	3,143.95	110,517.57	109,913.95

Balance brought forward from June 30, 1910..... \$6,773.71

Net receipts July 1, 1910, to June 30, 1911:

Gross receipts..... \$113,661.52

Less amount refunded..... 3,143.95

110,517.57

Total to be accounted for..... \$117,291.28

Copyright fees applied July 1, 1910, to June 30, 1911..... 109,913.95

Balance carried forward to July 1, 1911:

Trust funds..... 6,512.89

Unfinished business..... 864.44

7,377.33

117,291.28

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EXHIBIT B—Statement of fees paid into Treasury

Date	Check No	Amount	Date	Check No	Amount
1910			1911		
July 11.....	822	\$1,300.00	Jan. 9.....	853	\$1,000.00
18.....	823	2,100.00	16.....	854	2,600.00
25.....	824	1,700.00	23.....	855	3,000.00
Aug. 1.....	825	1,700.00	30.....	856	2,300.00
5.....	826	269.70	Feb. 4.....	857	1,541.80
8.....	827	800.00	6.....	858	1,000.00
15.....	828	1,300.00	13.....	859	1,700.00
22.....	829	1,400.00	20.....	860	2,900.00
29.....	830	1,500.00	27.....	861	2,900.00
Sept. 6.....	831	1,831.65	Mar. 4.....	862	1,593.60
12.....	832	2,400.00	6.....	863	1,100.00
19.....	833	2,300.00	13.....	864	2,100.00
26.....	834	2,400.00	20.....	865	2,200.00
Oct. 3.....	835	1,500.00	27.....	866	1,800.00
6.....	836	450.40	Apr. 3.....	867	2,200.00
10.....	837	1,900.00	6.....	868	265.65
17.....	838	2,300.00	10.....	869	1,500.00
24.....	839	2,000.00	17.....	870	2,600.00
31.....	840	1,900.00	24.....	871	2,400.00
Nov. 5.....	841	1,193.85	May 1.....	872	2,200.00
7.....	842	800.00	4.....	873	776.50
14.....	843	2,500.00	8.....	874	1,500.00
21.....	844	2,200.00	15.....	875	1,900.00
28.....	845	1,700.00	22.....	876	2,000.00
Dec. 5.....	846	1,652.35	29.....	877	1,700.00
6.....	847	700.00	June 5.....	878	1,678.85
12.....	848	1,800.00	12.....	879	3,700.00
19.....	849	2,700.00	19.....	880	1,500.00
27.....	850	2,100.00	26.....	881	2,200.00
1911			July 3.....	882	2,500.00
Jan. 3.....	851	1,400.00	7.....	883	562.25
7.....	852	1,197.35	Total.....		109,913.95

EXHIBIT C—Record of applied fees

Month	Number of registrations, including certificate	Fees at \$1 each	Number of registrations, photographs, no certificate	Fees at 50 cents each	Number of renewal registrations	Fees at 50 cents each	Total number of registrations	Total fees for registrations.
1910								
July	6,494	\$6,494.00	942	\$471.00	29	\$14.50	7,465	\$6,979.50
August	6,293	6,293.00	924	462.00	45	22.50	7,262	6,777.50
September...	8,414	8,414.00	1,063	531.50	37	18.50	9,514	8,964.00
October.....	8,568	8,568.00	1,092	546.00	146	73.00	9,806	9,187.00
November...	8,253	8,253.00	931	465.50	48	24.00	9,232	8,742.50
December...	9,145	9,145.00	1,170	585.00	73	36.50	10,388	9,766.50
1911								
January	9,421	9,421.00	1,501	750.50	174	87.00	11,096	10,258.50
February.....	9,431	9,431.00	1,007	503.50	38	19.00	10,476	9,953.50
March.....	9,056	9,056.00	788	394.00	104	52.00	9,948	9,502.00
April.....	8,695	8,695.00	1,144	572.00	77	38.50	9,916	9,305.50
May.....	8,069	8,069.00	1,054	527.00	106	53.00	9,229	8,649.00
June.....	9,722	9,722.00	1,093	546.50	51	25.50	10,866	10,294.00
Total.....	101,561	101,561.00	12,709	6,354.50	928	464.00	115,198	108,379.50

Month	Copies of record	Fees at 50 cents each	Assignments and copies	Fees for assignments	Notice of user in re music	Fees for notice of user	Indexing transfer of proprietor	Fees at 10 cents each	Search fees	Total applied fees
1910										
July	73	\$36.50	35	\$39.00	29	\$4.00	57	\$5.70	\$5.00	\$7,069.70
August.....	28	14.00	24	35.00	18	4.75	4	.40	.00	6,831.65
September...	41	20.50	39	52.00	17	4.50	9	.90	8.50	9,050.40
October.....	97	48.50	43	46.00	28	7.25	6	.60	4.50	9,293.85
November...	52	26.00	64	75.00	14	4.25	31	3.10	1.50	8,852.35
December...	64	32.00	59	59.00	19	4.75	1	.10	35.00	9,897.35
1911										
January	72	36.00	74	106.00	20	5.00	168	16.80	19.50	10,441.80
February.....	78	39.00	63	82.00	17	3.50	56	5.60	10.00	10,093.60
March.....	61	30.50	100	110.00	20	2.75	29	2.90	17.50	9,665.65
April.....	73	36.50	84	120.00	23	6.00	10	1.00	7.50	9,476.50
May.....	46	23.00	56	68.00	34	8.75	141	14.10	16.00	8,778.85
June.....	43	21.50	97	118.00	16	8.25	135	13.50	7.00	10,462.25
Total.....	728	364.00	738	910.00	255	63.75	647	64.70	132.00	109,913.95

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EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1910, to June 30, 1911

[Comparative monthly statement of gross cash receipts, executed business, number of registrations, daily averages, etc.]

Month	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1910				
July.....	\$7,660.44		\$1,811.51	\$306.42
August.....	7,425.97		234.47	275.03
September.....	8,800.67	\$1,374.70		352.02
October.....	9,288.51	487.84		357.25
November.....	8,636.00		652.51	345.44
December.....	11,907.32	3,271.32		458.00
1911				
January.....	13,564.79	1,657.47		542.59
February.....	9,096.69		4,468.10	395.51
March.....	9,984.89	888.20		369.81
April.....	9,122.67		862.22	364.91
May.....	9,036.88		85.79	347.57
June.....	9,136.69	99.81		351.41
Total.....	113,661.52			
Month	Business executed			
	1910-11	Increase	Decrease	Daily average
1910				
July.....	\$7,069.70		\$2,601.85	\$282.79
August.....	6,831.65		238.05	253.02
September.....	9,050.40	\$2,218.75		362.02
October.....	9,293.85	243.45		357.45
November.....	8,852.35		441.50	354.09
December.....	9,897.35	1,045.00		380.67
1911				
January.....	10,441.80	544.45		417.67
February.....	10,093.60		348.20	438.85
March.....	9,665.65		427.95	357.98
April.....	9,476.50		189.15	379.06
May.....	8,778.85		697.65	337.65
June.....	10,462.25	1,683.40		402.40
Total.....	109,913.95			

EXHIBIT D—Copyright business (monthly comparison). Annual report
for the fiscal year from July 1, 1910, to June 30, 1911—Continued

Month	Number of registrations			
	Totals	Increase	Decrease	Daily average
1910				
July.....	7,465		2,516	298
August.....	7,262		203	269
September.....	9,514	2,252		380
October.....	9,806	292		377
November.....	9,232		574	369
December.....	10,388	1,156		399
1911				
January.....	11,096	708		444
February.....	10,476		620	455
March.....	9,948		528	368
April.....	9,916		32	396
May.....	9,229		687	355
June.....	10,866	1,637		418
Total.....	115,198			

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11

GROSS RECEIPTS

Month	1897-98	1898-99	1899-1900	1900-1901
July.....	\$4,257.70	\$5,102.74	\$5,156.87	\$5,571.51
August.....	4,525.27	4,675.96	4,846.97	5,864.68
September.....	5,218.87	4,714.82	6,078.95	4,986.62
October.....	5,556.21	5,149.07	5,583.59	6,027.36
November.....	4,292.88	4,788.30	5,479.15	5,068.11
December.....	6,512.60	6,435.56	6,728.06	7,332.53
January.....	6,074.03	6,050.86	7,649.80	7,155.68
February.....	4,606.92	5,141.40	5,523.47	4,803.50
March.....	5,138.78	6,300.02	6,515.43	6,049.07
April.....	5,053.21	5,198.69	6,086.82	5,789.03
May.....	5,386.93	5,593.50	5,660.36	5,580.11
June.....	4,476.16	5,034.73	5,762.86	5,297.05
Total.....	61,099.56	64,185.65	71,072.33	69,525.25

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

GROSS RECEIPTS—Continued.

Month	1901-2	1902-3	1903-4	1904-5	1905-6
July	\$5,382.28	\$5,429.52	\$5,380.97	\$5,540.30	\$5,779.98
August	4,880.60	4,504.56	4,958.30	5,770.70	6,071.25
September	5,295.87	5,539.67	5,658.48	6,849.35	6,405.60
October	5,399.03	5,651.16	6,323.42	6,704.89	6,789.36
November	5,019.10	5,646.93	5,303.93	6,056.79	6,310.94
December	7,201.64	8,005.75	8,581.60	7,699.47	7,981.03
January	7,604.08	8,053.81	7,502.53	8,946.60	9,321.94
February	4,810.59	5,360.48	6,185.14	6,029.62	6,259.18
March	5,899.56	6,119.54	6,567.73	7,311.90	6,965.43
April	5,580.14	6,005.89	5,996.58	6,806.66	6,954.68
May	5,762.92	5,395.02	6,540.88	6,531.99	6,814.08
June	5,569.27	5,821.58	6,303.27	6,192.29	6,957.45
Total	68,405.08	71,533.91	75,302.83	80,440.56	82,610.92

Month	1906-7	1907-8	1908-9	1909-10	1910-11
July	\$6,469.68	\$6,772.43	\$6,498.83	\$8,244.05	\$7,660.44
August	5,601.93	7,179.19	6,193.68	8,451.80	7,425.97
September	6,137.15	6,605.88	6,606.26	9,032.45	8,800.67
October	6,786.13	7,343.10	7,306.88	9,635.19	9,288.51
November	6,920.64	6,327.06	6,546.78	9,166.19	8,636.00
December	7,856.74	7,386.04	7,873.33	11,504.01	11,907.32
January	10,992.30	9,260.75	10,192.88	12,198.02	13,564.79
February	6,318.95	6,558.38	7,303.02	8,450.90	9,096.69
March	7,662.29	7,048.94	7,894.60	9,912.31	9,984.89
April	7,524.81	7,460.41	7,360.88	9,185.51	9,122.67
May	8,173.59	6,334.10	6,522.35	8,410.45	9,036.88
June	6,940.10	6,766.25	6,786.04	9,471.95	9,136.69
Total	87,384.31	85,042.03	87,085.53	113,662.83	113,661.52

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

BUSINESS EXECUTED

Month	1897-98	1898-99	1899-1900	1900-1901
July.....	\$3,769.00	\$4,724.50	\$4,789.50	\$5,115.00
August.....	4,296.00	4,266.50	4,709.50	5,404.50
September.....	4,559.50	4,537.50	5,357.50	4,738.00
October.....	4,899.00	4,744.00	5,317.00	5,494.50
November.....	4,062.00	4,269.50	4,810.50	4,500.50
December.....	5,262.00	5,088.50	5,183.00	6,339.00
January.....	6,224.50	6,192.50	8,000.50	6,410.50
February.....	4,204.00	4,505.50	5,032.50	4,546.50
March.....	4,865.00	5,312.50	5,871.50	5,416.50
April.....	4,835.50	4,899.00	5,535.50	5,653.50
May.....	4,610.50	5,076.00	5,229.50	5,045.50
June.....	4,339.50	4,651.00	5,369.50	5,023.50
Total.....	55,926.50	58,267.00	65,206.00	63,687.50

Month	1901-2	1902-3	1903-4	1904-5	1905-6
July.....	\$4,886.50	\$4,781.00	\$5,001.00	\$5,553.50	\$5,520.50
August.....	4,837.50	4,599.00	5,043.50	5,707.50	5,734.50
September.....	4,828.00	5,388.50	5,406.00	6,431.50	6,171.50
October.....	5,175.50	5,492.50	5,945.50	6,873.00	6,752.00
November.....	4,360.00	5,242.00	5,250.50	5,653.00	5,802.00
December.....	6,176.50	7,228.50	7,441.00	6,760.00	7,458.00
January.....	7,765.00	8,107.00	8,120.50	9,432.50	9,719.00
February.....	4,629.00	5,159.00	6,001.50	5,544.50	6,076.50
March.....	5,473.50	5,993.00	6,146.50	7,266.00	6,777.50
April.....	5,271.50	6,025.00	5,953.50	6,635.00	6,610.00
May.....	5,808.00	5,074.50	6,160.00	6,014.50	7,020.50
June.....	5,475.00	5,784.50	6,159.50	6,187.00	6,556.00
Total.....	64,687.00	68,874.50	72,629.00	78,058.00	80,198.00

Month	1906-7	1907-8	1908-9	1909-10	1910-11
July.....	\$6,350.00	\$6,509.00	\$6,200.50	\$4,975.90	\$7,069.70
August.....	5,584.50	6,820.00	5,875.00	7,707.90	6,831.65
September.....	5,559.00	6,682.00	6,408.50	8,523.10	9,050.40
October.....	6,865.50	6,819.00	7,188.50	9,067.50	9,293.85
November.....	6,420.50	6,181.00	6,227.50	9,584.90	8,852.35
December.....	7,863.50	6,889.00	7,657.75	10,066.40	9,897.35
January.....	10,590.00	9,247.50	10,206.00	9,044.90	10,441.80
February.....	6,190.00	6,203.50	6,693.50	8,138.80	10,093.60
March.....	7,399.50	6,885.00	7,772.50	10,146.85	9,665.65
April.....	7,145.50	7,189.50	6,852.50	9,449.70	9,476.50
May.....	7,883.50	6,186.00	6,525.50	8,267.45	8,778.85
June.....	6,833.50	6,776.00	6,209.00	9,671.55	10,462.25
Total.....	84,685.00	82,387.50	83,816.75	104,644.95	109,913.95

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

NUMBER OF REGISTRATIONS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July.....	5,015	5,653	6,835	7,514	7,010	6,748	7,107
August.....	5,618	6,005	6,525	7,822	6,776	6,451	7,147
September....	6,106	6,188	7,571	6,685	6,684	7,132	7,605
October.....	6,368	6,316	7,627	7,901	7,305	7,771	8,289
November.....	5,288	5,682	6,814	6,210	5,909	7,397	7,352
December.....	7,408	7,288	7,284	9,693	9,190	10,792	10,248
January.....	9,220	9,556	12,808	9,871	12,241	12,808	12,546
February.....	5,514	6,552	7,521	6,421	6,333	7,144	8,519
March.....	6,350	7,417	8,311	7,755	7,757	8,663	8,657
April.....	6,294	6,834	8,089	8,062	7,527	7,839	8,412
May.....	6,222	6,888	7,588	6,974	8,325	6,907	8,546
June.....	5,942	6,589	7,905	7,443	7,921	8,327	8,702
Total...	75,545	80,968	94,798	92,351	92,978	97,979	103,130

Month	1904-5	1905-6	1906-7	1907-8	1908-9	1909-10	1910-11
July.....	7,778	8,241	9,023	9,594	8,985	5,106	7,465
August.....	8,059	8,337	8,142	10,004	8,190	8,124	7,262
September....	8,487	9,001	7,792	9,281	9,040	8,941	9,514
October.....	9,326	9,778	9,682	9,652	10,098	9,672	9,806
November.....	8,109	8,317	9,374	8,804	8,820	9,969	9,232
December.....	9,436	10,936	11,557	10,163	11,009	10,527	10,388
January.....	15,116	15,358	16,841	14,615	16,079	9,519	11,096
February.....	7,939	8,639	8,991	8,863	9,301	8,414	10,476
March.....	10,879	9,628	10,750	9,999	11,005	10,481	9,948
April.....	10,066	9,402	10,422	10,316	9,612	9,808	9,916
May.....	8,845	10,411	11,317	8,616	9,076	8,532	9,229
June.....	9,334	9,656	9,938	9,838	8,916	9,981	10,866
Total...	113,374	117,704	123,829	119,742	120,131	109,074	115,198

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS

Year	Gross receipts	Increase	Decrease
1897-98.....	\$61,099.56		
1898-99.....	64,185.65	\$3,086.09	
1899-1900.....	71,072.33	6,886.68	
1900-1901.....	69,525.25		\$1,547.08
1901-2.....	68,405.08		1,120.17
1902-3.....	71,533.91	3,128.83	
1903-4.....	75,302.83	3,768.92	
1904-5.....	80,440.56	5,137.73	
1905-6.....	82,610.92	2,170.36	
1906-7.....	87,384.31	4,773.39	
1907-8.....	85,042.03		2,342.28
1908-9.....	87,085.53	2,043.50	
1909-10.....	113,662.83	26,577.30	
1910-11.....	113,661.52		1.31
Total.....	1,131,012.31		

Year	Yearly fees	Increase	Decrease
1897-98.....	\$55,926.50		
1898-99.....	58,267.00	\$2,340.50	
1899-1900.....	65,206.00	6,939.00	
1900-1901.....	63,687.50		\$1,518.50
1901-2.....	64,687.00	999.50	
1902-3.....	68,874.50	4,187.50	
1903-4.....	72,629.00	3,754.50	
1904-5.....	78,058.00	5,429.00	
1905-6.....	80,198.00	2,140.00	
1906-7.....	84,685.00	4,487.00	
1907-8.....	82,387.50		2,297.50
1908-9.....	83,816.75	1,429.25	
1909-10.....	104,644.95	20,828.20	
1910-11.....	109,913.95	5,269.00	
Total.....	1,072,981.65		

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EXHIBIT E—*Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued*

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND
NUMBER OF REGISTRATIONS—Continued

Year	Number of registrations	Increase	Decrease
1897-98.....	75,545		
1898-99.....	80,968	5,423	
1899-1900.....	94,798	13,830	
1900-1901.....	92,351		2,447
1901-2.....	92,978	627	
1902-3.....	97,979	5,001	
1903-4.....	103,130	5,151	
1904-5.....	113,374	10,244	
1905-6.....	117,704	4,330	
1906-7.....	123,829	6,125	
1907-8.....	119,742		4,087
1908-9.....	120,131	389	
1909-10.....	109,074		11,057
1910-11.....	115,198	6,124	
Total.....	1,456,801		

EXHIBIT F—*Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11, arranged by classes*

	1901-2	1902-3	1903-4	1904-5
Class A. Books:				
(a) Books (vols.) and pamphlets.....	8,399	10,589	15,870	16,037
(b) Booklets, leaflets, circulars, cards....	9,174	7,827	3,361	3,366
(c) Newspaper and magazine articles....	6,699	8,050	8,593	10,457
Total.....	24,272	26,466	27,824	29,860
Class B. Periodicals (numbers).....	21,071	22,025	21,496	22,591
Class C. Musical compositions.....	19,706	21,161	23,110	24,595
Class D. Dramatic compositions.....	1,448	1,608	1,571	1,645
Class E. Maps and charts.....	1,708	1,792	1,767	1,831
Class F. Engravings, cuts, and prints.....	5,999	5,546	6,510	11,303
Class G. Chromos and lithographs.....	2,010	2,232	2,384	2,581
Class H. Photographs.....	13,923	13,519	14,534	15,139
Class I. Fine arts: Paintings, drawings, and sculpture.....	2,841	3,030	3,934	3,829
Grand total.....	92,978	97,979	103,130	113,374

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11, arranged by classes—Continued

	1905-6	1906-7	1907-8	1908-9
Class A. Books:				
(a) Books (vols.) and pamphlets.....	15,504	16,651		
(b) Booklets, leaflets, circulars, cards.....	4,567	5,195		
(c) Newspaper and magazine articles.....	9,190	9,033		
Total.....	29,261	30,879	30,191	32,533
Class B. Periodicals (numbers).....	23,163	23,078	22,409	21,195
Class C. Musical compositions.....	26,435	31,401	28,427	26,306
Class D. Dramatic compositions.....	1,879	2,114	2,382	2,937
Class E. Maps and charts.....	1,672	1,578	2,150	1,949
Class F. Engravings, cuts, and prints.....	10,946	12,350	10,863	11,474
Class G. Chromos and lithographs.....	3,471	2,733	2,734	2,899
Class H. Photographs.....	17,269	15,836	16,704	16,764
Class I. Fine arts: Paintings, drawings, and sculpture.....	3,608	3,860	3,882	4,074
Grand total.....	117,704	123,829	119,742	120,131

	1909-10	1910-11
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):		
(a) Printed in the United States.....	23,115	24,840
(b) Printed abroad in a foreign language.....	1,351	1,707
(c) English books registered for ad interim copyright.....	274	423
Total.....	24,740	26,970
Class B. Periodicals (numbers).....	21,608	23,393
Class C. Lectures, sermons, addresses.....	117	102
Class D. Dramatic or dramatico-musical compositions.....	3,911	3,415
Class E. Musical compositions.....	24,345	25,525
Class F. Maps.....	2,622	2,318
Class G. Works of art; models or designs.....	4,383	3,355
Class H. Reproductions of works of art.....	751	222
Class I. Drawings or plastic works of a scientific or technical character.....	317	232
Class J. Photographs.....	13,348	14,469
Class K. Prints and pictorial illustrations.....	11,925	14,269
Renewals.....	1,007	928
Total.....	109,074	115,198

Report of the Register of Copyrights

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EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9

	1897-98	1898-99	1899-1900	1900-1901	1901-2
1. Books:					
(a) Books proper.....	5,575	5,834	6,550	7,746	7,027
(b) Volumes, circulars, leaflets, etc. . .	4,698	4,196	5,073	5,770	6,259
(c) Newspaper and magazine articles.....	3,262	5,185	8,851	9,010	5,577
2. Dramatic compositions.....	391	507	561	634	815
3. Periodicals (numbers).....	13,726	9,777	14,147	17,702	19,573
4. Musical compositions.....	17,217	19,976	16,505	16,709	21,295
5. Maps and charts.....	1,296	1,478	1,353	1,718	1,566
6. Engravings, cuts, and prints.....	2,912	3,505	3,503	5,687	5,636
7. Chromos and lithographs.....	747	1,050	1,257	1,817	1,757
8. Photographs.....	5,777	7,695	12,115	13,064	13,884
9a. Miscellaneous (unclassified articles).....	375	14			
	55,976	59,217	69,915	79,857	83,389
Two copies of each article were received.....	111,952	118,434	139,830	159,714	166,778
9. Photographs with titles of works of art for identification, one copy each.....	853	1,709	1,614	2,569	2,948
Grand total.....	112,805	120,143	141,444	162,283	169,726
	1902-3	1903-4	1904-5	1905-6	
1. Books:					
(a) Books proper.....	9,222	12,907	13,389	12,893	
(b) Volumes, circulars, leaflets, etc. . .	5,255	3,084	2,910	3,602	
(c) Newspaper and magazine articles.....	7,097	7,883	9,081	7,833	
2. Dramatic compositions.....	986	1,098	1,224	1,380	
3. Periodicals (numbers).....	21,498	20,320	23,457	22,116	
4. Musical compositions.....	19,801	21,203	22,984	24,801	
5. Maps and charts.....	1,801	1,547	1,817	1,708	
6. Engravings, cuts, and prints.....	5,830	5,938	10,460	10,239	
7. Chromos and lithographs.....	2,006	2,167	2,443	3,039	
8. Photographs.....	13,790	14,258	13,954	16,210	
	87,286	90,465	101,719	103,821	
Two copies of each article were received.....	174,572	180,930	203,438	207,642	
9. Photographs with titles of works of art for identification, one copy each.....	2,947	3,869	3,986	3,496	
Grand total.....	177,519	184,799	207,424	211,138	

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EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9—Continued

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992	25,363	27,425	265,352
(b) Volumes, circulars, leaflets, etc....	5,340			
(c) Newspaper and magazine articles.....	8,403			
2. Dramatic compositions.....	1,568	1,904	2,226	13,294
3. Periodicals (numbers).....	23,554	21,378	22,288	229,536
4. Musical compositions.....	27,308	27,673	23,969	259,441
5. Maps and charts.....	1,572	2,082	1,848	19,786
6. Engravings, cuts, and prints.....	11,233	11,125	10,137	86,205
7. Chromos and lithographs.....	2,589	2,682	2,802	24,356
8. Photographs.....	16,672	16,306	15,650	159,375
9a. Miscellaneous (unclassified articles).....				389
	111,231	108,513	106,345	1,057,734
Two copies of each article were received.....	222,462	217,026	212,690	2,115,468
Foreign books received under act of Mar. 3, 1905.....	585	796	1,146	2,527
9. Photographs with titles of works of art for identification, one copy each.....	4,000	3,900	4,033	35,924
Grand total.....	227,047	221,722	217,869	2,153,919

Report of the Register of Copyrights

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EXHIBIT G—Table of articles deposited during 1909-10 and 1910-11, with total deposits in each class for 14 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11

	1909-10	1910-11	Total
1. Books:			
(a) Printed in the United States:			
Volumes.....	15,682	17,997	
Pamphlets, leaflets, etc.....		21,565	
Contributions to newspapers and periodicals.....	30,150	5,709	
	45,832	45,271	
(b) Printed abroad in a foreign language:			
English works registered for ad interim copyright.....	2,920	3,181	
	275	635	
	49,027	49,087	628,818
2. Periodicals.....	49,156	46,780	555,008
3. Lectures, sermons, etc.....	117	102	219
4. Dramatic or dramatico-musical compositions.....	5,554	4,165	36,307
5. Musical compositions.....	54,426	50,225	623,533
6. Maps.....	5,244	4,648	49,464
7. Works of art; models or designs.....	4,383	3,365	43,672
8. Reproductions of works of art.....	1,502	456	1,958
8a. Chromos and lithographs.....			48,712
9. Drawings or plastic works of a scientific or technical character.....	317	237	554
10. Photographs.....	27,796	25,083	371,629
11. Prints and pictorial illustrations.....	21,502	25,079	218,991
12. Miscellaneous (unclassified articles).....			778
13. Foreign books received under Act of Mar. 3, 1905.....			2,527
Total.....	219,024	209,227	2,582,170

Addendum No. 1

COPYRIGHT BILL INTRODUCED, SIXTY-FIRST CONGRESS, THIRD SESSION, 1911

[S. 10612. In the Senate of the United States. February 2, 1911.]

Mr. LODGE introduced the following bill; which was read twice and referred to the Committee on Patents.

A BILL To amend the act to amend and consolidate the acts respecting copyright.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act (Public, Numbered Three hundred and forty-nine, approved March fourth, nineteen hundred and nine) to amend and consolidate the acts respecting copyright be amended as follows:

On page 5, line 12, after the word "photo-engraving," strike out all down to and including the word "art," on line fourteen.

Addendum No. 2

OPINIONS OF THE ATTORNEY GENERAL—COPYRIGHT ACT OF MARCH 4, 1909

CONTENTS

- No. 1, January 9, 1911, Entry of "painting" under section 5 (g)
- No. 2, May 6, 1911, Rights acquired by alien authors.
- No. 3, Letter of Librarian of Congress of March 3, 1911.

COPYRIGHT LAW—REGISTRATION OF LITHOGRAPHS OF WORKS OF ART LOCATED ABROAD

The register of copyrights has authority to enter a claim in a painting which is made merely as a first step in the production of a lithograph as a "work of art" within the meaning of section 11 of the copyright law of March 4, 1909 (35 Stat., 1078), provided the painting itself is a work of art.

The register of copyrights has the authority to enter a claim to copyright in a published lithograph, not made within the United States, where the design, drawing, or painting which forms the first step in the production of such lithograph, has been made for the purpose of being converted into a lithograph and is located in a foreign country, provided the design, drawing, or painting with reference to which the application is made is a work of art.

The meaning of the term "work of art" and its application to a particular design, drawing, or painting, etc., under section 11 of the act of March 4, 1909 (35 Stat., 1078), does not present a question of law, but one of fact, to be determined in each instance by the register of copyrights.

DEPARTMENT OF JUSTICE,

January 9, 1911.

SIR: I have the honor to acknowledge receipt of your communication of December 30, 1910, in which you, at the instance of the register of copyrights, submit to me the following statement of facts:

On September 17, 1910, J. Bauman submitted a number of applications for the entry of "paintings" under paragraph (g), section 5, of the act of March 4, 1909 (35 Stat., 1075, ch. 320), which relates to "works of art; models or designs for works of art." The identifying copies deposited with these applications consisted of chromolithographs, all of which were in the nature of birthday, Christmas, or valentine cards, and bore the notice "Copyright 1910 by J. Bauman," apparently added with a stamp after the lithograph had been completed. On September 24, 1910, an additional number of applications, executed in the same form, and each accompanied by a chromolithograph as an

identifying copy, of the same general nature as those first sent, except lacking the copyright notice, were received. In both cases the applicant was informed that the lithographs for which registration was sought were obviously intended for publication, and that, therefore, the proper procedure would be to register the copyright claims therein after publication under paragraph (k) of said act, which relates to "prints and pictorial illustrations."

On October 3, 1910, 18 additional applications for the entry of claims in similar lithographs were received from Mr. Bauman, with the request that they be entered in Class K, it being stated that they were lithographic prints produced in the United States; and they were registered, and certificates of entry were sent to the applicant.

On December 12, 1910, a number of applications were received, each for the entry of a copyright claim of a "painting located in England," the identifying copy in each case consisting of the photograph of a picture showing the shape and size of the customary Christmas card, and the designs on the cards are of the usual kind, not differing in general style from those in the lithographs described above.

The register of copyrights further states that the circumstances strongly tend to show that the alleged "paintings" sought to be registered under date of December 12, 1910, are intended to be reproduced as chromolithographs and placed on the market as birthday cards and the like, and are not independent works of art, but the first necessary step in the production of the lithographs, and, further, that the purpose of seeking their registration is to give support to a contention that such lithographs are not required to be manufactured "by a process wholly performed within the limits of the United States," as provided in section 15 of the copyright act, because they fall within the provision excepting lithographs of subjects which are "located in a foreign country and illustrate a scientific work or reproduce a work of art."

And my opinion is requested upon the following questions:

1. Whether the register of copyrights has authority to enter a claim in a painting made merely as a first step in the production of a lithograph, as a "work of art" within the meaning of section 11 of the copyright act?
2. Whether the register of copyrights has authority to enter a claim to copyright in a published lithograph, not made within the United States, where the design, drawing, or painting, which forms the first step in the production of such lithograph, has been made for the purpose of being converted into a lithograph, and is located in a foreign country?

My answer to these abstract questions may be found in an opinion transmitted to you for the guidance of the register of copyrights, on January 27, 1910 (28 Op. A. G., 150, 157). I there construed that provision of the manufacturing clause of the copyright act which excepts separate lithographs and photo-engravings "where in either case the

subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art;" and held that where the painting was properly classified as a work of art and was located in a foreign country, lithographs thereof fell within the exception. And, as to the probable effect of such holding, I said:

It has been suggested that if it be held that lithographs and photo-engravings of all works of art located in a foreign country may be made abroad, the purpose of the law to protect American workmen might be evaded by carrying works of art from this country into a foreign country and there having them lithographed, and also by having paintings made in a foreign country for the purpose of lithographing. Whether or not Congress had such grounds of objection in mind when this act was passed, does not appear from its language; and I am not now called upon to determine whether a painting carried from this country into a foreign country for the purpose of evading the spirit of the law and in fraud of the law would be considered as located in a foreign country in the sense of the statute; but there is certainly nothing in the act to indicate that Congress intended to make any distinction between works of art based upon the purposes for which they are created. If Congress had not intended to embrace in the exception paintings created in a foreign country for the purpose of lithographing or photo-engraving, it could easily have expressed such intent; and since it failed to do so by the use of any language from which such a restriction may be implied, it is not within the province of a judicial officer called upon to interpret this statute to read into the act a provision of such a vital character.

I think it quite likely that if the attention of Congress had been directed to the fact that the manufacturing clause of the act could be to a material extent evaded in the manner suggested, the phrase "a work of art," as used therein, would have been modified in such a way as to prevent such evasion; but the effect is the same whether the omission was intentional or by oversight, as Congress alone has the power to so modify the language as to justify the construction which it is thought this exception should have in the interest of American labor.

However, the facts there under consideration were materially different from those here presented. There the original paintings had already been registered by the register of copyrights as "works of art," and I therefore said: "Since the paintings are located in a foreign country, these cards fall within the exception, provided the paintings are 'works of art'; and since they have been copyrighted as such, and possess artistic beauty, I know of no reason why they should not be so considered."

But it was not intended there to define the term "a work of art," or to decide whether the paintings in question fell within its meaning as the paintings had already been registered as works of art, and no such question was propounded to me, the real matter submitted being the construction of this clause of the manufacturing provision of the statute. Furthermore, the meaning of this expression, and its application to a particular work, does not present a question of law, but one of fact, and is not, therefore, one for decision by me. The phrase ap-

pears to be a new one in the copyright statutes, and experts would doubtless often differ as to its application; and the register of copyrights must, therefore, when application for registration is made, determine for himself the question whether the work presented is one of art, but in so doing he can not, of course, act arbitrarily and without good reason.

I therefore answer both questions propounded in the affirmative, provided the painting with reference to which the application is made is "a work of art"; but whether or not it is such a work is a question for the register of copyrights.

Very respectfully,

J. A. FOWLER,
Assistant Attorney General.

Approved:

GEORGE W. WICKERSHAM,
Attorney General.

The PRESIDENT.

[*"Official Opinions of the Attorneys General of the United States,"* vol. 28, pp. 557-561.]

COPYRIGHT LAW—RIGHTS OF ALIEN AUTHORS AND COMPOSERS

The provision at the end of section 8 of the copyright act of March 4, 1909 (35 Stat., 1077), which requires the President to determine by proclamation the existence of the reciprocal conditions upon which alien authors and composers may acquire the general privileges under said act, applies equally to the reciprocal condition specified in the proviso to section 1 (e) of that act, upon which an alien may acquire the right of controlling the parts of instruments serving to reproduce mechanically a musical work.

Where a German citizen has complied with all the general provisions of the copyright act at any time subsequent to July 1, 1909, the date upon which the act became effective, there was vested in him the rights and privileges set forth in said act, except the right specified in section 1 (e), as Germany had at that time complied with one or more of the conditions enumerated in section 8, subsection (b).

A German citizen who has strictly complied with the provisions of the copyright act at any time between July 1, 1909, the date upon which the law became effective, and April 9, 1910, the date of the proclamation of the President declaring that the citizens of Germany were entitled to the general privileges of that act, is not only vested with a copyright in his work or composition, but he may maintain an action for any infringement which occurred between said dates.

With reference to an infringement of the particular right specified in the proviso to section 1 (e) between September 9, 1910, and December 8, 1910, the same principle must apply; but as the proclamation of the President does not recite that this condition had been met prior to the date of the proclamation it would not afford evidence sufficient to sustain an action for infringement between said dates.

A German citizen could not acquire the right specified in the proviso to section 1 (e) of said act prior to September 9, 1910, the date upon which the reciprocal condition provided for therein was complied with by Germany.

DEPARTMENT OF JUSTICE,
May 6, 1911.

SIR: I have the honor to acknowledge receipt of your communication of March 3, 1911, in which you propound a number of questions relating to the rights that may be acquired by alien authors and composers

under the copyright law of March 4, 1909 (35 Stat., 1075). While some of these questions are entirely abstract, yet I think that answers to them all will appear from the conclusions reached with reference to the rights of citizens of Germany, whose copyright laws and the proclamations of the President relating thereto, are as follows:

The laws of the German Government have complied with one of the reciprocal conditions mentioned in section 8, subsection (b) of the copyright act ever since that act went into effect on July 1, 1909, and that country was among those included in the proclamation of the President made April 9, 1910, which declared that the citizens of the countries mentioned therein were entitled to the privileges of the copyright law as of July 1, 1909. However, the reciprocal condition as to music, provided in section 1 (c), was not complied with by Germany until September 9, 1910, and the proclamation of the President declaring that this condition had been met, was issued December 8, 1910. This proclamation recited that satisfactory official assurance had been given that Germany "now permits to citizens of the United States similar rights to those accorded in section 1 (c) of the act of March 4, 1909," but did not mention the date upon which such similar rights were granted.

The questions presented by this state of facts are:

1. Is it the duty of the President to determine by proclamation the existence of the reciprocal condition specified in the proviso of section 1 (c).
2. What rights, if any, could a German citizen, who was a nonresident of the United States, acquire under the general provisions of the copyright law between July 1, 1909, the date upon which the copyright act of March 4, 1909, became effective, and April 9, 1910, the date of the proclamation of the President declaring that the citizens of Germany were entitled to the general privileges of that act?
3. What rights, if any, could such German citizen acquire under the special provision in section 1 (c) between September 9, 1910, the date upon which the reciprocal condition provided for therein was complied with by Germany, and December 8, 1910, the date of the proclamation issued by the President declaring such fact? and
4. Could a citizen of Germany acquire the right specified in the proviso to section 1 (c) prior to September 9, 1910?

The general provisions of the act relating to the privileges of alien authors and composers to secure copyrights of their works in the United States are contained in section 8 of the act, which reads as follows:

That the author or proprietor of any work made the subject of copyright by this act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this act: *Provided, however,* That the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only.

(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 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.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require.

The first section of the act provides that:

Any person entitled thereto, upon complying with the provisions of this act, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this 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.

Does the provision at the end of section 8, requiring the President to determine the "reciprocal conditions aforesaid," by proclamation, apply to the restriction upon aliens contained in section 1 (e)?

This presents another of the many difficult questions of construction which have arisen in the enforcement of this act. It must be conceded that this provision is remote from section 1 (e), that it relates directly to the preceding provisions in section 8, and that it contains nothing which *necessarily* requires its extension to the condition expressed in section 1 (e). However, here, as in every question of statutory construction, it is necessary to consider all parts of the act relating to the subject under consideration, and to determine therefrom as nearly as possible the legislative intent. That there is a close relationship in the subject matter of section 1 (e) and of the proviso to section 8 is apparent. The latter relates to the conditions upon which an alien may acquire the general privileges under the act, while the former specifies a particular condition upon which an alien may acquire the right of controlling the parts of instruments serving to reproduce mechanically a musical work. This condition is in a way dependent upon the conditions set forth in section 8, inasmuch as it may be complied with, and yet the right to control the parts of the instruments mentioned could not be acquired unless some one of the conditions prescribed in the latter section is also

met; that is, the condition relating to this particular matter is added to those set forth in section 8. It is reciprocal in its nature, just as those in Class B of section 8 are reciprocal. Every reason which prompted the insertion of the clause in section 8 relating to the proclamation by the President, applies equally to the proviso in section 1 (e). Without the specification of some method by which it may be determined whether the laws of a foreign country comply with this particular condition, the general public could possess no adequate knowledge as to whether a copyright of a musical composition carried with it the protection of the right declared therein, and the proof of such right in actions for infringement would often be uncertain and difficult to obtain.

There can be but little doubt that Congress intended that the requirement that the existence of "the reciprocal conditions aforesaid" shall be determined by the President of the United States, should apply to the reciprocal requirements specified in section 1 (e), and that it was not there expressed because it was assumed that the language of the concluding clause of section 8 implied that all reciprocal conditions upon which the right of foreign authors or composers depend should be determined and proclaimed by the President.

I hold, therefore, that it is the duty of the President to determine and proclaim what foreign countries grant to the citizens of the United States rights similar to those specified in the provisions of section 1 (e).

The remaining questions may be discussed and determined together.

In an opinion transmitted to you from this department on March 19, 1910 (28 Op. A. G., 222, 226), with reference to whether a proclamation of the President issued under section 8 of this statute might be made retroactive, it was said:

It will be observed that the determination of the specified conditions of the foreign laws and the proclamation of the President made with reference thereto does not *create* the right of foreign authors and proprietors to enjoy the rights and privileges of our copyright laws, but that such proclamation is only the *evidence* of the existence of the conditions under which those rights and privileges may be exercised. It is true that the absence of such proclamation is conclusive evidence that such rights do not exist, while, on the other hand, the proclamation is conclusive evidence that they do exist; but, nevertheless, the proclamation is not a condition precedent to the existence of the rights themselves. Therefore, there is no reason why such proclamation may not be retroactive in its effect; and consequently if a proclamation were made showing the determination of fact by the President that either of the conditions required in the statute have been complied with since a specified date, such proclamation would be conclusive evidence of that fact, and the citizens or subjects of such country would be entitled to avail themselves of our copyright laws from the date mentioned in the proclamation.

Another careful consideration of the provisions of the act relating to this subject but confirms in my mind the view there expressed.

Germany having complied with one or more of the conditions set forth in section 8, subsection (b) on or before July 1, 1909, at any time thereafter and independent of the President's proclamation, a

German citizen could acquire the rights declared by the act of March 4, 1909, by a compliance with its terms. It is true that, in the absence of the President's proclamation, he could not obtain a registration of his claim to copyright; but under this statute registration is not a necessary prerequisite to the existence of the rights and privileges of copyright, as they are vested by a compliance with the conditions of the statute by the author or composer.

Hence I am of the opinion that where a German citizen complied with all the general provisions of the act at any time after July 1, 1909, there was vested in him the rights and privileges set forth in the act, except the right specified in 1 (e), which will be hereinafter considered.

An important question, however, is whether, after the issuance of the proclamation on April 9, 1910, he acquired any remedy for an infringement upon his copyright between the dates mentioned. As above said, there can be no doubt that prior to the proclamation no action could be maintained for an infringement, because of the absence of the essential evidence to sustain such action. But it does not follow that when the evidence became available it could not be used to maintain an action brought to enforce a right which had previously existed. For illustration, it is familiar law that a deed, though inadmissible for the want of registration, may yet be registered and introduced as evidence to sustain an action brought before its registration.

A more difficult question, however, is whether an infringer would have an equitable defense to an action for infringement between the dates mentioned, on the ground that he did not possess at the time of the infringement any legitimate notice of the existence of the copyright.

Section 9 of the act requires that notice shall be affixed to each copy of the work or composition published, and prescribes precisely the character of such notice. The existence of this notice upon each copy certainly informs every person examining the same that the author or composer claims a right to a copyright therein, which embraces the claim that the country of which he is a citizen has complied with one or more of the reciprocal conditions specified in the law. Therefore, after such claim is made and notice thereof is given, it is not inequitable that anyone who shall undertake thereafter to infringe upon the rights of such author or composer shall be required to do so at his own risk. It is practically impossible for the President to be informed whether the conditions required by the act have been complied with on the very day upon which the compliance is had. It must require some time, and often a considerable time, for the information to be transmitted through the proper channels and for the proclamation relating thereto to be prepared and published. Hence, when a copyright is claimed by an alien author or composer in strict accord with the provisions of the statute, every one must be aware of the fact that the absence of the proclamation is not conclusive evidence that the reciprocal conditions have not been complied with by the country of such alien, and any infringement in the meantime is made

subject to the knowledge that the President may determine by proclamation thereafter issued that compliance was had prior to the infringement.

I am of the opinion, therefore, that if a German citizen strictly complied with the provisions of the act at any time between July 1, 1909, and April 9, 1910, he is not only vested with a copyright in his work or composition, but that he may maintain an action for any infringement which occurred between said dates.

With reference to an infringement of the particular right specified in the proviso of section 1 (c) between September 9, 1910, and December 8, 1910, the same principle must apply; but it will be observed that the proclamation of the President does not recite that this condition had been met prior to the date of the proclamation; and, therefore, the proclamation would not afford evidence sufficient for the maintenance of an action for infringement between said dates. It is apparent, therefore, that when a proclamation is issued by the President, the precise date upon which the foreign country brought itself within the conditions of the act should be stated.

With reference to the fourth question, it is clear that the right specified in the proviso to section 1 (e) could not be acquired by any German citizen prior to September 9, 1910.

The reciprocal condition therein provided was a necessary prerequisite to the acquiring of the right mentioned. Previous to that date the condition of the German citizen, in so far as the particular right was concerned, was precisely the same as if the act did not exist.

Respectfully,

J. A. FOWLER,
Assistant Attorney General.

Approved:

GEO. W. WICKERSHAM,
Attorney General.

The SECRETARY OF STATE.

["Official Opinions of the Attorneys General of the United States," vol. 29, pp. 64-72.]

[NOTE.—This opinion was in response to the letter of inquiry of the Librarian of Congress, of March 3, 1911, the full text of which is as follows:]

LETTER OF LIBRARIAN OF CONGRESS

MARCH 3, 1911.

SIR: In connection with the extension of the benefits of section 1 (e) of the copyright act of March 4, 1909, to citizens of foreign countries, there arise certain questions as to which the Copyright Office thinks that the opinion of the Department of Justice should be sought.

1. Although section 1 (e) does not stipulate that the reciprocal conditions therein set forth shall be "determined" by proclamation, it has been assumed that they must be. Is this assumption correct?

2. If so, it is assumed that the protection accorded (in the case of musical compositions against reproduction by mechanical means) becomes effective only from the date of such proclamation; that is to say, that the remedy against an infringement is not available until then. Is this assumption correct?

3. If so, may the protection be claimed only for musical compositions published and copyrighted after that date?

4. If it may be claimed upon any compositions published and copyrighted prior to that date, upon what such?

There may be these situations:

a. The foreign country was among those included in the proclamation of April 9, 1910, which (excepting sec. 1 (e) of the act) declared its general benefits to the citizens of those countries as of July 1, 1909.

b. The foreign country has become a general beneficiary under our copyright laws by treaty, convention, agreement, or law since July 1, 1909, or since April 9, 1910.

c. The reciprocal privileges (as to music) stipulated in section 1 (e) had been granted by the foreign country to citizens of the United States either (1) prior to July 1, 1909; or (2) between July 1, 1909, and April 9, 1910; or (3) subsequent to April 9, 1910, but prior to the date of the particular proclamation extending, declaring, or confirming the benefits of section 1 (c).

(A possible example of this latter, under which a question has already arisen, is Germany. Germany was among the countries included in the proclamation of April 9, 1910, the citizens of which become, or were declared by that proclamation, entitled to the general privileges of the act as of July 1, 1909. But the reciprocal conditions as to music stipulated by section 1 (e) came into being in Germany only on September 9, 1910. The proclamation declaring the stipulation under this section to be satisfied in the case of Germany was issued on December 8, 1910. Assuming that the citizens of Germany could not on December 9 claim damages for infringements committed prior to December 8, 1910, may he (as against any subsequent expropriations) claim protection for compositions published and copyrighted between September 9 and December 8? Or may he go further still and claim such protection upon compositions published and copyrighted as far back as July 1, 1909, when the act in general "took effect?")

5. If it should be held that the protection extends retroactively to compositions published and copyrighted prior to the date of the particular proclamation covering section 1 (c) should not the proclamation itself specify that it does so, and to what prior date? And in order that it may do so should not the inquiry that has been issued invite specifications which will make clearly to appear the exact date at which it is claimed that the "similar rights" have been accorded in the foreign country to citizens of the United States?

Very respectfully,

HERBERT PUTNAM,

Librarian of Congress.

To the honorable the SECRETARY OF STATE,
Washington.

Addendum No. 3

JUDICIAL DECISIONS CONSTRUING THE COPYRIGHT ACT OF MARCH 4, 1909

No. 1. *Green et al. vs. Luby*. December 21, 1909.

No. 2. *White-Smith Pub. Co. vs. Goff et al.* March 1, 1911.

1. COPYRIGHTS (SEC. 7)—SUBJECTS—CLASSIFICATION—DRAMATICO-MUSICAL COMPOSITION."

A sketch, consisting of a series of recitations and songs, with a very little dialogue and action, and with scenery, and lights thrown upon the singer, is a dramatico-musical composition, within the provisions of the copyright law.

2. COPYRIGHTS (SEC. 7)—VALIDITY—CLASSIFICATION.

Under copyright law (act Mar. 4, 1909, chap. 320, 35 Stat., 1076 [U. S. Comp. St. Supp. 1909, p. 1291]) section 5, providing that an error in classification shall not invalidate a copyright, the classification of a dramatico-musical composition as a dramatic composition does not affect the validity of the copyright.

3. COPYRIGHTS (SEC. 42)—NATURE—RIGHTS ACQUIRED.

Under copyright law (act Mar. 4, 1909, chap. 320, 35 Stat., 1075 [U. S. Comp. St. Supp. 1909, p. 1289]) section 1, Subdivision D, giving the holder of a copyright the exclusive right to perform or represent the copyrighted work publicly if a drama, and Subdivision E, giving the exclusive right to perform the copyrighted work publicly for profit if it be a musical composition, the holder of the copyright of a song constituting a part of a dramatic sketch, and those claiming under him, have the exclusive right to publicly present it.

4. COPYRIGHTS (SEC. 66)—INFRINGEMENT—WHAT CONSTITUTES.

Where one sings an entire copyrighted song with musical accompaniment, she is guilty of infringement, though she purports merely to mimic another.

In equity. Suit by Irene Franklin Green and others against Edna Luby. Heard on motion for temporary injunction. Granted.

Nathan Burkan, for complainants.

Max D. Josephson, for defendant.

NOYES, circuit judge. This is an application for a preliminary injunction to restrain the defendant from publicly singing an alleged copyrighted song entitled "I'm a Bringing up the Family," which song, it is alleged, was written as a number or part of a copyrighted dramatic sketch entitled "The Queen of the Vaudeville."

The defendant contends, in the first place, that the sketch "The Queen of the Vaudeville" is a musical composition, and not a dramatic composition, within the meaning of the copyright law of 1909 (act Mar. 4, 1909, chap. 320, 35 Stat., 1075 [U. S. Comp. St. Supp. 1909, p. 1289]). There is much force in this contention. The work is essentially a series of recitations and songs to be recited or sung by the same person dressed in different costumes. The action and dialogue in addition thereto are hardly sufficient to make a dramatic composition.

Still the work is something more than a mere musical composition. The singer dresses in costumes to represent the different characters. There is very little dialogue or "patter," the latter being, apparently, the professional term. There is also a very little action. The singer gets out of a cradle. There is scenery, and lights are thrown upon the singer. I think the sketch may fairly be classified as a "dramaticomusical composition" within the meaning of the copyright act.

But the fact that the sketch was improperly classified as a dramatic composition in taking out the copyright would not affect its validity. The copyright law expressly provides (sec. 5) that an error in classification shall not invalidate or impair a copyright. Moreover, the particular song in question—a number of the sketch—was copyrighted by the complainant Feist as a musical composition before the copyright of the sketch, and I do not understand that any question is raised as to the validity of such copyright.

Regarding, then, the sketch as a dramatic composition, the complainants have the exclusive right to publicly present it. Subdivision D of section 1 of the copyright law gives the exclusive right "to perform or represent the copyrighted work publicly if a drama." And, regarding the song as a musical composition, the complainants have the exclusive right to publicly perform it. Subdivision E of said section gives the exclusive right "to perform the copyrighted work publicly for profit, if it be a musical composition." It is not disputed that the complainants Green have the right to produce the song under the copyright to the complainant Feist.

The next question is one of infringement. The defendant admits that she sings the copyrighted song with musical accompaniment, but she says that she does so merely to mimic the complainant, Irene Franklin Green. She contends that she gives impersonations of various singers, including said complainant, and, as incidental to such impersonations, sings the songs they are accustomed to sing. The mimicry is said to be the important thing; the particular song, the mere incident. But I am not satisfied that, in order to imitate a singer, it is necessary to sing the whole of a copyrighted song. "The mannerisms of the artist impersonated," to use the language of the defendant's brief, may be shown without words; and if some words are absolutely necessary, still a whole song is hardly required; and if a whole song is required, it is not too much to say that the imitator should select for impersonation a singer singing something else than a copyrighted song.

Bloom v. Nixon (C. C.) 125 Fed., 977, is distinguishable in that in that case the chorus only of the copyrighted song was sung. *Green v. Minzensheimer* (decided by this court Mar. 19, 1909) 177 Fed., 286, is distinguishable in that in that case the defendant imitated the singer without musical accompaniment, and the testimony as to just what she did was not clear.

A preliminary injunction may issue as prayed for, upon the filing by the complainants of a bond, with sufficient surety, in the sum of

\$2,000, conditioned that the complainants pay all damages sustained by the defendant, in case it be held that the complainants are not entitled to an injunction in the final decree.

[Green et al. v. Luby. Circuit court, southern district of New York. December 21, 1909 (177 Federal Reporter, pp. 287-288.)]

COPYRIGHTS (SEC. 33)—RENEWALS—CONSTRUCTION OF STATUTE

Copyright act March 4, 1909, chap. 320, sec. 24, 35 Stat., 1080 (U. S. Comp. St. Supp., 1909, p. 1297), which provides that "the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will his next of kin, for a further period," etc., in accordance with a well-settled statutory policy, limits such right of renewal to the persons named therein and does not extend it to the "proprietor" of the work, although both under that and the prior statute an original copyright might be secured by such proprietor.

Appeal from the circuit court of the United States for the district of Rhode Island.

Suit in equity by the White-Smith Music Publishing Co. against Ira N. Goff and others. Decree for defendants (180 Fed., 256), and complainant appeals. Affirmed.

Alexander P. Browne (Browne & Woodworth, on the brief), for appellant.

Horatio E. Bellows, for appellees.

Before PUTNAM and LOWELL, circuit judges, and ALDRICH, district judge.

OPINION OF THE COURT, MARCH 1, 1911

PUTNAM, circuit judge. This appeal grows out of a bill in equity brought by the complainant, the White-Smith Co., against the respondents, Goff and Darling, alleging infringement of a copyrighted musical composition. The complainant is the publisher, and not the author. It claims a statutory extension of a copyright as proprietor under sections 4952 and 4954 of the Revised Statutes. It offered registration under the statute, and, although registration was refused, yet it fully complied with the requirements of law, and is entitled to maintain this suit if it had any statutory right to the extension. Whether at this time the author was living does not appear. The respondents make no claim under any copyright. The complainant acquired its original rights under the following contract:

BOSTON, June 29, 1876.

Memo. of agreement between Eben H. Bailey, of the first part, and Mess. White, Smith & Co., music publishers, of the second part. The party of the first part hereby agrees to furnish the party of the second part eight (8) MSS. of his own original instrumental compositions each year, during the term of this contract, and upon the acceptance of which the party of the second part agrees to

pay the sum of (\$25.00) twenty-five dollars each as soon as published. This contract to remain in force 3 years from above date, or until June 29, 1879, and during which time the party of the second part shall hold the exclusive right and title to all original inst'l compositions or transcriptions by the party of the first part, who shall not in any case offer them to any other party or publisher, either under his own name or "nom de plume." It is also agreed by the party of the first part, to give to the party of the second part, all his trade and influence in furtherance of this contract.

EBEN H. BAILEY.
WHITE, SMITH & CO.

Witness:
[SEAL.] FRANK E. CRANE.

As the bill alleged no other right than what we have stated, it was demurred to, and the decision of the circuit court was in favor of the respondents, on the ground that the complainant had no statutory interest in the extension.

Sections 4952 and 4954 of the Revised Statutes applied to the copyright at the time it was taken out:

SEC. 4952. Any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

SEC. 4954. The author, inventor, or designer, if he be still living and a citizen of the United States and resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term.

When the copyright thus acquired under section 4952 expired, the act approved March 4, 1909 (35 Stat., 1080), was in force, of which so much of the twenty-fourth section as is pertinent at this point reads as follows:

SEC. 24. That the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this act, including the renewal period.

The complainant maintains that the result in the circuit court was to deprive it of a vested right, but, as the language of the two statutes which we have cited was for this purpose essentially the same, no such question can arise. Moreover, as is thoroughly settled by the Supreme Court, all rights of copyright in the United States are purely statutory, whatever they may once have been in England, and it is not so easy to understand how there can be a vested right under a public statute which has not actually accrued, and which lies only in the future. This proposition, however, we can pass by.

It is to be noted that in each statute the grant of the original copyright is to the author or proprietor, while as to the provision for an extension the word "proprietor" is studiously stricken out. Neither is it true that the provision for the extension in either statute operates automatically or in any line which recognizes a continuing right. While the words "renewed and extended," in their proper and ordinary construction, relate to a continuing right, yet the fact that, if the author is not living, the "widow, widower, or children" of the author are entitled to the additional term makes the provision of each statute in reference thereto strictly personal, and not really and truly a renewal or extension. Therefore, neither statute on its face provides really and truly an extension to the author, his assigns, executors, and administrators, but a new grant to the author or others enumerated as we have said.

In this connection we will observe that the complainant relies on the word "proprietor" appearing in what follows in the same section 24, namely: "*Provided, however, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section.*" This has reference, of course, to the provision about composite works in section 23 of the same act of March, 1909; yet by its own implication it clearly defeats the proposition of the complainant, because, if that were correct, this proviso would not be necessary in order to entitle a mere proprietor to the privilege of renewal and extension under any circumstances whatever. Indeed, whether the position of the complainant or the respondents be correct, the word "proprietor" comes in legitimately because, in connection with the renewal, the persons who control the right thereto, whether widow, widower, or the author himself, may, during the year prior to the expiration of the existing term nominated in section 24, assign the right to renewal, so that the then proprietor may make the new registration required, and take out the extension in his own name. Further, there is nothing in all these implications suggested by the complainant which, on any just rule of construction, can set aside the plain phraseology of the statute as to any particulars concerned therein. It is, therefore, at least clear that, by the express terms of the statutes, whether the one existing when this copyright was taken out or the one existing when the extension was applied for, no one except the author

or the members of his family or his executors could ordinarily apply for the extension; and this independently of any question for whose benefit the author or the other applicant might hold the copyright when acquired.

However, it is well to show that this is not merely a technical condition precedent, but lies at the bottom of a long-continued and purposely intended series of statutes. The first section of the original copyright act of May 31, 1790 (1 Stat., 124), provided that the original copyright might be taken out by a "citizen or citizens," "his or their executors, administrators, or assigns." In the same section, and as a part of the same subject matter, the statute gave, using exactly the same language, to "a citizen or citizens," "his or their executors, administrators, or assigns," a further term of 14 years. There was here no reference to members of the author's family, or to anyone who was not in the line of succession or in privity according to the rules of law, but only a repetition of exactly the same persons and successors to whom the first term was given. Therefore, without there being any specific authoritative construction given thereto by the Supreme Court, it was properly assumed that the further term of 14 years was strictly an extension or continuation of the original right, and flowed out of the same in accordance with the ordinary rules of law controlling the devolution of property; so that there was nothing to indicate, as a matter of public policy or otherwise, by the way of pointing out *eo nomine* any particular persons to whom the extensions should be granted, that a copyright might not be assigned alike for the original term and for all its extensions, improvements, and all other incidentals, precisely as an ordinary patent for an invention may be assigned. There was nothing to indicate any public policy to the contrary. This first appeared in sections 2 and 16 of the act of February 3, 1831 (4 Stat. 436, 439). Section 2 related to copyrights obtained after that statute went into effect. It broke up the continuity of title, and gave the right of renewal to the widow or child or children. This clearly recognized the fact that, unlike the view entertained early in England, a copyright is purely a matter of statutory grant, as has been settled ever since *Wheaton v. Peters*, 8 Pet., 591, decided in 1834, and recognized by at least several statutes by which Congress has arbitrarily granted copyrights to persons who had not entitled themselves thereto under any existing law. Here, then, was an entirely new policy, completely dis severing the title, breaking up the continuance in a proper sense of the word, whatever terms might be used, and vesting an absolutely new title, *eo nomine* in the persons designated.

Congress thus proceeded on the theory contained in the original statute of Anne, by virtue of which, at the expiration of the first copyright term, the sole right of printing or disposing of copies "returned to the authors thereof, if living." On the well-settled principles of the common law, and also on the well-settled principles applicable to

ordinary things, the right of publication having been returned to the original author ceased to exist, and was dissolved into its original elements, precisely as a right of way from Blackacre across Whiteacre ceases to exist when the same title in fee to each parcel vests in the same owner. Whatever might occur afterwards would be entirely a new grant, and, whatever the language used in section 2 of the act of 1831, such was the condition, and whatever further rights arose were disconnected from the original right. Section 2 referred to copyrights which first came into being after that statute went into effect, as we have said. Section 16 of the same act related to copyrights which had been secured prior to the act of 1831, and gave an extension of those copyrights. This did in truth assume to vest the new right in the widow, etc., if the author was not living, and cut out a mere proprietor by omitting his name. It was to this stage of the legislation of the United States that *Paige v. Banks*, 13 Wall., 608, related, the original copyright having been taken out in 1828. We will refer to this case again.

In every act since that of 1831 this method of vesting the right to an extension *eo nomine* has been persisted in. The purpose of these provisions is singularly illustrated by the fact that all the author's administrators are shut out; but his executors, whom he may appoint at his will, are let in. This continues in sections 23 and 24 of the present act of 1909. With this there accumulates a very considerable amount of foreign legislation to which it may be well to call attention in this connection. According to a note made by Mr. George T. Curtis in what is described by Judge Clifford as his very valuable work on copyright, at page 25, it seems to have been the policy of nearly all the civilized world to secure the extension of a copyright to the author or his family, including England, France, Holland, Belgium, and Prussia. There are at least sentimental reasons for believing that Congress may have intended that the author, who according to tradition receives but little for his work, and afterwards sees large profits made out of it by publishers, should later in life be brought into his kingdom. At any rate such seems to be the purpose of the legislation in the countries referred to by Mr. Curtis, and such was clearly the purpose in much of the earlier legislation in the colonies. It is true that, in the line of what was enacted by Congress in 1790, the Continental Congress, in May, 1783, recommended only that the various colonies should renew the copyright term first given to the author and his legal successors and assigns; but Connecticut in the same year provided, as did the statute of Anne, that at the end of the first term the right of publication should return to the author, and Maryland, Pennsylvania, Georgia, New York, and New Jersey did the same.

It can hardly be conceived that such statutory declarations do not indicate a deep-seated policy which not even the author can defeat. If what statutes we have cited left any question, it would seem to be removed by section 23 of the act of 1909. This defines the limited class

of proprietors who may secure the extended term, namely, where there is a composite work as already spoken of, or a corporation, or an employer for whom the work was made for hire. To strengthen the effect of this it appears in the body of this classification that even a corporation, when it is the assignee or licensee of an individual, is excluded. Of course, section 23 does not directly operate here, but it intensifies the interpretation which we have given to section 24 and other like statutory provisions preceding it. Consequently, except for *Paige v. Banks*, 7 Blatchf., 152, and 13 Wall., 608, we should be clearly of the opinion that the discussion we have made fully disposes of the case in favor of the respondents here, on the ground of a thoroughly established public policy, supported by sufficient reasons in that behalf. Nevertheless, we are bound to accept *Paige v. Banks*, to the effect that there was a certain class of cases to which our reasoning would not apply.

There the publishers secured the extension; and there was the peculiar fact that the author contracted to furnish them the manuscripts of his publications, which were judicial reports, with a provision that they should have the right thereof "to them and their assigns forever." Looking through the opinion in the Circuit Court, as well as that in the Supreme Court, it might be said that the effect was simply to estop the author as against the perpetual right of the publishers and nothing else; and it is also to be observed that in that case an extended copyright had in fact been taken out by the author, so that the author might have been said to have held the copyright in trust for the publishers.

In the present case the letter of the statute had not been complied with by any application for an extended copyright made by the author, or by any of those designated in connection with such application if he was not living. It may be that we would be justified in disposing of the present case on that distinction; but it would be so unsatisfactory a distinction as hardly to be worth acceptance by a court of law. If an application by the author was merely a condition precedent, it is plain to us that in some cases it might be a practical denial to the publisher of all right, because, during the short period given for securing the extension, it would be quite impracticable for him to enforce a trust and to establish a right thereto by litigation. Such a construction would apparently make the statute a practical failure as to accomplishing one of its intended purposes. If the statute intended the publisher to secure the benefit of the copyright, it undoubtedly would have so declared directly, instead of hinting at it indirectly through the author. Therefore such a suggestion does not seem to be a reasonable one.

While, of course, not much weight as to the construction of a statute can fairly be given to the report of a committee of one branch of Congress bringing in a bill which is afterwards enacted into the statute in question, yet, where we have such an apparent statutory policy as we have here, in the light of the explanations we have made, such a report clearly declaring that policy must attract decided attention. In this case the present statute of 1909 was accompanied in the House of Repre-

sentatives with a report, No. 2222, Sixtieth Congress, second session, which was very elaborate, and explained fully the provisions of the bill which accompanied it. It explained positively sections 23 and 24 which are in issue here, and which, as we have shown, practically reenact what had preceded them, beginning with the act of 1831. After referring generally to the wisdom of a renewal of the term of copyright, it said:

It not infrequently happens that the author sells his copyright outright to a publisher for a comparatively small sum. If the work proves to be a great success and lives beyond the term of 28 years, your committee felt that it should be the exclusive right of the author to take the renewal term, and the law should be framed as is the existing law, so that he could not be deprived of that right.

It again said:

Instead of confining the right of renewal to the author, if still living, or to the widow or children of the author, if he be dead, we provide that the author of such work, if still living, may apply for the renewal, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or, in the absence of a will, his next of kin. It was not the intention to permit the administrator to apply for the renewal, but to permit the author who had no wife or children to bequeath by will the right to apply for the renewal.

What is thus said about the administrator is directly in line with what we have already observed, and is a striking and positive illustration of the fact that the intention of the committee was to provide, as a matter of public policy, that the right of renewal should be personal, and that the author, or those named as the persons in whom he is most concerned, should not in any way be cut off from the benefit of the new monopoly. As to the section which directly touches this case, the report observed as follows:

Section 24 deals with the extension of copyrights subsisting when this act goes into effect, and has the same provision regarding those who may apply for the extension of the subsisting term to the full term, including renewal, as is found in the preceding section regarding renewals generally.

On examining *Paige v. Banks*, as reported in 13 Wall., it appears at page 609 that the contract on which the publisher relied was made in 1828, when the act of 1790 was in force, and when no rule of public policy such as we have explained existed or had been declared. The renewal, as appears on page 610, was under the act of February 3, 1831. It is true that the essential portion of the act of 1831 appears in the report of the case; and that act, as we have said, first exhibited the general rule of public policy now so plainly declared. Nevertheless, this fact was in no way commented on in the opinion of the court, and nothing in that opinion indicates that the court went beyond the state of the law in 1828 with reference to the question involved, except in saying, at the foot of page 614 of 13 Wall., that, on a fair and just inter-

pretation of the terms of the original agreement, to attempt to apply the act of 1831 would lay the basis of too narrow a construction. All through the opinion the court refers to the original agreement made in 1828, without any indication that the court undertook to consider deliberately whether or not the act of 1831 affected, or could affect, the rights of the parties as they were originally established. So far as this is concerned, for aught that appears the court may have accepted the proposition made by the publisher here to the effect that a copyright arising under one statute becomes a vested interest which subsequent statutes can not disturb. Certainly there is nothing in the decision in *Paige v. Banks* which justifies us in assuming that, as a result of that case, the decision would have been as it was if the original contract had been made after the act of 1831 came into force; and especially in the light of the accumulated evidence of a clearly intended public policy of the kind we have described, which existed when the questions arose with reference to the copyright here in question, we feel justified in giving full effect to the condition of the statutes as we now find them.

The decree of the Circuit Court is affirmed; and the appellees recover their costs of appeal.

[*White-Smith Music Publishing Co. v. Ira N. Goff et al.* Circuit court of appeals, first circuit, March 1, 1911. No. 909. Appeal from the circuit court of the United States for the district of Rhode Island. (187 Federal Reporter, pp. 247-253.)]

Addendum No. 4

COPYRIGHT PROCLAMATIONS

Contents

- (a) GENERAL COPYRIGHT RELATIONS:
Sweden, page 54.
- (b) PROCLAMATIONS UNDER SECTION 1 (c) OF THE ACT OF MARCH 4, 1909:
No. 1, Belgium, page 55.
No. 2, Germany, page 56.
No. 3, Luxemburg, page 58.
No. 4, Norway, page 59.

GENERAL COPYRIGHT RELATIONS

COPYRIGHT—SWEDEN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the benefits of said act, excepting certain of the benefits under section 1 (c) 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 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 also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas the King of Sweden has declared, under authority of law, that from and after June 1, 1911, citizens of the United States shall be entitled to all the benefits conferred by the copyright law of Sweden;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 of the act of March 4, 1909, will be fulfilled in respect to the subjects of Sweden on June 1, 1911, and that the subjects of Sweden from and after that date will be entitled to all of the benefits of the said act except those under section 1 (e) thereof controlling the mechanical reproduction of a copyrighted musical work.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-sixth day of May, in the year of our Lord one thousand nine hundred and eleven, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.]

WM. H. TAFT.

By the President:

P. C. KNOX,
Secretary of State.

PROCLAMATIONS UNDER SECTION 1 (e), ACT OF MARCH 4,
1909

No. 1.]

COPYRIGHT—BELGIUM

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright" (in effect on July 1, 1909), that the provisions of said 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 it is further provided that the copyright secured by the act 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 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 also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time, as the purposes of this act may require;"

And whereas satisfactory official assurance has been given that in Belgium the law permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in sections 1 (e) and 8 (b) of the act of March 4, 1909, now exists and is fulfilled and since July 1, 1909, has been fulfilled in respect to the subjects of Belgium, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act, including "*copyright controlling the parts of instruments serving to reproduce mechanically the musical work*," in the case of all musical compositions by Belgian composers which have been published since July 1, 1909, and have been duly registered for copyright in the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven,
[SEAL] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

No. 2.]

COPYRIGHT—GERMANY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the provisions of said act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work * * * 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 it is further provided that the copyright secured by the act 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 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 also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas satisfactory official assurance has been given that in Germany the law now permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 (b) of the act of March 4, 1909, now exists and is fulfilled in respect to the subjects of the German Empire, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred and ten, and
[SEAL] of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT.

By the President:

P. C. KNOX,
Secretary of State.

No. 3.]

COPYRIGHT—LUXEMBURG

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright" (in effect on July 1, 1909), that the provisions of said 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 it is further provided that the copyright secured by this act 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 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 also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas such proclamation was duly issued on June 29, 1910;

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

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in sections 1 (e) and 8 (b) of the act of March 4, 1909, now exists and is fulfilled and since June 29, 1910, has been fulfilled in respect to the subjects of Luxemburg, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act, including "*copyright controlling the parts of instruments serving to reproduce mechanically the musical work,*" in the case of all musical com-

positions by composers of Luxemburg which have been published since June 29, 1910, and have been duly registered for copyright in the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT.

By the President:

P. C. KNOX,
Secretary of State.

No. 4.]

COPYRIGHT—NORWAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909 (in effect on July 1, 1909), entitled "An act to amend and consolidate the acts respecting copyright," that the provisions of said 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 it is further provided that the copyright secured by the act 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 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 also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the

President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas the President of the United States did, by his proclamation dated April 9, 1910, declare and proclaim that subjects of Norway had been since July 1, 1909, entitled to all of the benefits of the said act, other than the benefits under section 1 (e) thereof, as to which the inquiry was still pending at the date of said proclamation;

And whereas satisfactory official assurance has been given that in Norway the law now grants, and has granted since September 9, 1910, to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909:

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 (b) of the act of March 4, 1909, now exists and is fulfilled in respect to the subjects of Norway, and that the subjects of that country are and have been since September 9, 1910, entitled to all the benefits of section 1 (e) of the said act.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven,
[SEAL.] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT.

By the President:

P. C. KNOX,

Secretary of State.

Addendum No. 5

FOURTH INTERNATIONAL AMERICAN CONFERENCE

CONVENTION ON LITERARY AND ARTISTIC COPYRIGHT. SIGNED AT *Fourth Pan-*
BUENOS AIRES, AUGUST 11, 1910 *American Copy-*
right Convention,
1910

[Ratification approved by the Senate on Feb. 15, 1911]

ARTICLE 1. The signatory States acknowledge and protect the rights of literary and artistic property in conformity with the stipulations of the present convention.

ART. 2. In the expression "Literary and artistic works" are included books, writings, pamphlets of all kinds, whatever may be the subject of which they treat and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings; photographic works; astronomical or geographical globes; plans, sketches or plastic works relating to geography, geology or topography, architecture or any other science; and, finally, all productions that can be published by any means of impression or reproduction.

ART. 3. The acknowledgment of a copyright obtained in one State, in conformity with its laws, shall produce its effects of full right in all the other States without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right.

ART. 4. The copyright of a literary or artistic work includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating, or authorizing its translation and reproducing it in any form whether wholly or in part.

ART. 5. The author of a protected work, except in case of proof to the contrary, shall be considered the person whose name or well-known nom de plume is indicated therein; consequently suit brought by such author or his representative against counterfeiters or violators shall be admitted by the courts of the signatory States.

ART. 6. The authors or their assigns, citizens or domiciled foreigners, shall enjoy in the signatory countries the rights that the respective laws accord, without those rights being allowed to exceed the term of protection granted in the country of origin.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications,

the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication, from the respective date of its publication.

ART. 7. The country of origin of a work will be deemed that of its first publication in America, and if it shall have appeared simultaneously in several of the signatory countries, that which fixes the shortest period of protection.

ART. 8. A work which was not originally copyrighted shall not be entitled to copyright in subsequent editions.

ART. 9. Authorized translations shall be protected in the same manner as original works.

Translators of works concerning which no right of guaranteed property exists, or the guaranteed copyright of which may have been extinguished, may obtain for their translations the rights of property set forth in Article 3rd, but they shall not prevent the publication of other translations of the same work.

ART. 10. Addresses or discourses delivered or read before deliberative assemblies, courts of justice, or at public meetings may be printed in the daily press without the necessity of any authorization, with due regard, however, to the provisions of the domestic legislation of each nation.

ART. 11. Literary, scientific, or artistic writings, whatever may be their subjects, published in newspapers or magazines in any one of the countries of the Union, shall not be reproduced in the other countries without the consent of the authors. With the exception of the works mentioned, any article in a newspaper may be reprinted by others if it has not been expressly prohibited, but in every case the source from which it is taken must be cited.

News and miscellaneous items published merely for general information do not enjoy protection under this convention.

ART. 12. The reproduction of extracts from literary or artistic publications for the purpose of instruction or chrestomathy does not confer any right of property, and may, therefore, be freely made in all the signatory countries.

ART. 13. The indirect appropriation of unauthorized parts of a literary or artistic work having no original character shall be deemed an illicit reproduction, in so far as affects civil liability.

The reproduction in any form of an entire work, or of the greater part thereof, accompanied by notes or commentaries under the pretext of literary criticism or amplification, or supplement to the original work, shall also be considered illicit.

ART. 14. Every publication infringing a copyright may be confiscated in the signatory countries in which the original work had the right to be legally protected, without prejudice to the indemnities or penalties which the counterfeiters may have incurred according to the laws of the country in which the fraud may have been committed.

ART. 15. Each of the Governments of the signatory countries shall retain the right to permit, inspect, or prohibit the circulation, representation, or exhibition of works or productions, concerning which the proper authority may have to exercise that right.

ART. 16. The present convention shall become operative between the signatory States which ratify it three months after they shall have communicated their ratification to the Argentine Government, and it shall remain in force among them until a year after the date, when it may be denounced. This denunciation shall be addressed to the Argentine Government and shall be without force except with respect to the country making it.

In witness whereof the plenipotentiaries have signed the present treaty and affixed thereto the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the eleventh day of August in the year one thousand nine hundred and ten, in Spanish, English, Portuguese, and French, and deposited in the ministry of foreign affairs of the Argentine Republic, in order that certified copies be made for transmission to each one of the signatory nations through the appropriate diplomatic channels. Signed for the United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul S. Reinsch, David Kinley.

[Here follow the signatures of the delegates of the other 19 contracting States: Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, Venezuela.]

[Printed in English, French, Portuguese, and Spanish, in the Report of the delegates of the United States to the Fourth International Conference of American States, held at Buenos Aires, July 12 to August 30, 1910. 8°. Washington, Government Printing Office, 1911. (61st Cong., 3rd sess., Senate document No. 744, pp. 128-137.)]

Addendum No. 6

(T. D. 31754.)

COPYRIGHT

LAW AND REGULATIONS GOVERNING THE IMPORTATION OF COPYRIGHTED ARTICLES

TREASURY DEPARTMENT, *July 17, 1911.*

COLLECTORS AND OTHER OFFICERS OF THE CUSTOMS:

The following sections of the copyright law approved March 4, 1909, effective July 1, 1909, together with the regulations made in pursuance thereof, are published for the information and guidance of customs officers and others concerned:

"SEC. 15. That of the printed book or periodical specified in section five, subsections (a) and (b) of this act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this act.

"SEC. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright therein in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

"SEC. 31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author

or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this act, shall be and is hereby, prohibited: *Provided, however,* That except as regards piratical copies, such prohibition shall not apply:

"(a) To works in raised characters for the use of the blind;

"(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

"(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

"(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

"First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

"Second. When imported by the authority or for the use of the United States;

"Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

"Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale:

"*Provided,* That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this act, and such unlawful use shall be deemed an infringement of copyright.

"SEC. 32. That any and all articles prohibited importation by this act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue

laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct:

“Provided, however, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

“SEC. 33. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this act, and which infringe the rights of such copyright proprietors or injured parties.

“SEC. 18. That the notice of copyright required by section nine of this act, shall consist either of the word ‘Copyright’ or the abbreviation ‘Copr.,’ accompanied by the name of the copyright proprietor; and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication.” In the case of copies of maps, works of art, models, or designs for works of art, reproductions of a work of art, drawings, or plastic works of a scientific or technical character, photographs, prints and pictorial illustrations, the notice may consist of the letter C inclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor:

Provided, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. Works in which copyright is subsisting when this act shall go into effect may be either in one of the forms prescribed herein or in one of those prescribed by the act of June 18, 1874.

The register of copyrights is required by this act to print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, which printed catalogues, as they are issued, will be distributed to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails.

REGULATIONS.

Under the copyright act the following articles are prohibited importation:

1. Piratical copies of any work copyrighted in the United States. By the term “piratical” is meant the printing, reprinting, publishing, copying, or reproducing without authority of the copyright proprie-

tor of any article legally copyrighted and on which the copyright is still in force.

2. Articles bearing a false notice of copyright when there is no existing copyright thereon in the United States.

3. Authorized foreign reprints of books by an American author copyrighted in the United States.

4. Authorized copies of any book copyrighted in the United States not produced in accordance with the manufacturing provisions of section 15 of the copyright act, except such as are exempted in the said section 15 and section 31 of the act.

All books on which there is an existing copyright in the United States are prohibited importation unless produced in accordance with the manufacturing provision of section 15, whether copyrighted under this act or previous acts. (Opinion of the Attorney General, T. D. 30136, Nov. 24, 1909.)

Copyrighted books produced in accordance with the manufacturing provisions of section 16 of the copyright act, when exported and rebound abroad may be admitted to entry on their return to the United States. (Opinion of the Attorney General, T. D. 30414.)

As copyrighted books are required to be printed and bound in the United States, evidence should be required on entry that such books were exported in a bound condition and not as loose sheets, and that the printing and binding were both performed within the limits of the United States.

Imported articles found to bear a false notice of copyright will be detained and forfeiture proceedings instituted as provided in Schedule 32.

If satisfactory evidence is not produced to the collector that such imported books were produced in accordance with the manufacturing provisions of section 15, or are exempt therefrom, the books will be seized and forfeiture proceedings instituted as provided in section 32.

Forfeiture proceedings instituted under the copyright act will be conducted in the same manner as in case of merchandise seized for violation of the customs laws, section 32, *supra*. (Arts. 1266 to 1269, Customs Regulations, 1908.)

Authorized editions of copyright books imported through the mails or otherwise in violation of the copyright act may, under customs supervision, be returned to the country of exportation whenever it is shown in a written application to the satisfaction of the Secretary of the Treasury that such importation was not due to willful negligence or fraud. (Sec. 32, *supra*.)

In any case in which a customs officer is in doubt as to whether an article is prohibited importation under the copyright act the articles should be detained and the facts reported to the department for instruction.

FRANKLIN MACVEAGH,
Secretary.

JOINT REGULATIONS Governing treatment of letters and packages received in the mails from foreign countries containing or supposed to contain articles prohibited importation by the copyright act of March 4, 1909.

The "joint regulations governing the treatment of dutiable and supposed dutiable articles received in the mails from foreign countries" are also applicable in the treatment of articles which contain or which are supposed to contain matter prohibited importation by the copyright act, except as hereinafter modified:

Unsealed correspondence and packages (registered and unregistered) of all kinds which upon examination prove to contain articles prohibited importation by the copyright act shall be retained by customs officers, who will notify the addressee of the facts of the case. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the customs officers shall take appropriate steps to forfeit the articles as provided in section 32 of the copyright act.

Sealed articles supposed to contain matter prohibited importation by the copyright act must be appropriately marked to indicate that fact at the exchange office of receipt. The same conditions shall apply in regard to the marking, opening, and disposition of such sealed articles by the addressee or authorized agent as are required in the case of the opening and treatment of sealed "Supposed liable to customs duty" pieces. If the customs officer finds an article contains matter prohibited importation by the copyright act, he shall notify the addressee of the facts through the postmaster at the office of delivery. If an application is not then made within a reasonable time to the Secretary of the Treasury for permission to return the article to the country of export, the customs officer shall take appropriate steps to forfeit the matter as provided in section 32 of the copyright act.

Receipt should be taken for articles submitted to customs officials as prohibited importation under the copyright law and proper record made on the Post Office records of the disposition of such articles as are not returned to be disposed of through the mails.

Notice of actual or contemplated illegal importations through the mails should be given to the Secretary of the Treasury or the Postmaster General. On receipt of such notices either by the Secretary of the Treasury or the Postmaster General instructions will be promptly issued.

FRANKLIN MACVEAGH,
Secretary of the Treasury.

FRANK H. HITCHCOCK,
Postmaster General.

["Treasury Decisions," vol. 21, No. 3, July 20, 1911, pp. 8-12.]

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