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ANNUAL REPORT OF THE  
REGISTER OF COPYRIGHTS  
FOR THE FISCAL YEAR ENDING JUNE 30, 1962



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# *The Copyright Office*

## *Report to the Librarian of Congress by the Register of Copyrights*

### *The Status of General Revision of the Copyright Law*

The year opened with publication of the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law*, which summarizes the present law, pinpoints the problems to be considered in revising the statute, analyzes alternative solutions, and presents specific recommendations. The purpose of the *Report* was to furnish a tangible core around which opinions and conclusions could crystallize—to achieve the widest possible agreement on basic principles before proceeding to draft a revised copyright law.

The *Report* attempted to strike a balance between the conflicting interests of the various private groups concerned and, at the same time, to safeguard the public interest. I did not expect that any one group would agree with all of the recommendations, or that any one major recommendation would be acceptable to all. Practically every point at issue has more than one side, and the need to seek compromises and adjustments was clear from the beginning. I had hoped that, despite their many differences, the interested groups would support the proposed revision program as a whole, recognizing it as a significant improvement over the present law.

During the past year the Copyright Office collected and analyzed a very large

number of comments on the *Report's* proposals. Some of the comments were sent directly to the Office, others were published in scholarly journals, and still others were made at various bar association meetings, including a 2-day symposium held at New York University on December 1 and 2, 1961. All-day meetings of the general revision panel were held on September 14, 1961, November 10, 1961, January 24, 1962, and March 15, 1962, at which practically all of the recommendations contained in the *Report* were discussed.

In many respects the response to the *Report* has been heartening. Upon analysis, a number of the arguments presented, including some that run counter to the recommendations made in the *Report*, have proved to possess impressive strength and cogency; these deserve and will receive serious consideration in the further evolution of our proposals. There has also been, among many of those who have commented on our proposals, a realization that no one interested group can have everything its way, that each must give as well as take, and that the public interest deserves paramount consideration. This fair-minded, public-spirited attitude has encouraged us a good deal.

There are some, however, who still tend to argue every question solely from the standpoint of a particular private interest. Perhaps they do so with the thought that their interests will fare better, in the proc-

ess of working out compromises, if they start from an extreme bargaining position. The danger here is that their attitude will create the same climate of dissension that frustrated revision in the past.

There were some who thought, at the outset of the program, that a comprehensive revision of the copyright law would involve so much controversy and conflict that the effort was not worth undertaking. They felt that, because at least one private interest group would object to almost any recommendation that could be made, their combined objections would inevitably doom the bill. I did not share this view, nor do I share it now. The need for general revision is so pressing, and the benefits to be gained from it are so important, that its achievement would be worth almost any amount of effort at achieving the necessary compromises. The key to general revision, it seems to me, lies in the willingness of the interested groups and organizations to work together toward a bill which, though not giving any one of them everything it wants, will ultimately benefit them all.

### *The Year's Copyright Business*

Copyright registrations reached a milestone in fiscal 1962, passing the quarter-million mark for the first time in history. The number of completed registrations rose from the previous high of 247,014 to 254,776, an increase of 7,762 or slightly more than 3 percent. The tables appearing at the end of this report give detailed figures.

The largest gain was in books, but there also were substantial increases in unpublished music, periodicals, and some of the "art" classes. The 6 percent increase in renewals reverses the declines of recent years and reflects a corresponding increase in the number of original registrations made 28 years ago. The 22 percent decrease in motion picture registrations probably represents a return to normal after last year's 35 percent increase. However, the 5 percent decrease in commercial prints and labels marks the continuation of a striking trend; registrations in this class

have declined 15 percent from the average of the preceding 5 years, and 46 percent from the high point reached in 1950. The number of assignments recorded remained about the same, but there was an increase of more than 25 percent in the number of titles contained in the recorded documents. The number of notices of use rose by 11 percent, although there was an increase of only 5 percent in the titles listed in them.

More than 86 percent of the applications received in fiscal 1962 were registered without correspondence; of the remainder, 2.35 percent were rejected and 11.28 percent required correspondence before registration could be completed. Fees earned for registrations and related services amounted to \$1,043,587.75, an increase of \$33,908.71 over the previous year.

The Cataloging Division produced more than 1.2 million catalog cards covering current and renewal registrations and notices of use. Of these, 530,000 were added to the Copyright Card Catalog; 195,900 were sent to subscribers of the Cooperative Card Services; 54,500 were forwarded to divisions of the Library that process or have custody of music, maps, and motion pictures; and the remainder were used to produce copy for the semiannual issues of the eight parts of the *Catalog of Copyright Entries*.

The Reference Search Section received 9,594 search requests, resulting in 10,236 searches involving 65,885 titles. Although the number of inquiries declined by 3 percent, the number of searches increased by 4 percent over the previous year, and the number of titles searched rose by 32 percent. This significant increase in the number of titles reported was primarily the result of the growth in the number of bibliographic search reports made for authors whose works were first published as contributions to periodicals. Fees for search services again reached an all-time high, totaling more than \$22,000.

### *Official Publications*

Publication of the January-June 1961 issues of the *Catalog of Copyright Entries* marked the completion of 70 years of con-

tinuous publication of this bibliography of all works registered for copyright in the United States, including those renewed for a second term. Well over 10 million works have been registered and listed in the *Catalog* in that time.

The 17th volume of *Decisions of the United States Courts Involving Copyright*, covering the period 1959-60, was issued as Bulletin 32 in October 1961. Bulletins 19, 20, 21, 22, and 26 were reprinted during the year, and four other bulletins of decisions now in short supply are in the process of being reprinted.

Although issued as a Committee Print by the Subcommittee on Patents, Trademarks, and Copyrights of the House Committee on the Judiciary, and thus not technically an official publication of the Copyright Office, the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law* was nevertheless a landmark in the history of the Office. Between the time of its first publication in July 1961 and the end of the fiscal year 1962, more than 12,000 copies of the *Report* had been distributed.

### *Copyright Contributions to the Library of Congress*

Of the 410,669 articles deposited for copyright registration during the year, 226,648 were transferred to the Library for its collections or for disposal through its Exchange and Gift Division. This figure, which represents a very slight increase over that for 1961, is exclusive of bulk transfers of various classes of articles deposited in earlier years. The deposited articles include most of the books, periodicals, music, and maps issued by publishers during fiscal 1962.

In response to its efforts to obtain compliance with the deposit and registration requirements of the copyright law, the Office secured registrations for 11,260 works. The copies deposited as the result of compliance activities were valued at nearly \$200,000, and the fees amounted to more than \$48,000. A total of 247 requests for compliance action from 21 di-

visions of the Library resulted in 639 registrations and 64 gift copies.

### *Administrative Developments*

Important organizational changes took place in three of the four operating divisions of the Office. Last year's report mentioned the reorganization of the Service Division, which was successfully completed in fiscal 1962. Closely related to this realignment in organizational structure was the cyclical review of position descriptions in the Service Division; of the 44 positions in the division, 39 were reviewed and 31 were rewritten to reflect changes brought about by the reorganization. The flexibility of manpower resulting from these changes has made it possible to increase efficiency by shifting personnel to meet peak workloads.

Classification and organizational changes were also linked in the Cataloging Division. Intensive work throughout the year resulted in: (1) the transfer from the Music Section to the Cumulative Section of card-preparation functions for music registrations, together with the staff performing the work; (2) the conversion of the Miscellaneous Section with its unit structure into two sections, the Book Section and the Arts Section; (3) the certification of new position descriptions covering nearly all positions in the Arts, Book, and Music Sections; and (4) the beginning of a classification survey of the Editing and Publishing Section. The shifts involved in the reorganization have some clear administrative advantages which will be realized in time.

The classification survey begun in January 1962 promises to be a turning point in the organization and development of the Examining Division. In the process of self-analysis connected with this review, the division discovered a number of areas in which its operations and techniques could be improved, or in which changes already underway could be accelerated. Principal stress was placed on delegating authority for final action as far down as possible and on gaining the widest pos-

sible participation in decision-making; this in turn involved thoroughly realigning final responsibilities for correspondence, increasing the professional character of the examining operation, and transferring final responsibility for a number of important but essentially clerical tasks from the examiners to the correspondence clerks. The outcome of the classification survey in the Examining Division was being awaited at the end of the fiscal year.

Major emphasis throughout the Office was placed on in-service training and staff development at the professional, administrative, and clerical levels. A full-scale course in copyright law, conducted by the Chief and Assistant Chief of the Examining Division along the lines of a law school seminar, was successfully completed, and a new course begun, within the year. Staff members also participated in a series of Middle Management Seminars on supervisory techniques, a program offered by the Government Printing Office on editorial planning for printing production, various series of training sessions on secretarial skills, use of electric typewriters, and preparation of materials to be duplicated, and a refresher course in shorthand and transcription. The Deputy Register attended the 1-week Executive Leadership Institute presented by the Civil Service Commission for top-level executives, and the Chief of the Examining Division participated in the 2-week Brookings Institution Conference for Federal Executives held at Williamsburg, Va., in January 1962.

All four operating divisions of the Office participated in the preparation and presentation of a full-day copyright seminar for music publishers. The seminar, which was held at the Library on November 17, 1961, was attended by a group of 21 representatives of music publishers from New York and Tennessee. Mutual problems, especially those relating to the registration of copyright claims, were explored, and there was a broad interchange of ideas and opinions.

In addition to the organizational changes in the Cataloging Division, there were

several significant developments in the preparation and maintenance of the card catalog. In December 1961, the Examining Division inaugurated a new method of preparing the index cards for recorded assignments and related documents which eliminates needless duplication and expedites the filing of the cards. The title cards for periodical registrations made between 1946 and 1960, which were originally 4" x 6" in size, were reduced in scale to standard 3" x 5" size. The Cataloging Division prepared a comprehensive guide to the card files of the Office, with detailed analyses and descriptions of the many segments and their characteristics. Substantial progress was also made toward a complete revision of the cataloging rules, and investigations into the feasibility of using electronic data processing in the Copyright Office were undertaken during the year.

The problems arising from the related manufacturing and importation provisions of the copyright law were more numerous and varied than they have been in recent years. Considerable public attention was attracted to the importation, in increasing quantities, of unauthorized copies of works copyrighted in the United States. These "piratical editions" usually consist of technical books and textbooks printed in Formosa and purchased as individual copies by college students directly from Formosa or from intermediate sellers in Hong Kong. The Bureau of Customs, in response to complaints by authors and publishers, decided in 1962 to detain all shipments of English-language books coming from Formosa or Hong Kong and to exclude from entry, under the manufacturing provisions of the copyright law, all such works by American authors. The Office has worked in close cooperation with attorneys at the Bureau of Customs in the establishment and implementation of this program. The Office also felt the impact of technological improvements in book manufacturing techniques, which have posed new questions of registrability under the manufacturing clause.

## Legal Developments

### GENERAL REVISION OF THE LAW

Despite the difficulties encountered during the past year in achieving enough agreement on basic principles to permit a start on drafting a bill for general revision of the copyright law, the Office has not been marking time since the publication of the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law*. Much time and effort at the beginning of the year was devoted to issuing, distributing, and publicizing the *Report*. Members of the staff have prepared and edited a number of articles, delivered many speeches, and participated in numerous discussions on the *Report* and the program for general revision. Most important is the work that has been done in analyzing the detailed comments on the recommendations in the *Report* and in attempting to seek solutions to the conflicts in interest, differences of opinion, and questions of interpretation revealed in these comments.

It is particularly gratifying to note that, in an increasing number of cases, not only the revision studies but also the *Report* itself are being cited as leading authorities in the interpretation of the copyright law.

### LEGISLATION

Fiscal 1962 was an unusually active year in the field of copyright legislation. The pending bill for the protection of ornamental designs of useful articles (S. 1884, H.R. 6776, H.R. 6777, 87th Cong., 1st Sess.) made substantial progress toward enactment. Last year's annual report pointed out that the new bill had reconciled differences between earlier design measures. The success of this reconciliation was demonstrated at the hearings on S. 1884 held August 15-17, 1961, with Senator Philip A. Hart presiding, when not a single witness appeared in opposition to the bill. Following the hearings the Office participated in working out further amendments in the language of the bill, almost all of which were technical in na-

ture. Shortly after the close of the fiscal year, on July 12, 1962, the bill as amended was reported favorably by the Senate Committee on the Judiciary, with a statement of individual views by Senator Estes Kefauver, and was passed by the Senate on July 23, 1962.

Legislative action anticipating and significantly linked to general revision of the copyright law was provided by a measure intended to keep copyrights from expiring during the next few years. The Register's *Report* recommended that in the general revision the present term of renewal copyrights be lengthened by 20 years, with subsisting copyrights also being given the benefit of this extension. On February 15, 1962, Representative Emanuel Celler introduced H.J. Res. 627, a joint resolution to extend until December 31, 1967, the renewal term of copyrights that would otherwise expire before that date. Senator Kefauver introduced a somewhat similar resolution (S.J. Res. 178) on April 3, 1962, and an identical one (S.J. Res. 182) on May 2, 1962.

Hearings on H. J. Res. 627 were held on May 3, 1962, before the Subcommittee on Patents, Trademarks, and Copyrights of the House Judiciary Committee, with the Chairman, of the Subcommittee, Representative Edwin E. Willis presiding. The Register testified that, although he favored the principle of extending the length of copyright protection if the author or his heirs were assured of receiving some of the benefits of the extended term, he did not consider H. J. Res. 627 in its present form satisfactory because so long an extension would be likely to delay general revision, and because the measure did not assure that the author or his heirs would be benefited. The resolution was reported favorably by the House Judiciary Committee on May 28 with an amendment changing the terminal date of the extension from December 31, 1967, to December 31, 1965. As so amended, it was passed by the House on June 18, 1962, favorably reported by the Senate Judiciary Committee on August 20, 1962, and passed the Senate on

September 7, 1962. The President signed the measure on September 19, 1962, and it became Public Law 87-668, 87th Cong., 2d Sess. Both House and Senate Committee reports noted that this stop-gap measure was in no way determinative of the question of ownership of any extended term in the general revision of the copyright law.

H.R. 6354, introduced by Representative Celler on April 17, 1961, and S. 2341, an identical bill introduced by Senator J. W. Fulbright on July 31, 1961, would have provided: (1) criminal penalties for trafficking in phonograph records bearing counterfeit labels, (2) similar penalties when the records themselves were unauthorized reproductions, and (3) additions to the present civil remedies available to the copyright owner for the unauthorized recording of music. A hearing on H.R. 6354 was held on May 10 before the Patent, Trademark, and Copyright Subcommittee of the House Judiciary Committee, with Subcommittee Chairman Willis presiding. In the light of testimony at the hearing, including that of the Register of Copyrights, Representative Celler introduced a new bill, H.R. 11793, on May 17, 1962. This bill, which contained only the first of the three provisions mentioned above, was reported favorably on June 5 and was passed by the House on June 18. The Senate Committee on the Judiciary, in approving the bill on September 25, 1962, reduced the proposed penalties of \$10,000 and 10 years in jail to \$1,000 and 1 year. The Senate passed the modified bill on September 27, 1962, and the House agreed to the amendments on the day following. The President signed the measure on October 9, 1962, and it became Public Law 87-773, 87th Congress, 2d Session.

On January 25, 1962, Representative Harris B. McDowell, Jr., introduced H. R. 9906, a bill providing that "all writings, including music, now or hereafter in the public domain" were to become the property of the United States "as copyright owner." This property right was to be used "for the benefit of the public, and to

advance the creation and understanding of, and education in, fine arts." Royalties under the bill were to be collected by the United States through a National Arts Agency which was to be set up under the terms of the proposal. No action on this bill, which in effect would have created a *domaine public payant* (or more specifically, a *domaine d'état*) in the United States, was taken during the session.

Identical bills, H.R. 9524 introduced by Representative John V. Lindsay on January 10, 1962, H.R. 10170 introduced by Representative Robert N. Giaimo on February 8, 1962, and S. 3383, introduced by Senator Hubert Humphrey on June 7, 1962, would amend the Internal Revenue Code to place authors in the same position as inventors regarding the capital gains treatment of income from the sale of rights in their works. No action was taken on these bills.

On September 5, 1961, Representative Oren Harris introduced H.R. 9045, a bill which included provisions that would, as a matter of grace, divest vested enemy copyrights and empower the Attorney General to transfer title to the Library of Congress of all motion picture prints in its custody as a result of a prior vesting or transfer from the Alien Property Custodian or the Attorney General. This bill passed the House on August 13, 1962. A few weeks later when the Senate was considering H.R. 7283, a bill which would amend the War Claims Act of 1948, an amendment was added to this bill which in effect included the same substantive provisions of H.R. 9045 with respect to the divestment of copyrights. The net result of this action was that the provisions relating to the divestment of copyrights were enacted as a part of H.R. 7283 (instead of H.R. 9045) and became Public Law 87-846, approved October 22, 1962. H.R. 9045, from which the copyright divestment provisions had been excised, but which included the provisions with respect to the motion picture prints in the Library, was enacted as Public Law 87-861, approved October 23, 1962.

No action was taken during fiscal 1962 on the pending bill H.R. 70, to repeal the jukebox exemption. Shortly after the close of the year, however, a bill embodying a new approach to the jukebox problem was introduced as H.R. 12450 by Representative Celler. This is characterized as "a bill to provide for the payment of royalties by jukebox operators to the owners of performing rights in copyrighted music and for the fair and orderly determination of such royalties and for other purposes." It proposes, among other things, to establish an "Office of Performing Rights Trustees," comprising three trustees to be appointed by the Attorney General, to determine the amount and supervise the collection and distribution of royalties.

Other bills having copyright implications included H.R. 10038 (introduced by Representative Lindsay on February 1, 1962) and S. 2784 (introduced by Senator Jacob K. Javits on February 2, 1962), identical measures intended to establish a federal statutory right of action against unfair competition, and H.R. 9198 (introduced by Representative Celler on September 13, 1961), "a bill requiring announcement of the fact that music broadcast in connection with certain programs was recorded or otherwise reproduced in a foreign country." Also worth noting were the extensive hearings on economic conditions in the performing arts held before the Select Subcommittee on Education of the House Committee on Education and Labor, which included testimony bearing on the question of legal protection of performing artists.

#### COPYRIGHT CASES

**The Rickover Case.**—The copyright case of the year was again *Public Affairs Associates, Inc. v. Rickover*. Because of the growing importance of the term "publication of the United States Government," as used in the copyright law, and the absence of an authoritative interpretation of the meaning of this term, the Copyright Office had been hopeful that the Supreme Court

would settle the issue in the *Rickover* case. In its decision handed down on March 5, 1962, 369 U.S. 111, however, the Court found that the record in the lower court did not furnish a sufficient basis on which to render a declaratory judgment upon the adequacy of the copyrights claimed by Admiral Rickover. Although four separate opinions were filed, all of the Justices agreed that the record, consisting largely of an Agreed Statement of Facts, was inadequate to dispose of the case.

The majority, in a *per curiam* opinion, called for "an adequate and full-bodied record," clearly defining the scope of the Admiral's duties and the use by him of Government facilities and personnel, and exploring relevant administrative practice. The opinion also took note of the vital public interests involved, and of the failure of the Government to accept the invitation to appear as *amicus curiae*. Mr. Justice Douglas concurred with the majority, but emphasized his general view that the Court's decisions relating to declaratory judgments had been too restrictive. The Chief Justice, joined by Mr. Justice Whittaker, dissented on the ground that the record was adequate for purposes of determining that the speeches distributed without a copyright notice were in the public domain, and that the case should be remanded only as to those speeches that bore a copyright notice. Mr. Justice Harlan dissented for the opposite reason; he considered the record adequate on the "government publication" issue, but would have remanded on the question of whether or not "publication" had taken place.

Following remand of the *Rickover* case to the District Court, the plaintiff (Public Affairs Associates, Inc.) moved to amend its complaint (Civil Action No. 116-59) by joining, as parties defendant, the Register of Copyrights and the Librarian of Congress, together with other Government officials (the Secretaries of Defense and of the Navy, and the Atomic Energy Commissioners) who are charged with supervision of the activities of the principal defendant, Admiral Rickover. As the fiscal

year ended members of the legal staff were assisting in preparations for the defense of this case, which is unique in the history of the Copyright Office. Although a number of actions have been brought in the past to compel a registration after rejection by the Office, this is the first time the Register has been sued because of a registration that was made.

**Designs and Works of Art.**—As in most recent years, a number of decisions during fiscal 1962 dealt with copyright protection of various sorts of designs and works of applied and fine art. Copyrightability of a small ornamental ring box was upheld in *Dan Kasoff, Inc. v. Gresco Jewelry Co.*, 204 F. Supp. 694 (S.D.N.Y. 1962), and plastic molded toy coin banks in the shape of dogs were held copyrightable in *Royalty Designs, Inc. v. Thrifticheck Service Corp.*, 204 F. Supp. 702 (S.D.N.Y. 1962). Textile fabric designs were held to be original works subject to copyright protection in *Peter Pan Fabrics, Inc. v. Puritan Dress Co., Inc.*, 133 U.S.P.Q. 678 (S.D.N.Y. 1962) and *Loomskill, Inc. v. Puritan Dress Co.*, 134 U.S.P.Q. 20 (S.D.N.Y. 1962); in the latter case the court stated specifically that “the term ‘work of art’ used in the Sec. 5(h) of the Copyright Act . . . includes an ‘applied design.’”

In *Eagle-Freedman-Roedelheim Co. v. Allison Mfg. Co.*, 204 F. Supp. 679 (E.D. Pa. 1962), the works in question consisted of silk screen reproductions of portraits of Bach, Beethoven, and Brahms, printed on sweatshirts; the court held the reproductions sufficiently original to be copyrightable. The work involved in *Doran v. Sunset House Distributing Corp.*, 197 F. Supp. 940 (S.D. Cal. 1961), *aff’d*, 304 Fed. 2d 251 (9th Cir. 1962), was a Santa Claus figure consisting of a large red plastic bag cut to define the arms, legs, and torso, a smaller bag with a printed face and hood, and a tunic; the figure was intended to be stuffed with newspapers and held upright by insertion of a stick. The lower court held that the work was copyrightable, finding originality “in the form—three-dimensional—and the medium—plastic—which plaintiffs have used to ex-

press the idea of Santa Claus.” It also held that, since plaintiff’s copyright covers “an artistic figure, an item of decoration,” the possibility that it might be used as a garment does not invalidate protection. The Ninth Circuit Court of Appeals affirmed the decision.

The Second Circuit upheld copyrightability of a toy doll head in *Ideal Toy Corp. v. Sayco Doll Corp.*, 302 F. 2d 623 (2d Cir. 1962). The decision is noteworthy for a vigorous dissent by Judge Clark, who warned of the dangers of allowing a plaintiff to “secure a monopoly held unavailing under the patent laws by the mere device of a change of label by seeking copyright protection under another arm of the federal government.”

The problems of copyright in artificial flowers, which have been facing the Copyright Office and the Bureau of Customs for the past two years, finally reached the courts in fiscal 1962. In *Norwood Imports v. United States*, 132 U.S.P.A. 216 (Cust. Ct., 2d Div. 1961), the Customs Court upheld the collector of customs in excluding as “piratical copies” certain artificial geraniums which were “substantial reproductions” of “legally copyrighted works.” *Prestige Floral, S.A. v. California Artificial Flower Co.*, 201 F. Supp. 287 (S.D.N.Y. 1962), the first case dealing directly with the copyrightability of artificial flowers, held that “though a flower, like a dog, is a creation of nature, a likeness of it may be copyrighted,” and that “since plaintiff’s lilac reflects originality and a substantial degree of skill and independent judgment, it is a proper subject for copyright.” In reaching this decision the court relied in part on the “recent comprehensive report of the Register of Copyrights,” which it characterized as “the culmination of a program of scholarly studies by the Copyright Office.” In two other artificial flower cases, *Prestige Floral, S.A. v. Zunino-Altman, Inc.*, 203 F. Supp. 649 (S.D.N.Y. 1962), *aff’d per curiam*, 301 F. 2d 286 (2d Cir. 1962), and *Rico, Ltd. v. Hub Floral Mfg. Co.*, 206 F. Supp. 192 (S.D.N.Y. 1962), the court denied preliminary injunctions on the ground that the similarities between the

works might be the result of their both being reproductions of living flowers.

**Copyrightable Matter.**—In addition to the design cases discussed above, several decisions dealt with the nature of copyrightable matter and the amount of “new matter” necessary to support copyright in a revised version. In *Gelles-Widmer Co. v. Milton Bradley Co.*, 132 U.S.P.Q. 30 (N.D. Ill. 1961), the court upheld the copyrightability of educational flash card sets, “including the explanations, instructions and progress testing sheets,” on the ground that they “contain material wholly original with plaintiff in expression, style, arrangement, sequence and plan of compilation.” Similarly, the court in *B & B Auto Supply, Inc. v. Plesser*, 205 F. Supp. 36 (S.D.N.Y. 1962), held that plaintiff’s trade catalog, the product of gathering, assembling, synthesizing, and condensing data and of preparing original descriptions and wood engravings of automotive supplies, was original and copyrightable.

In *Consolidated Music Publishers, Inc. v. Ashley Publications, Inc.*, 197 F. Supp. 17 (S.D.N.Y. 1961), it was held that the fingering, dynamic marks, tempo indications, slurs, and phrasing that plaintiff contributed to its compilation of public domain musical compositions was sufficient creative material to make the work copyrightable.

In contrast, the court in *Surgical Supply Service, Inc. v. Adler*, 133 U.S.P.Q. 510 (E.D. Pa. 1962), held that price lists of surgical supplies lacked the legal minimum of originality necessary for copyright protection; the decision seems to suggest that protection under the copyright laws requires “genius and industry” or “some literary or artistic merit.” A case involving unauthorized quotation from a consumers’ magazine held that, since each of the excerpts in question “was a bald statement of fact which could hardly have been stated in any different fashion,” and since “these expressions are quite pedestrian with no independent creative stature,” they are uncopyrightable. *Consumers Union of United States, Inc. v. Hobart Mfg. Co.*, 199 F. Supp. 860. (S.D.N.Y. 1961).

In *Carter v. Hawaii Transportation Co.*, 201 F. Supp. 301 (D. Hawaii 1961), an outline map of the island of Hawaii, with words indicating areas, names of cities, and names of hotels, and describing the activities and points of interest, was held to lack the originality required to support a valid copyright. The court also stated that, even though plaintiff may have originated the names of certain places on the island, this factor did not render the work copyrightable.

**Copyright and Unfair Competition.**—Three cases during fiscal 1962 served to illustrate the recent trend of the courts to protect, on broad theories of unfair competition, material in the general field protected by the copyright law. In the “Santa Claus” case mentioned above (*Doran v. Sunset House Distributing Corp.*, 197 F. Supp. 940 (S.D. Cal. 1961), *aff’d*, 304 F. 2d 251 (9th Cir. 1962)), the court held that plaintiff could recover under the copyright statute and under the California unfair competition statute for the same act—imitating plaintiff’s product and “manufacturing and distributing an almost exact replica thereof.” *Addison-Wesley Publishing Co. v. Brown*, 133 U.S.P.Q. 647 (E.D.N.Y. 1962), was an action for copyright infringement and unfair competition involving the unauthorized publication of solutions to problems contained in plaintiff’s copyrighted physics textbooks. Without even discussing the copyright question, the court granted a preliminary injunction on the unfair competition ground, stating that “the trend of the law today is to enforce higher standards of fairness and morality in trade.”

As noted above, the court in *Surgical Supply Service, Inc. v. Adler*, 133 U.S.P.Q. 510 (E.D. Pa. 1962), held the plaintiff’s price lists uncopyrightable as lacking in originality. In a very surprising decision, however, the court held that copying of the lists constituted unfair competition, stating: “Unfair competition exists separately and apart from any rights which the owner of a copyright possesses, and the copyright law is but a part of the broad field of action of unfair competition.”

**Copyright Notice.**—As usual, there were a number of cases during the year dealing with the copyright notice, and most of them continued the trend toward liberal construction of the notice requirements. In the "Santa Claus" case, *Doran v. Sunset House Distributing Corp.*, 197 F. Supp. 940 (S.D. Cal. 1961), *aff'd*, 304 F. 2d 251 (9th Cir. 1962), the notice was held effective even though it contained a somewhat inaccurate reference to the plaintiff's trade name, and appeared on only one of the three component parts of the work. In *B & B Auto Supply, Inc. v. Plessner*, 205 F. Supp. 36 (S.D.N.Y. 1962), the court held that publication of copies of plaintiff's catalog with notices containing the names of two other firms did not result in loss of the copyright, since those companies were the alter ego of the plaintiff, having the same officers, directors, and shareholders. Notices on the stem and the underside of a leaf of an artificial flower were held valid in *Prestige Floral, S.A. v. California Artificial Flower Co.*, 201 F. Supp. 287 (S.D. N.Y. 1962), even though the leaf notice was somewhat difficult to read and the stem notice might be considered postdated. In *Royalty Designs, Inc. v. Thrifticheck Service Corp.*, 204 F. Supp. 702 (S.D.N.Y. 1962), a copyright notice on a removable disc which fits securely into a hole on the bottom of a toy bank was upheld since the disc is an essential part of the bank.

On the other hand, the notice provisions were construed quite strictly in at least two cases during the year. In *Moger v. WHDH, Inc.*, 194 F. Supp. 605 (D. Mass. 1961), the court held that the notice on a newspaper cartoon consisting only of the symbol © and the year date was invalid, even though the name of the copyright claimant appeared in the title; copyright in the newspaper as a whole was held insufficient to cover the contributions. Similarly, a notice containing three names was held invalid in *Klasmer v. Baltimore Football, Inc.*, 200 F. Supp. 255 (D. Md. 1961), since one of the claimants named had no interest in the work at the time of publication.

**Publication.**—In addition to the *Rickover* case, discussed above, there were some interesting decisions concerning the acts necessary to constitute a "publication" that would throw a work into the public domain. Probably the most significant was *Brandon Films, Inc. v. Arjay Enterprises, Inc.*, 133 U.S.P.Q. 165 (N.Y. Sup. Ct., N.Y. County 1962), which held that, even though two films had been frequently exhibited to the public over a period of more than 35 years, they had not been "published" in the copyright sense, and were thus entitled to common law protection. Another important publication case was *S. C. Johnson & Son, Inc. v. Drop Dead Co.*, 201 F. Supp. 442 (S.D. Cal. 1961), holding that copyright in the label for the product "Pledge" was not lost by distribution to grocers of advertising placards which contained a picture of the can, but which did not bear a copyright notice.

**Infringement.**—Several infringement cases during the year dealt with the scope of protection under a copyright. A particularly important one was *Famous Music Corp. v. Seeco Records, Inc.*, 201 F. Supp. 560 (S.D.N.Y. 1961), dealing with mechanical recording rights in music. The court held that: (1) the basis for computing royalties, under the compulsory licensing provision, is the number of records manufactured rather than the number sold, and (2) although the U.S. copyright law has no extra-territorial effect, the production of tapes for manufacture of records abroad makes the defendant liable for infringement. In *Wihl v. Crow*, 199 F. Supp. 682 (S.D. Iowa 1961), another precedent-setting decision, defendant made a new arrangement of a copyrighted hymn and duplicated 48 copies of it for use by the church and school choirs of which he was the leader. The court held that this was a "fair use" and hence not an infringement, since the new arrangement was employed only for "testing and experimentation."

A so-called "inverse ratio" rule, under which it was argued that the stronger the evidence of access the less proof of similarity would be required, was emphatically rejected in *Arc Music Corp. v. Lee*, 296 F.

2d 186 (2d Cir. 1961). Judge Clark, speaking for the court, pointed out that copying may be inferred from "proof of access coupled with a showing of similarity," but that the strength of the former could not supply the lack of the latter.

Questions of liability were dealt with in *Baxter v. Curtis Industries, Inc.*, 201 F. Supp. 100 (N.D. Ohio 1962), and *Industrial Sewing Machine & Supply Corp. v. Hoffman*, 131 U.S.P.Q. 162 (N.D. Ga. 1961). The *Baxter* case holds that the three-year statute of limitations provided in 17 U.S.C. § 115(b) runs, in the case of continuing infringement, from the date of the last infringing act rather than from the date of the initial infringement. In the *Industrial Sewing Machine* case the court granted a motion to join as defendant the printer of an infringing catalog, even though he was apparently innocent of any willful intent.

The difficult problem of apportionment of profits in an infringement action was considered in *Orgel v. Clark Boardman Co.*, 301 F. 2d 119 (2d Cir. 1962). The Court of Appeals held that, even where defendant fails to show with any certainty the portion of sales attributable to the infringed part of the work, an apportionment should be made where the evidence shows a rational basis for division. Here only 35 percent of the two books coincided in subject matter, but the court allowed an award of 50 percent of the defendant's profits because the plagiarized material was the most important aspect of the book's contents. The award of attorney's fees was also reduced because of the lower court's failure, in figuring the amount of time spent in preparing the case, to take account of counsel's unfamiliarity with the field. On June 13, 1962, the plaintiff petitioned the Supreme Court for a writ of certiorari (Docket No. 1039).

**Performers' Rights.**—Two decisions during the year involved rights in the interpretations or renditions of performing artists, an issue also involved in the Neighboring Rights Convention discussed below. The defendant in *Lahr v. Adell Chemical Co.*, 300 F. 2d 256 (1st Cir. 1962), had

employed, in its television commercials for "Lestail," animated cartoons of a duck with a voice that closely simulated the speech mannerisms of Bert Lahr, the noted comic. In ruling on a preliminary motion, the court held that Lahr's complaint stated a cause of action for unfair competition since, in addition to mere imitation, there could have been confusion as to the source of the voice. In contrast, in *Miller v. Universal Pictures Co.*, 10 N.Y. 2d 972 (1961), the highest court of New York affirmed a decision holding, among other things, that Glenn Miller's widow has no "property rights" in the Miller style of rendition.

A decision with possible significance for the future was *United Artists Associated, Inc. v. NWL Corp.*, 198 F. Supp. 953 (S.D. N.Y. 1961), involving the ever-growing field of community antenna systems for television reception. The court held that, although as a general rule it is not a defense to a copyright infringement action to allege that the plaintiff is violating the antitrust statute, the insufficiency of this defense had not been clearly established in the present case. The court noted that a definitive adjudication on this point would require "a delicate balancing of competing public policies in an area of the law that is yet evolving."

An interesting tax case involving the value of the negative copies of a copyrighted motion picture was *Michael Todd Co. v. County of Los Angeles*, 197 A.C.A. 92, 16 Cal. Rptr. 921 (Dist. Ct. App., 2d Dist., Div. 2 1961), *aff'd*, 57 A.C. 730, 21 Cal. Rptr. 604 (Sup. Ct. 1962). In fixing the tangible personal property taxes for 1957, the county tax assessor valued the negatives of "Around the World in 80 Days" at over \$1,500,000. The taxpayer contended that, under California law, intangible property is not subject to taxation, and that the assessor had improperly considered the value of the intangible copyright, as distinguished from the value of the negative prints, in his assessment. The assessment was upheld on the ground that, as a matter of tax law, the value of the incorporeal rights may be considered in fixing the value of a physical object.

## *International Developments*

### UNIVERSAL COPYRIGHT CONVENTION

The 6th session of the Intergovernmental Copyright Committee, established under the Universal Copyright Convention, and the 10th session of the Permanent Committee of the Berne Copyright Union, were held jointly in Madrid in September 1961. The Register of Copyrights represented the United States at the meeting, which was also attended by Dr. Arpad Bogsch, Legal Adviser of the Copyright Office. The two committees devoted special attention to the question of photoduplication of copyrighted materials by libraries, and to the reported situation in which some publishers appear to make minor changes in musical scores solely for the purpose of extending the term of copyright protection. They also discussed measures calculated to foster cooperation with the newly independent countries, measures aimed at their establishment of copyright legislation and adherence to international copyright conventions. A joint study group of the two committees drew up a report on questions concerning the international protection of motion pictures. The Copyright Office invited motion picture producers and other interested private groups in the United States to comment on this report, which is likely to be of particular significance in connection with the revision of the Berne Convention scheduled for 1965.

Five more countries—Canada, Denmark, Ghana, Nigeria and Paraguay—deposited their instruments of ratification of or accession to the Universal Copyright Convention during fiscal 1962. This raises to 42 the number of countries that have adhered to the Convention since its coming into force in 1955.<sup>1</sup> Canadian adherence to the Universal Copyright Convention, which became effective on August 10, 1962, was an especially noteworthy event, since it will eliminate the manufacturing requirements of the U.S. copyright law as to most English-language books and periodicals printed in Canada.

### NEIGHBORING RIGHTS

After several years of preparatory work, the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations was adopted by a diplomatic conference on October 26, 1961. The conference, sponsored by the International Labor Organization (ILO), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), and the International Union for the Protection of Literary and Artistic Works (Berne Union), was held in Rome.

Delegations from 44 countries attended the conference. The Register of Copyrights was chairman of the United States delegation, and was elected Rapporteur-General of the conference. The United States delegation included Dr. Bogsch and five other government delegates, a congressional adviser, Representative Roland V. Libonati, accompanied by Cyril Brickfield, counsel to the House Judiciary Committee, and 12 advisers representing performers, phonograph record manufacturers, broadcasters, authors, publishers, and motion picture producers.<sup>2</sup> The delegates

<sup>1</sup> The 42 countries are: Andorra, Argentina, Austria, Belgium, Brazil, Cambodia, Canada, Chile, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, France, German Federal Republic, Ghana, Haiti, Holy See, Iceland, India, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Liechtenstein, Luxembourg, Mexico, Monaco, Nicaragua, Nigeria, Pakistan, Paraguay, Philippines, Portugal, Spain, Sweden, Switzerland, United Kingdom, United States of America. A 43d country, Panama, ratified the Universal Copyright Convention shortly after the end of the fiscal year.

<sup>2</sup> The advisers were: Mortimer Becker, General Counsel, American Federation of Television and Radio Artists; Donald F. Conaway, National Executive Secretary, Associated Actors and Artists of America; Henry Kaiser, General Counsel, American Federation of Musicians; Herman D. Kenin, President, American Federation of Musicians; Sidney A. Diamond, General Counsel, London Records; Ernest S. Meyers, General Counsel, Record Industry Association of America; Robert V. Evans, National Association of Broadcasters; Herman Finkelstein, General Attorney, American Society of Composers, Authors, and Publishers; Sydney M. Kaye, Broadcast Music, Inc.; Thomas J. Robinson, Attorney, Metro-Goldwyn-Mayer; Sidney A. Schreiber, General Counsel, Motion Picture Association of America.

from other agencies were: Richard B. Bilder, Office of Assistant Legal Adviser for Economic Affairs, State Department; Leonard R. Linsenmayer, Director, Office of International Organizations Affairs, Labor Department; Elias C. Rodriguez, American Embassy, Rome, State Department; Vincent D. Travaglini, Foreign Business Practices Division, Office of International Programs, Commerce Department; Harvey J. Winter, Assistant Chief, Office of International Business Practices, State Department.

The Rome Convention, commonly known as the "Neighboring Rights Convention," provides that each contracting state will extend the same protection to the performers, record producers, and broadcasters of other contracting states as it does to its own performers, record producers and broadcasters. There are also provisions calling for minimum protection; for example, the Convention would prohibit the clandestine recording of performances, the copying of phonograph records without the producer's permission, and the "off-the-air" recording of broadcasts without authorization from the broadcasting organization. One of the most controversial points discussed at the conference was whether the principle of payments for the use of phonograph records in broadcasting should be written into the Convention. After much debate the principle was adopted but, under the terms of the Convention itself, a country is permitted to refrain from adopting this principle.

The Rome Convention has been signed by some 23 countries. Eighteen countries signed on October 26, 1961, at the conclusion of the diplomatic conference: Argentina, Austria, Belgium, Brazil, Cambodia, Chile, Denmark, France, Germany (Federal Republic of), Holy See, Iceland, India, Italy, Mexico, Spain, Sweden, United Kingdom, Yugoslavia. The question of signature by the United States was discussed at a meeting, held on May 24, 1962, in Washington, D.C., of the Neighboring Rights Panel, consisting of representatives of U.S. Government agencies and U.S. labor and industry groups likely to be af-

ected by the Convention. The United States Government decided not to sign, but it is currently studying the question of whether it should accede to the Convention. Accession requires no previous signature, and is not limited by any deadline.

The Rome Convention, which will come into force when six countries have deposited their instruments of ratification or accession, represents the first international recognition ever given to the neighboring rights branch of intellectual property. Its cultural and economic significance cannot fail to be far-reaching, and its impact will inevitably be felt by both member and non-member countries.

#### OTHER INTERNATIONAL MATTERS

New copyright laws were adopted by Peru and Ghana during the year, and five countries—Congo (Brazzaville), Denmark, Gabon, Ivory Coast, and Mali—adhered to the Brussels revision of the Berne Convention. According to a note of the British Embassy in Berne delivered to the Swiss Government, the Brussels revision is also applicable to the Isle of Man, Fiji, Gibraltar, and Sarawak as of March 6, 1962, and Niger made a declaration of continued adherence to the Brussels revision on May 2, 1962.

The United International Bureaux of the Berne (Copyright) and Paris (Industrial Property) Unions, located in Geneva, are about to undergo substantial administrative reorganization. In connection with the implementation of Resolution 1713 (XVI) of the General Assembly of the United Nations, the Bureaux of the Unions and the Secretariat of the United Nations envisaged collaborating with each other. Arpad Bogsch, Legal Adviser of the Copyright Office, participated in meetings held at Geneva in connection with this reorganization and cooperation. On October 30, 1961, he also attended a meeting in Paris of a working group which is to draw up a model statute for the protection of industrial designs.

Within the framework of UNESCO's program for producing reading materials in South Asia, Dr. Bogsch also undertook a

UNESCO mission in January–March 1962, in Burma, Ceylon, India, Iran, Pakistan, and Thailand. He gave legal-technical advice to government agencies in connection with the revision of copyright laws or questions concerning international copyright relations, and to authors' and publishers' groups concerning their daily operations in the field of copyright law.

Notable additions to the reference material available for the study of international copyright law were the fifth supplement of *Copyright Laws and Treaties of the World* (CLTW), *Repertorio universal de legislación y convenios sobre derecho de autor* (a 2-volume Spanish-language edition of the CLTW), the first number of a German-language CLTW in loose-leaf form covering the copyright laws of nine countries, and the second installment of *Design Laws and Treaties of the World* (the DLTW) covering the design laws of twelve additional countries.

### Staff

December 31, 1961, marked the retirement, after 39 years of service, of Louis Charles Smith, one of the most distinguished members of the Copyright Office legal staff. The only attorney to be employed under all six Registers of Copyright, Louis Smith had been in the councils of each successive Copyright Office administration. Originally hired as a clerk at a salary of \$420 a year, he had been indexer, cataloger, in charge of renewals, in charge of public information and searches, Chairman of the Revisory Board, and for many years Senior Attorney of the Copyright Office. He was a member of the first Board of Trustees of the Copyright Society of the

U.S.A.; he has been an instructor in copyright law at the Department of Agriculture Graduate School and at the National University Law School; and he is the author of a number of monographs and articles.

Dr. Smith just missed 40 years of service in the Copyright Office, but this remarkable total was completed by William P. Siegfried, Assistant Register of Copyrights, and William E. Phillips, Assistant Chief of the Service Division, in May 1962; Mr. Phillips, one of the most efficient, conscientious, and respected members of the staff, announced that he would retire during the forthcoming fiscal year. Other retirements that left large gaps to be filled in the staff included Mrs. Mary Myers, retiring after 39 years of service as a cataloger, examiner, searcher, and public information assistant; Mrs. Margaret R. McDougale, retiring after more than 30 years as a cataloger and searcher; and Mrs. Faye M. Vass, the Head of the Incoming Mail Room and a staff member since 1943.

During the year Barbara A. Ringer, Chief of the Examining Division, and Benjamin W. Rudd, Attorney and Law Librarian of the Copyright Office, were elected trustees of the Copyright Society of the U.S.A. An organization made up of attorneys in the Copyright Office, the Copyright Office Lawyers Association (COLA), was formed for the purpose of maintaining and improving the standards of professional legal work in the Office.

Respectfully submitted,

ABRAHAM L. KAMINSTEIN  
Register of Copyrights

October 31, 1962

*Registration by Subject Matter Classes for the Fiscal Years 1958-62*

| Class. | Subject matter of copyright                                                     | 1958     | 1959     | 1960     | 1961     | 1962     |
|--------|---------------------------------------------------------------------------------|----------|----------|----------|----------|----------|
| A      | Books:                                                                          |          |          |          |          |          |
|        | (a) Manufactured in the United States: Books, pamphlets, leaflets, etc...       | 53, 275  | 51, 835  | 55, 713  | 57, 794  | 61, 787  |
|        | (b) Manufactured abroad (except those registered for ad interim copyright)..... | 2, 937   | 3, 549   | 3, 740   | 3, 819   | 4, 007   |
|        | (c) English-language books registered for ad interim copyright.....             | 1, 030   | 583      | 581      | 802      | 777      |
|        | Subtotal.....                                                                   | 57, 242  | 55, 967  | 60, 034  | 62, 415  | 66, 571  |
| B      | Periodicals (issues).....                                                       | 60, 691  | 62, 246  | 64, 204  | 66, 251  | 67, 523  |
|        | (BB) Contributions to newspapers and periodicals.....                           | 3, 355   | 3, 042   | 3, 306   | 3, 398   | 2, 993   |
| C      | Lectures, sermons, addresses.....                                               | 852      | 829      | 835      | 1, 029   | 875      |
| D      | Dramatic or dramatico-musical compositions.....                                 | 2, 754   | 2, 669   | 2, 445   | 2, 762   | 2, 813   |
| E      | Musical compositions.....                                                       | 66, 515  | 70, 707  | 65, 558  | 65, 500  | 67, 612  |
| F      | Maps.....                                                                       | 1, 614   | 1, 865   | 1, 812   | 2, 010   | 2, 073   |
| G      | Works of art, models, or designs.....                                           | 5, 019   | 4, 593   | 5, 271   | 5, 557   | 6, 043   |
| H      | Reproduction of works of art.....                                               | 1, 044   | 1, 184   | 2, 516   | 3, 255   | 3, 726   |
| I      | Drawings or plastic works of a scientific or technical character.....           | 683      | 663      | 768      | 705      | 1, 014   |
| J      | Photographs.....                                                                | 1, 037   | 741      | 842      | 765      | 562      |
| K      | Prints and pictorial illustrations.....                                         | 3, 413   | 3, 186   | 3, 343   | 2, 955   | 2, 889   |
|        | (KK) Commercial prints and labels.....                                          | 8, 924   | 8, 786   | 8, 142   | 7, 564   | 7, 167   |
| L      | Motion-picture photoplays.....                                                  | 2, 451   | 2, 757   | 2, 755   | 3, 089   | 2, 686   |
| M      | Motion pictures not photoplays.....                                             | 748      | 967      | 702      | 1, 565   | 955      |
| R      | Renewals of all classes.....                                                    | 22, 593  | 21, 533  | 21, 393  | 18, 194  | 19, 274  |
|        | Total.....                                                                      | 238, 935 | 241, 735 | 243, 926 | 247, 014 | 254, 776 |

*Statement of Gross Cash Receipts, Yearly Fees, Number of Registrations, etc., for the Fiscal Years 1958-62*

| Fiscal year | Gross receipts  | Yearly fees applied | Number of registrations | Increases in registrations |
|-------------|-----------------|---------------------|-------------------------|----------------------------|
| 1958.....   | \$992, 865. 59  | \$945, 231. 50      | 238, 935                | 13, 128                    |
| 1959.....   | 1, 030, 099. 70 | 979, 941. 50        | 241, 735                | 2, 800                     |
| 1960.....   | 1, 033, 563. 55 | 974, 113. 03        | 243, 926                | 2, 191                     |
| 1961.....   | 1, 078, 991. 90 | 1, 009, 679. 04     | 247, 014                | 3, 088                     |
| 1962.....   | 1, 111, 705. 76 | 1, 043, 587. 75     | 254, 776                | 7, 762                     |
| Total.....  | 5, 247, 226. 50 | 4, 952, 552. 82     | 1, 226, 386             | .....                      |

*Number of Articles Deposited During the Fiscal Years 1958-62*

| Class. | Subject matter of copyright                                                             | 1958    | 1959    | 1960    | 1961    | 1962    |
|--------|-----------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|
| A      | Books:                                                                                  |         |         |         |         |         |
|        | (a) Manufactured in the United States:<br>Books, pamphlets, leaflets, etc....           | 106,550 | 103,670 | 111,426 | 115,588 | 123,574 |
|        | (b) Manufactured abroad (except those<br>registered for ad interim copy-<br>right)..... | 5,404   | 6,262   | 6,549   | 6,698   | 6,985   |
|        | (c) English-language books registered for<br>ad interim copyright.....                  | 1,689   | 822     | 786     | 979     | 963     |
|        | Subtotal.....                                                                           | 113,643 | 110,754 | 118,761 | 123,265 | 131,522 |
| B      | Periodicals (issues).....                                                               | 121,362 | 124,426 | 128,328 | 132,410 | 134,928 |
|        | (BB) Contributions to newspapers and<br>periodicals.....                                | 3,355   | 3,042   | 3,306   | 3,398   | 2,993   |
| C      | Lectures, sermons, etc.....                                                             | 852     | 829     | 835     | 1,029   | 875     |
| D      | Dramatic or dramatico-musical compositions.....                                         | 3,212   | 3,125   | 2,840   | 3,203   | 3,276   |
| E      | Musical compositions.....                                                               | 84,445  | 88,833  | 83,005  | 83,723  | 85,325  |
| F      | Maps.....                                                                               | 3,228   | 3,728   | 3,621   | 4,020   | 4,146   |
| G      | Works of art, models, or designs.....                                                   | 8,861   | 7,775   | 9,273   | 9,599   | 10,534  |
| H      | Reproductions of works of art.....                                                      | 2,076   | 2,258   | 4,996   | 6,502   | 7,423   |
| I      | Drawings or plastic works of a scientific or<br>technical character.....                | 1,099   | 946     | 1,118   | 1,062   | 1,438   |
| J      | Photographs.....                                                                        | 1,547   | 1,183   | 1,355   | 1,156   | 957     |
| K      | Prints, labels, and pictorial illustrations.....                                        | 24,667  | 23,939  | 22,965  | 21,038  | 20,112  |
| L      | Motion-picture photoplays.....                                                          | 4,897   | 5,502   | 5,498   | 6,162   | 5,352   |
| M      | Motion pictures not photoplays.....                                                     | 1,364   | 1,657   | 1,271   | 2,959   | 1,788   |
|        | Total.....                                                                              | 374,608 | 377,997 | 387,172 | 399,526 | 410,669 |

## REPORT OF THE REGISTER OF COPYRIGHTS, 1962

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## SUMMARY OF COPYRIGHT BUSINESS, FISCAL YEAR 1962

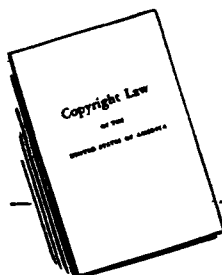
|                                                    |                 |                     |
|----------------------------------------------------|-----------------|---------------------|
| Balance on hand July 1, 1961.....                  |                 | \$226,244.12        |
| Gross receipts July 1, 1961 to June 30, 1962.....  |                 | 1,111,705.76        |
| Total to be accounted for.....                     |                 | <u>1,337,949.88</u> |
| Refunded.....                                      | \$40,479.00     |                     |
| Checks returned unpaid.....                        | 1,378.23        |                     |
| Deposited as earned fees.....                      | 1,047,565.05    |                     |
| Balance carried over to July 1, 1962               |                 |                     |
| Fees earned in June 1962 but not deposited until   |                 |                     |
| July 1962.....                                     | \$80,613.50     |                     |
| Unfinished business balance.....                   | 36,039.03       |                     |
| Deposit accounts balance.....                      | 129,276.48      |                     |
| Card Service.....                                  | <u>2,598.59</u> |                     |
|                                                    | 248,527.60      |                     |
|                                                    |                 | <u>1,337,949.88</u> |
| Registrations for prints and labels.....           | 7,152           | 42,912.00           |
| Registrations for pub. domestic works.....         | 160,765         | 643,060.00          |
| Registrations for pub. foreign works.....          | 3,193           | 12,772.00           |
| Registrations for unpublished works.....           | 54,149          | 216,596.00          |
| Registrations for renewals.....                    | <u>19,274</u>   | <u>38,548.00</u>    |
| Total number of registrations <sup>1</sup> .....   | 244,533         |                     |
| Fees for registrations.....                        |                 | 953,888.00          |
| Fees for recording assignments.....                | 26,385.50       |                     |
| Fees for indexing transfers of proprietorship..... | 18,253.00       |                     |
| Fees for notices of user recorded.....             | 12,549.00       |                     |
| Fees for certified documents.....                  | 3,326.00        |                     |
| Fees for searches made.....                        | 21,150.00       |                     |
| Card Service.....                                  | <u>8,036.25</u> |                     |
|                                                    |                 | 89,699.75           |
| Total fees earned.....                             |                 | <u>1,043,587.75</u> |

<sup>1</sup> Excludes 10,243 registrations made without fee under Public Law 84.



## Publications of the Copyright Office

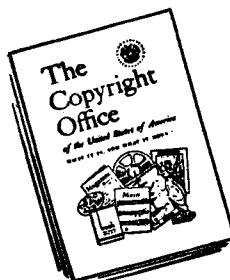
COPYRIGHT OFFICE • THE LIBRARY OF CONGRESS • Washington 25, D.C.



**COPYRIGHT LAW OF THE UNITED STATES OF AMERICA** (Title 17, United States Code), Bulletin No. 14. This is a pamphlet edition of the copyright law, including the **REGULATIONS OF THE COPYRIGHT OFFICE** (Code of Federal Regulations, Title 37, ch. II). 68 pages, 1960, paper, 25 cents.

Order from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

### *Free publications which may be obtained from the Copyright Office*



**THE COPYRIGHT OFFICE OF THE UNITED STATES OF AMERICA:** What it is, and what it does. A description of the functions of the Copyright Office with added section on notable dates in American copyright and brief answers to common questions about copyright.

**REGULATIONS OF THE COPYRIGHT OFFICE** (Code of Federal Regulations, Title 37, ch. II) Circular 96.



**RELATED CODE PROVISIONS.** A list of some provisions in the United States Code and the Code of Federal Regulations dealing with or related to copyright (exclusive of 17 U.S.C. and 37 CFR, ch. II). Compiled by Marjorie McCannon. Circular 86.

**ANNUAL REPORT OF THE REGISTER OF COPYRIGHTS.** Copies are available for each fiscal year, beginning with 1955.

**GENERAL INFORMATION ON COPYRIGHT.** Circular 35.

*Circulars* on specific copyright subjects are also available. These include:

|       |                        |         |                                              |
|-------|------------------------|---------|----------------------------------------------|
| No. 3 | The copyright notice   | No. 36H | Public domain                                |
| 5     | Notice of use of music | 37      | Copyright protection abroad                  |
| 6     | Television programs    | 42      | Periodicals                                  |
| 7     | Motion pictures        | 43      | Contributions to periodicals                 |
| 10    | Assignments            | 44      | Copyright fees                               |
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| 31    | Ideas, etc.            |         |                                              |
| 32    | Blank forms, etc.      |         |                                              |
| 35B   | New versions, etc.     |         |                                              |

**BIBLIOGRAPHY ON DESIGN PROTECTION.** Compiled by Barbara A. Ringer. Some 264 books, articles, and documents are summarized under various headings. 70 pages. 1955.

**BIBLIOGRAPHY ON DESIGN PROTECTION, SUPPLEMENT 1959.** Compiled by William Strauss, Borge Varmer, and Caruthers Berger under the editorial supervision of William Strauss and Barbara A. Ringer. The three parts of the supplement deal with books and articles (including a number of recent foreign language materials), bills introduced in Congress, and court decisions. 160 pages. 1959.

**BIBLIOGRAPHY ON NEIGHBORING RIGHTS** ("Droits Voisins"): Protection of performers, producers of sound recordings, and broadcasting organizations. Compiled and edited by William Strauss. Contains documents, books, articles, and a list of authors. 35 pages. 1955.

**COPYRIGHT BIBLIOGRAPHY.** By Henriette Mertz. Contains English and foreign sections. Authors and titles are listed alphabetically, but no attempt has been made to break it down to a subject approach. 213 pages. 1950.

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*Microfilm which may be obtained from the Library of Congress Photoduplication Service*

**A COMPILATION OF THE REGULATIONS CONCERNING COPYRIGHT 1874-1956.** The regulations affecting copyright since the duties of registering copyright claims were first transferred to the Library of Congress, price \$6.50.

Orders for this microfilm should be addressed and remittances made payable to The Chief, Photoduplication Service, Library of Congress, Washington 25, D.C.

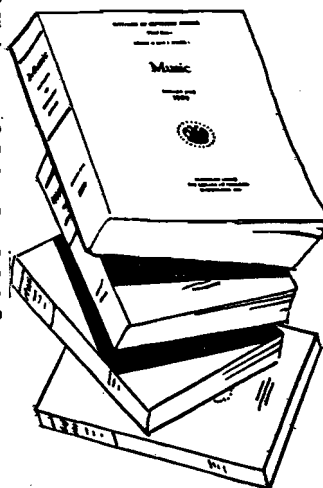
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**Catalog of Copyright Entries, Cumulative Series**

**MOTION PICTURES 1894-1912.** Identified from the records of the United States Copyright Office by Howard Lamarr Walls. 92 pages. 1953. Buckram, \$2.00.

**MOTION PICTURES 1912-1939.** Works registered in the Copyright Office in Classes L and M. 1,256 pages. 1951. Buckram, \$18.00.

**MOTION PICTURES 1940-1949.** Another decade of works registered in Classes L and M. 598 pages. 1953. Buckram, \$10.00.

**MOTION PICTURES 1950-1959.** Films of the Fifties registered in Classes L and M. 504 pages. Buckram, \$10.00.

These four volumes list a total of nearly one hundred thousand motion pictures produced since the beginning of the motion picture industry.

**REPORT OF THE REGISTER OF COPYRIGHTS ON THE GENERAL REVISION OF  
THE U.S. COPYRIGHT LAW.** Copyright Law Revision, House Committee Print.  
160 pages, July 1961, 45 cents.

*Copyright Law Revision Studies*

**COPYRIGHT LAW REVISION.** Studies prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, U.S. Senate. Committee prints published by the Senate Committee, the preparation of which was supervised by the Copyright Office.

First committee print; Studies 1-4:

1. The History of U.S.A. Copyright Law Revision from 1901 to 1954
2. Size of the Copyright Industries
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4. The Moral Right of the Author.

142 pages, 1960, 40 cents.

Second committee print; Studies 5 and 6:

5. The Compulsory License provisions of the U.S. Copyright Law
6. The Economic Aspects of the Compulsory License.

125 pages, 1960, 35 cents.

Third committee print; Studies 7-10:

7. Notice of Copyright
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11. Divisibility of Copyrights
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155 pages, 1960, 45 cents.

Fifth committee print; Studies 14-16:

14. Fair Use of Copyrighted Works
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19. The Recordation of Copyright Assignments and Licenses.

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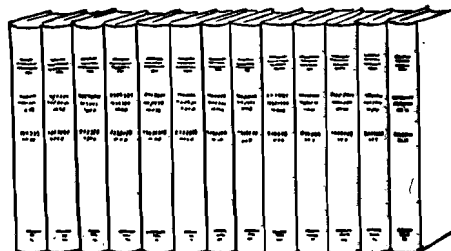
20. Deposit of Copyrighted Works
21. The Catalog of Copyright Entries.

81 pages, 1960, 25 cents.

Eighth committee print; Studies 22-25:

22. The Damage Provisions of the Copyright Law
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