

LIBRARY OF CONGRESS

REPORT OF THE
LIBRARIAN OF CONGRESS

AND

REPORT OF THE
SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

FOR THE FISCAL YEAR
ENDING JUNE 30
1909



WASHINGTON
GOVERNMENT PRINTING OFFICE
1909

REPORT
OF
THE LIBRARIAN OF CONGRESS

LIBRARY OF CONGRESS

Washington, D. C., December 6, 1909

SIR: I have the honor to submit herewith my report as Librarian of Congress, for the year ending June 30, 1909. The report of the Superintendent of the Library Building and Grounds (and Disbursing Officer) follows, beginning at page 63.

SERVICE

The death of Doctor Spofford on August 11, 1908, which took from us the service and prestige of the Dean among American librarians, was recorded in my last report; as also the promotion to the Chief Assistant Librarianship of Mr. Appleton P. C. Griffin. The volume there referred to, incorporating the addresses at the memorial meeting of November 12, 1908, was subsequently privately printed, under the auspices and chiefly at the expense of the District of Columbia Library Association, in an edition which sufficed for its members and for a limited distribution to institutions and to relatives and intimate friends of Doctor Spofford.

The recent death of another official of the Library who, though a member of the Superintendent's staff, held an office which involved close relations of influence and of service with the Library proper, is mentioned in the report of the Superintendent. This was Dr. George N. French, chief

clerk to the Superintendent and Disbursing Officer; a veteran in the service of the Government, and an admirable example of a modest, loyal, and devoted official, exact and thorough in his own work and considerate in his relations with that of others.

SERVICE:
Resignation of
W. C. Ford

The most notable loss to our staff by resignation was that of Mr. Worthington C. Ford, who on January 1, 1909, left us to become editor for the Massachusetts Historical Society. Mr. Ford brought to the conduct of our Manuscripts Division not merely a precise knowledge of the sources of American history, which made him for certain periods a leading authority, but also a long experience in the scientific treatment of such material. Combining with these qualifications skill in "locating" new material and enterprise in the pursuit of it, his presence with us aided greatly in the enlargement of the manuscript collections, which during the six years of his incumbency more than doubled in extent and importance. Within this period, for instance, occurred the transfer to the Library of the great bodies of manuscripts—such as the Washington and other presidential papers, and the papers of the Continental Congress—formerly in the State and other federal departments. Within it also have occurred such important private gifts to the Library as those of the Jackson, the Van Buren, and the Breckinridge papers; while in the consideration of material procurable only by purchase, his judgment as to scientific as well as commercial values could be accepted as safely decisive. On the other hand, his certainty and rapidity of decision combined with a prodigious industry effected notable results in the administration and utilization of the collections. His crowning service was indeed as editor, this including not merely the planning and supervision of conventional catalogues and calendars, and the supervision and direction through the press of the Records of the Virginia Company, but the personal editing

and similar direction of the first fifteen volumes of the Journals of the Continental Congress, a truly monumental labor for which he was concededly the best equipped person in the country, and his performance of which has won enthusiastic praise from exacting critics. That his departure prevents his completion of it is indeed a misfortune; but the portion completed establishes the plan, scope, and standard for the whole; and Mr. Ford's generous transfer to his successor of his notes, accumulated during a long period of private study in preparation for the work, and his readiness to give particular counsel where this may be needed, combine with the actual competence of his successor to assure that the future volumes will show little, if any, diminution in efficiency.

For the gentleman who succeeds him, Mr. Gaillard Hunt, is also familiar with the material and expert in the manner of work. He comes to the Library after twenty-one years' service in the Department of State—not, it is true, as custodian of its archives, but in a proximity to them which his scholarly tastes induced him to utilize. On his departure from the department a letter was addressed to him by the Secretary, which, though it belongs rather to the records of the department than to those of the Library, I can not forbear to reproduce here, not merely as significant of the particular man who has come to our service in a responsibility so important, but also as suggestive of the quality of men that the Government is so fortunate as to secure and retain.

DEPARTMENT OF STATE

Washington, November 16, 1908

MY DEAR MR. HUNT: It is with great regret that I accept your resignation as Chief of the Bureau of Citizenship of the State Department, to take effect on the 1st of January next.

Were it not that the position in the Library of Congress to which you are going affords a better oppor-

tunity for the kind of work to which you wish to devote yourself, I should urge you to reconsider your determination. Your work in the State Department has been of a very high quality and most devoted and efficient. You have dealt satisfactorily with some of the most important subjects involved in our foreign relations and you have been absurdly underpaid. Your labors have been inconspicuous and of a character to attract little public attention, and you can not expect much public appreciation of them; but they have been appreciated by everybody in the State Department and by many members of both Houses of Congress and by all who have had occasion to become familiar with the workings of the Bureau of Citizenship; and they should be for yourself a basis of enduring satisfaction. We are all sorry to lose you, and I think I am most sorry of all.

With sincere esteem, regard, and good wishes, I am
Always faithfully yours

ELIHU ROOT

The position of Assistant Register of Copyrights, created on July 1, 1908, but because of an inadequate salary it then filled, has, now that the salary has been put upon the recommended basis (\$3,000), been filled by the appointment of Mr. Ernest Bruncken. Mr. Bruncken, a lawyer by training and original profession (with practice at Milwaukee Wis.), has for the past four years been legislative librarian in the state library of California.

*Subordinate
service*

The routine work of other divisions has been embarrassed by the usual number of resignations of subordinate employees. Where, as in the Catalogue and Classification Division, the work is technical, requiring special training and fully efficient only after a considerable period of service here, an increasing difficulty is met in filling the vacancies. As the Chief Classifier remarks in his annual report:

"The men and women preparing to enter the library profession appear to be training more and more exclusively for purely executive positions. The multiplicity

tion of libraries and the reorganization of older ones into centralized and complex library systems is creating a demand in that direction to which attention has been called repeatedly and prominently of late in the organs of the American library world. As in these cases the scientific and technical problems are not under consideration, it is natural that no reference should be made to them and that the high order of executive ability necessary for the general administration of such institutions should alone be dwelt upon. Cataloguing, classification, reference work, and other such services are, however, vital functions of the library organism. The tendency of aspirants for library honors to confine their efforts to the acquisition of administrative training and experience, and to look upon the other functions with indifference, if not disdain, may be due to the greater emphasis placed upon the former in current professional discussions; not that the executive is held in greater honor, but the others in less. Cooperative cataloguing and classification on the other hand demand comprehensive knowledge and great efficiency. They also involve problems of organization and require constant effort toward improvement in methods and simplification of processes. The value of this service has received recognition by appropriate rank in a few instances, but unless such recognition is granted less grudgingly the technical departments of library work will not attract men of the education and ability requisite to success in them."

FINANCE

The table given below exhibits the appropriations and expenditures of the Library proper and of the Copyright Office for the fiscal year, and the appropriations for the year now current. Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$202,000) is not included.

Object of appropriations	Appropriations, 1908	Appropriations, 1909	Expenditures, 1909	Appropriations, 1910
Library and Copyright Office:				
Salaries -				
General service	\$239,060.00	\$239,060.00	\$238,661.85	\$241,900.00
Special service	^a 2,348.50	^a 2,360.74	2,368.91	^a 2,051.81
Sunday service	10,000.00	10,000.00	9,985.84	10,000.00
Distribution of card indexes	^b 12,949.22	^b 17,158.97	^b 17,123.41	16,800.00
Indexes, digests, and compilation of laws	5,840.00	5,840.00	5,840.00	
Indexes, digests, and compilation of laws, 1907-8	^c 4,501.94			
Index to the Statutes at Large				10,000.00
Carrier service		* 312.00	309.34	560.00
Copyright Office	75,300.00	77,800.00	^d 77,624.30	87,860.00
Increase of Library	^e 108,000.00	^e 108,000.00	^f 107,986.31	^e 108,000.00
Contingent expenses	7,300.00	7,300.00	7,246.42	7,300.00
Total Library and Copyright Office	465,289.64	467,831.71	467,686.38	484,471.81
Building and grounds:				
Care and maintenance	76,785.00	76,905.00	70,702.53	76,905.00
Fuel, light, and miscellaneous	32,500.00	32,500.00	^f 32,302.83	32,500.00
Furniture and shelving	40,000.00	40,000.00	^f 39,999.31	25,000.00
Sunday opening	2,800.00	2,800.00	2,799.99	2,800.00
Book stack, southeast court of building		100,000.00	66,670.11	^g 233,329.89
Grand total	617,374.64	720,036.71	685,561.15	855,006.72

^a Includes balance from preceding year.

^b Appropriations 1908 include \$1,500 deficiency and \$639.22 credits on account of sales to government institutions. Appropriations 1909 include \$358.97 credits on account of sales to government institutions. Does not include \$146.94 yet to be credited. Expenditures 1909 (\$17,123.41) offset by subscriptions covered into the Treasury (\$24,452). An indebtedness of \$175 is to be paid when amounts due through sales to government institutions have been credited in full.

^c Balance available July 1, 1907.

^d Offset by fees covered into the Treasury (\$84,816.75).

^e Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books for that body.

^f Expenditures 1909 include outstanding orders.

^g Appropriations 1910 include balance from preceding year.

* Effective March 5-June 30, 1909.

The appropriations for 1909 varied from those in the year preceding only in the following particulars: ^{Appropriations}

Salaries (Copyright Office): An Assistant Register of Copyrights, at \$2,500.

Card indexes: The appropriation for service in connection with the distribution of card indexes increased from \$10,800 and \$1,500 (deficiency) for 1908 to \$16,800 for 1909.

Printing and binding: The allotment decreased to \$202,000 as an offset to the increased appropriation for card indexes, certain service heretofore rendered by the Government Printing Office in connection with the distribution of printed catalogue cards and charged to the allotment for printing and binding being transferred to the Library of Congress and provided for under the appropriation for card indexes.

Building and grounds: One telephone switchboard operator at \$720 and 1 assistant telephone switchboard operator at \$600 in place of 2 telephone operators at \$600 each. One hundred thousand dollars toward the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building, to cost not exceeding \$300,000.

The appropriations for 1909-10 include the following changes and additional provisions:

Salaries (general service): General administration: Two stenographers and typewriters at \$1,000 each (in place of 2 stenographers and typewriters, 1 at \$1,200 and 1 at \$720); a messenger boy at \$360. ^{Appropriations, 1909-10}

Reading Room: Two attendants (for gallery and alcoves), at \$480 each.

Music Division: The salary of the chief of the division increased from \$2,000 to \$3,000 and of the chief assistant from \$1,400 to \$1,500.

Law Library: Salary of Law Librarian made \$3,000 (covering the compensation of \$500 for supervision of preparation of the new index to the Statutes at Large).

Copyright Office: Salary of Register of Copyrights increased from \$3,000 to \$3,500, and later (through the defi-

ciency act of August 5, 1909) to \$4,000; salary of Assistant Register of Copyrights increased from \$2,500 to \$3,000; and the following additional positions: 1 at \$1,800, 2 at \$1,600 each, 2 at \$1,000 each, 2 at \$600 each, and a messenger boy at \$360.

Carrier service: Two messengers, at \$40 per month each, to serve during the session of Congress and for services in connection with the House Office building.

Index to the Statutes at Large: Phraseology of the item changed to read as follows: "For continuing the preparation of an index to the Statutes at Large of the United States, \$10,000, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve."

Building and grounds: The appropriation for furniture, etc., reduced from \$40,000 to \$25,000; and the balance (\$200,000) of the fund (\$300,000) in the appropriations for the fiscal year 1908-9 provided for the completion of the construction, mechanical equipment, electric lighting, and roofing of the stack of shelving for bound newspapers and books in the southeast court of the Library building.

COPYRIGHT OFFICE

COPYRIGHT:
Statistics

The report of the Register of Copyrights appears in full as Appendix II. It brings to date the record of the proceedings in Congress resulting in the new general copyright act which became effective on July 1, 1909, and supersedes all of the previously existing laws. It includes also a report of the International Congress held at Berlin October 14 to November 14, 1908 (primarily of the members of the Union of Berne), but at which the United States, though a non-signatory, was represented by the Register, together with the text of the new convention adopted November 13 embodying its agreements.

The principal statistics of the business done are as follows:

Fees received and applied	Fiscal years—					
	1903-4	1904-5	1905-6	1906-7	1907-8	1908-9
Domestic (50 cents) entries.....	\$46,360.00	\$51,772.00	\$54,080.50	\$56,287.00	\$54,148.50	\$54,140.50
Foreign (\$1) entries.....	10,410.00	9,830.00	9,543.00	11,255.00	11,445.00	11,850.00
For certificates.....	14,556.00	15,607.00	15,819.50	16,390.50	16,047.00	17,069.00
For assignments recorded.....	1,273.00	808.00	738.00	741.00	708.00	720.00
For searches.....	30.00	41.00	17.00	11.50	39.00	37.25
Total.....	72,629.00	78,058.00	80,198.00	84,685.00	82,387.50	83,816.75
Total number of deposits received (material of all classes, including duplicates).....	184,799	207,424	211,138	227,047	221,722	217,869
Total number of entries.....	103,130	113,374	117,704	123,829	119,742	120,131
Total communications received, including parcels, but excluding deposits noted above.....	73,478	84,063	87,564	92,149	94,764	98,135
Total communications sent out (including letters written).....	129,600	137,779	145,020	161,728	164,069	173,961

16 *Report of the Librarian of Congress*

The fees from copyrights are covered into the Treasury and not applied directly to the maintenance of the Copyright Office. They form a regular revenue of the Government, however, and a net revenue over the direct expenses of the Office, as appears from the following comparison:

COPYRIGHT OFFICE	RECEIPTS	
<i>Receipts and expenses</i>	Fees covered in during the fiscal year 1908-9, as above...	\$83,816.75
	EXPENSES	
Salaries as stated	\$77,586.52	
Stationery and sundries.....	1,067.18	
	78,653.70	
Net cash earnings.....		5,163.05

The amount expended for salaries (\$77,586.52) includes the sum of \$4,680 paid in salaries to certain employees who have been classifying and crediting the old deposits received prior to 1897. This expenditure is chargeable to arrears. The *current* expenses of the Office are therefore considerably more than met by the *current* receipts.

The above statement includes all *disbursements* except the cost of furniture, of printing, and of binding, but only *cash* receipts. In addition to cash fees the copyright business brings each year to the Government, in articles deposited, property to the value of many thousands of dollars. During the past fiscal year 217,869 such articles were received. The value of those drawn up into the collections of the Library far exceeded the amount of net cash earnings.

The work of the Copyright Office is divided into two parts: (1) The current business, covering applications received since the reorganization of the Office under the Register in 1897; (2) the arrears, the classification, crediting, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the copyright business was first placed under the Librarian of Congress).

On the 9th day of July, 1909, when the report of the Copyright Office was submitted, the remittances received up to the third mail of the day had been recorded and acknowledged; the account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department were settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury. All copyright applications received up to and including June 30 had been passed upon and refunds made. *Current copy-right business*

The total unfinished business for the full twelve years from July 1, 1897, to June 30, 1909, amounts to but \$81.66, against a total completed business for the same period of \$858,422.75.

At the close of business on July 9, 1909, the titles for record had been dated, classified, and numbered to July 2 (inclusive) for books and periodicals and to July 1 for all other classes. All titles had been indexed up to and including June 30.

The articles of all classes deposited during the year had been stamped, catalogued, and credited up to the receipts of June 30, inclusive.

The Catalogue of Copyright Entries, which since the transfer of its publication from the Treasury Department to the Library of Congress (*see* Appendix II) has been issued in four separate parts, had been brought forward, in the new series, to Part 1, Group 1, books, etc., Vol. 6, No. 25, June 24; Part 1, Group 2, pamphlets, leaflets, etc., Vol. 6, Nos. 22-25, June; Part 2, periodicals, Vol. 4, Nos. 22-25, June; Part 3, musical compositions, Vol. 4, Nos. 22-25, June; Part 4, engravings, cuts, and prints, etc., Vol. 4, Nos. 22-25, June.

The certificate and noncertificate entries had been recorded to June 30, inclusive, and certificates and notices of entry to the same date made, revised, and mailed.

Credited articles to the number of 21,962 had been filed away under year and number, those desired by the Library being forwarded to the shelves for use. In the case of 562 articles, identification and credit could not be made, and they were accordingly indexed and (except those desired by the Library) filed for convenient reference.

*Copyright busi-
ness prior to July
1, 1897*

Titles to the number of 106,738, being the remainder entered prior to July 1, 1897, but heretofore filed only in rough bundles, had been collated, arranged, and permanently filed.

During the past twelve years the business done by the Office shows the following:

Total number of entries	1, 232, 529
Total number of articles deposited	2, 153, 919
Total amount of fees received and applied	\$858, 422. 75
Total expenditure for service	\$729, 468. 07
Net receipts above expenses for service	\$128, 954. 68

During the thirty-nine years since the copyright work became a business of the Library of Congress the total number of entries has been 2,113,385.

The new copyright act will considerably increase the burdens of the Office. There may be expected a larger volume of business under it; and there is certain to be a great and difficult labor in interpreting and in making clear to the public its novel requirements. The burden can be met efficiently only by a considerable increase of the staff. On the other hand, the receipts of the Office are equally certain to increase so as fully to cover the additional expenditures for service.

INCREASE OF THE LIBRARY

Adopting the count of printed books and pamphlets made ^{Contents of the} in June, 1902, as being accurate, the total contents of the ^{Library June 30,} Library, inclusive of the Law Library, at the close of the ^{1908, and June} past two fiscal years were as follows: ^{30, 1909}

Description	Contents of the Library		
	1908	1909	Gain
Books.....	1, 535, 008	^a 1, 702, 685	^a 167, 677
Manuscripts (a numerical statement not feasible).....			
Maps and charts (pieces).....	105, 118	111, 343	6, 225
Music (volumes and pieces).....	483, 411	501, 293	17, 882
Prints (pieces).....	279, 567	303, 036	23, 469

^a Includes the Yudin collection not hitherto enumerated.

Description	Net accessions	
	1908	1909
Printed books and pamphlets.....	100, 067	167, 677
Manuscripts (a numerical statement not feasible).....		
Maps and charts (volumes and pieces).....	6, 736	6, 225
Music (volumes and pieces).....	18, 793	17, 882
Prints (pieces).....	27, 745	23, 469
Miscellaneous.....	113	

ACCESSIONS: The accessions of books and pamphlets during the past
Books and two years, in detail, classified by source, were as follows:
pamphlets by
sources

How acquired	1908	1909
By purchase	22,424	^a 108,753
By gift	10,792	10,996
By transfer from U. S. Government libraries	62,957	36,465
From the Public Printer by virtue of law	3,319	3,520
By International Exchange (from foreign governments)	8,755	12,798
Gifts of the U. S. Government in all its branches	1,394	1,804
Gifts from state governments	4,128	3,554
Gifts from local governments	404	1,688
Gifts from corporations and associations	331	463
By copyright	9,074	8,963
By Smithsonian	3,858	5,072
By exchange (piece for piece)	6,889	4,311
By priced exchange	464	359
Library of Congress publications (specially bound)	152	100
Gain of volumes by separation in binding, and by binding of books and periodicals previously uncounted or uncounted in their present form	12,308	13,273
Total added—books, pamphlets, and pieces	147,249	212,119
DEDUCTIONS		
By consolidation in binding	4,489	10,834
Duplicates sent in exchange	38,951	28,175
Returns of college and library catalogues	2,553	5,244
Books withdrawn from stacks and returned to Copyright Office	96	189
	46,089	44,442
Net accessions	101,160	167,677

^a This includes the Yudin collection not hitherto enumerated.

APPENDICES

	Page
Appendix Ia. Appropriations and expenditures (tables).....	73
Ib. Appropriation acts, 1909-10.....	75
II. Report of the Register of Copyrights.....	81
III. Manuscripts and Broad sides: List of Accessions, 1908-9.....	201

APPENDIX Ia
APPROPRIATIONS AND EXPENDITURES, 1908-9

	Appropriations	Expended	Unexpended
SALARIES			
Library service:			
General.....	\$239,060.00	\$238,661.85	\$398.15
Sunday.....	10,000.00	9,985.84	14.16
Special.....	^a 2,360.74	2,308.91	51.83
Indexes, digests, and compilation of laws.....	5,840.00	5,840.00	-----
Carrier service, March 5-June 30, 1909.....	312.00	309.34	2.66
Distribution of card indexes.....	^b 17,158.97	^c 17,123.41	35.56
Copyright Office.....	77,800.00	77,624.30	175.70
Total.....	352,531.71	351,853.65	678.06
INCREASE OF LIBRARY			
Purchase of books.....	100,000.00	100,000.00	-----
Purchase of periodicals.....	5,000.00	4,986.31	13.69
Purchase of law books.....	^d 3,000.00	3,000.00	-----
Total.....	108,000.00	107,986.31	13.69
Contingent expenses.....	7,300.00	7,246.42	53.58
Printing and binding (allotment, not appropriation).....	^e 202,153.83	195,423.28	6,730.55
Grand total.....	669,985.54	662,509.66	7,475.88

^a Includes balance \$360.74 from 1907-8.

^b Includes \$358.97 credits on account of sales to government institutions. Does not include \$146.94 yet to be credited.

^c An indebtedness of \$175 is to be paid when amounts due through sales to government institutions have been credited in full.

^d Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books of reference for that body.

^e Includes \$153.83 credits on account of sales to government institutions. Does not include \$62.97 yet to be credited.

CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies.....	\$4,359.65
Horse hire and care of wagon.....	869.00
Repairing and repainting wagon.....	62.20
Typewriter supplies.....	111.68
Traveling expenses.....	401.53
Dies, presses, and rubber stamps.....	184.13
Postage stamps and international postal cards (foreign correspondence).....	262.00
Telegrams and long-distance telephone messages.....	17.07
Tools.....	58.92
Transfer charges.....	54.24
Post-office box rent, July 1, 1908, to June 30, 1909.....	16.00
Motor delivery van.....	850.00
Total.....	7,246.42

APPENDIX 1b

APPROPRIATIONS FOR THE LIBRARY OF CONGRESS AS CONTAINED IN "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND TEN, AND FOR OTHER PURPOSES."

General administration: For Librarian of Congress, \$6,000; chief assistant librarian, \$4,000; chief clerk, \$2,500; Librarian's secretary, \$1,800; clerk (assistant to chief clerk), \$1,000; 2 stenographers and typewriters, 1 at \$1,200 and 1 at \$720; messenger, \$840; 1 messenger boy, \$360; in all, \$18,420.

Mail and delivery: For assistant in charge, \$1,500; assistant, \$900; 2 assistants, at \$720 each; messenger boy, \$360; in all, \$4,200.

Order and accession: For chief of division, \$2,500; assistant, \$1,500; assistant, \$1,200; 3 assistants, at \$900 each; 2 assistants, at \$720 each; 2 assistants, at \$600 each; assistant, \$520; and 2 messenger boys, at \$360 each; in all, \$11,780.

Catalogue, classification, and shelf: For chief of division, \$3,000; chief classifier, \$2,000; 4 assistants, at \$1,800 each; 7 assistants, at \$1,500 each; 6 assistants, at \$1,400 each; 12 assistants, at \$1,200 each; six assistants, at \$1,000 each; 14 assistants, at \$900 each; 4 assistants, at \$800 each; 13 assistants, at \$720 each; 3 assistants, at \$600 each; 10 assistants at \$540 each; 4 assistants, at \$480 each; 6 messengers, at \$360 each; in all, \$87,940.

Binding: For assistant in charge, \$1,400; assistant, \$900; messenger boy, \$360; in all, \$2,660.

Bibliography: For chief of division, \$3,000; assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; assistant, \$720; and 1 messenger boy, \$360; in all, \$8,280.

Reading rooms (including evening service) and special collections: For superintendent of reading room, \$3,000; 2 assistants, at \$1,500 each; 4 assistants, at \$1,200 each; 1 assistant (reading room for the blind), \$1,200; 5 assistants, at \$900 each; 10 assistants, at \$720 each; 1 attendant, Senate reading room, \$900; 1 attendant, Representatives' reading room, \$900; 1 attendant, Representatives' reading room, \$720; 2 attendants, cloakrooms, at \$720 each; 1 attendant, Toner Library, \$900; 1 attendant, Washingtonian Library, \$900; 2 attendants (for gallery and alcoves) at \$480 each; 4 messenger boys, at \$360 each; 2 watchmen, at \$720 each; evening service, 5 assistants, at \$900 each; 15 assistants, at \$720 each; in all, \$48,600.

Periodical (including evening service): For chief of division, \$2,000; chief assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; 3 assistants, at \$720 each; 2 messenger boys, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be open in the evenings, 2 assistants, at \$720 each; in all, \$10,520.

Documents: For chief of division, \$3,000; assistant, \$1,400; stenographer and typewriter, \$900; assistant, \$720; messenger, \$360; in all, \$6,380.

Manuscript: For chief of division, \$3,000; chief assistant, \$1,500; assistant, \$900; messenger boy, \$360; in all, \$5,760.

Maps and charts: For chief of division, \$3,000; assistant, \$1,400; 2 assistants, at \$900 each; assistant, \$720; messenger boy, \$360; in all, \$7,280.

Music: For chief of division, \$3,000; assistant, \$1,500; assistant, \$1,000; 2 assistants, at \$720 each; messenger boy, \$360; in all, \$7,300.

Prints: For chief of division, \$2,000; assistant, \$1,400; 2 assistants, at \$900 each; messenger, \$360; in all, \$5,560.

Smithsonian deposit: For custodian, \$1,500; assistant, \$1,400; messenger, \$720; messenger boy, \$360; in all, \$3,980.

Congressional Reference Library: For custodian, \$1,500; assistant, \$1,200; assistant, \$900; assistant, \$720; 2 messenger boys, at \$360 each; in all, \$5,040.

Law Library: For law librarian, including additional compensation of \$500 for supervision of preparation of the new index to the Statutes at Large, \$3,000; 2 assistants, at \$1,400 each; messenger, \$900; assistant for evening service, \$1,500; in all, \$8,200.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, \$3,500; assistant register of copyrights, \$3,000; chief clerk and chief of bookkeeping division, \$2,000; chief of application division, \$2,000; 3 clerks, at \$1,800 each; 6 clerks, at \$1,600 each; 8 clerks, at \$1,400 each; 10 clerks, at \$1,200 each; 10 clerks, at \$1,000 each; 13 clerks, at \$900 each; 2 clerks, at \$800 each; 10 clerks, at \$720 each; 4 clerks, at \$600 each; 3 messenger boys, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; messenger boy, \$360; in all, \$87,360.

DISTRIBUTION OF CARD INDEXES: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, and traveling expenses connected with such distribution, \$16,800.

TEMPORARY SERVICES: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, to continue available until expended, \$2,000.

Carrier service: Two messengers, at \$40 per month each, during the first session of the Sixty-first Congress, being from December 1, 1909, until June 30, 1910, and for services in connection with the House Office Building, \$560, or so much thereof as may be necessary.

SUNDAY OPENING: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock post meridian on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, \$10,000, or so much thereof as may be necessary.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, \$100,000;

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, \$3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$1,500;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, \$5,000;

In all, \$109,500.

CONTINGENT EXPENSES: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, \$7,300.

INDEX TO THE STATUTES AT LARGE: For continuing the preparation of an index to the Statutes at Large of the United States, \$10,000, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve.

The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerk, \$1,600; clerk, \$1,400; clerk, \$1,000; 1 messenger; 1 assistant messenger; 1 telephone switchboard operator; 1 assistant telephone switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; 16 watchmen; carpenter, \$900; painter,

\$900; foreman of laborers, \$900; 14 laborers, at \$480 each; 2 attendants in ladies' room, at \$480 each; 4 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 45 charwomen; chief engineer, \$1,500; 1 assistant engineer, \$1,200; 3 assistant engineers, at \$1,000 each; electrician, \$1,500; assistant electrician, \$1,000; machinist, \$1,000; machinist, \$900; 2 wiremen, at \$900 each; plumber, \$900; 3 elevator conductors, at \$720 each; 9 firemen; 6 skilled laborers, at \$720 each; in all, \$76,905.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock post meridian on Sundays and legal holidays, \$2,800.

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, city directory, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, \$32,500.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$25,000.

For the completion of the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building, \$200,000.

Provisions in "An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes."

For such trees, shrubs, plants, fertilizers, and skilled labor for the grounds of the Library of Congress as may be requested by the superintendent of the Library building, \$1,000.

For the Library of Congress, including the Copyright Office, and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of library books, and for building and grounds, Library of Congress, \$202,000.

Provisions in "An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and nine, and for prior years, and for other purposes."

For 2 messengers, at \$40 per month each, during the extra session of the Sixty-first Congress, being from March 5, 1909, until June 30, 1909, and for services in connection with the House Office Building, \$312, or so much thereof as may be necessary.

Provisions in "An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and nine, and for other purposes."

For balance of salary of the Register of Copyrights, as provided by section 48 of the act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, for the fiscal year ending June 30, 1910, \$500.

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE
FISCAL YEAR 1908-9

WASHINGTON, D. C., July 9, 1909

SIR: The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1908, to June 30, 1909, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$87,085.53. A *Fees, etc.* balance of \$1,876.63, representing trust funds and unfinished business, was on hand July 1, 1908, making a total of \$88,962.16 to be accounted for. Of this amount the sum of \$2,715.46, received by the Copyright Office, was refunded as excess fees or as fees for articles not registrable, and \$154.50 was applied for subscriptions to the Catalogue of Copyright Entries, leaving a net balance of \$86,092.20. The balance carried over to July 1, 1909, was \$2,275.45 (representing trust funds, \$2,193.79, and total unfinished business since July 1, 1897—twelve years—\$81.66), leaving for fees applied during the fiscal year 1908-9, \$83,816.75.

EXPENDITURES

The appropriation made by Congress for salaries in the *Salaries* Copyright Office for the fiscal year ending June 30, 1909, was \$77,800. The total expenditure for salaries was \$77,586.52, or \$6,230.23 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, except furniture, including stationery and other articles, and postage on foreign mail matter, etc., was \$1,067.18.

The copyright fees received and paid into the United *Copyright* States Treasury during the last twelve years, from July 1,

1897, to June 30, 1909, amount to \$858,422.75, while the sum used of the appropriations for salaries during that period was \$729,468.07, leaving an excess of fees over appropriations used for service for the twelve years of \$128,954.68.

Copyright deposits In addition to the actual money fees received during these same twelve years, the articles deposited amount to the grand total of 2,153,919 pieces. An itemized statement of these articles is given in Exhibit G. During the fiscal year 1,146 separate works were deposited under the act of March 3, 1905, to secure an *ad interim* term of protection of one year in the case of books printed abroad in foreign languages.

COPYRIGHT ENTRIES AND FEES

Registrations The entries of titles for the fiscal year numbered 120,131. Of these entries 108,281 were titles of the productions of citizens or residents of the United States, and 11,850 were titles of works by foreigners. The fees for these entries were: United States, \$54,140.50; foreign, \$11,850, or a total of \$65,990.50.

Certificates, etc. Of the foreign entries 2,749 were with certificates, and of the United States entries 29,606, or a total of 32,355 certificates, at fees amounting to \$16,177.50. In addition, 1,783 copies of record were furnished for \$891.50 in fees; assignments to the number of 604 were recorded and certified, at a charge of \$720; and search fees charged to the amount of \$37.25. The total copyright fees for the year amounted to \$83,816.75. The details of the Copyright Office business and applied fees are set out in Exhibits A, B, and C.

The number of entries in each class from July 1, 1908, to June 30, 1909, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

Articles deposited The various articles deposited in compliance with the copyright law, which have been receipted for, stamped, credited, indexed, and catalogued during the fiscal year, amount to 217,869. The number of these articles in each class for the twelve fiscal years is shown in Exhibit G.

COPYRIGHT CATALOGUE AND INDEX

The permanent title-index cards for the fiscal year numbered 130,265. After being first used as the copy for the printed catalogue, these cards were added to the permanent card indexes of the copyright entries. During the year the work of reducing the size of the card index by means of condensing entries for sets, etc., on ten and twelve line cards and eliminating duplicates was begun, and as a result 90,000 cards were withdrawn. The index now numbers a total of over 1,720,000 cards.

Index cards

The publication of the Catalogue of Copyright Entries as required by law has been continued. Since January, 1909, Part I of the Catalogue has been issued in two sections, Group 1 containing mainly the titles of books for which printed catalogue cards are issued by the Library of Congress, and Group 2 containing titles of pamphlets, leaflets, contributions to newspapers or periodicals, etc., including also local directories and annuals.

Copyright catalogue, new series

The numbers printed for each of the four parts of the Catalogue are so prepared that they may be bound at the end of the year into separate volumes, which are separately indexed according to subject-matter. Subscriptions are taken by the Superintendent of Documents, Washington, for the year 1909 for each part, as follows: Part I, Books, pamphlets, dramatic compositions, and maps and charts, \$1.50; Part II, Periodicals, 75 cents; Part III, Musical compositions, \$1.50; Part IV, Engravings, cuts and prints, chromos and lithographs, photographs, and the descriptions of original works of art—paintings, drawings, and sculpture—75 cents. The price for the entire Catalogue for the year 1909 is \$4. Beginning with the year 1910, however, the price for the entire Catalogue will be \$3, and for the separate parts as follows: Part I, two volumes, \$1; Part 2, \$0.50; Part 3, \$1; and Part 4, \$0.50.

BULLETINS AND CIRCULARS

The customary "Annual Statement," setting out in condensed form the statistics of the copyright business for the calendar year 1908, was printed on January 6, 1909.

Annual statement of copyright business

*Bulletins and
circulars*

The principal bulletins and circulars printed by the Copyright Office during the fiscal year were as follows:

1. The copyright law of the United States of America, in force July 15, 1908. 6th edition, 6th thousand. 30 pp. 8°. 1908. (Bulletin No. 1.)

2. The copyright law of the United States of America, in force July 1, 1909. Replacing the Revised Statutes of the United States, Title 60, chapter 3 (1873), and subsequent amendatory Acts. Together with Rules for Practice and Procedure under section 25, by the Supreme Court of the United States. 3d impression, June 25, 1909. 43 pp. 8°. (Bulletin No. 14.)

[Three editions with side notes and index have been printed since the Act was approved on March 4, 1909.]

3. International Copyright Union. Berne Convention, 1886; Paris Convention, 1896; Berlin Convention, 1908. Report of the Delegate of the United States to the International Conference for the revision of the Berne Copyright Convention, held at Berlin, Germany, October 14 to November 14, 1908. 69 pp. 4°. 1908. (Bulletin No. 13.)

4. Text of the Convention creating the International Copyright Union, September 5, 1887, together with Additional Articles, signed at Paris, May 4, 1896. 15 pp. 4°. 1908. (Information circular No. 4, reprinted.)

5. Convention creating the International Copyright Union. Revised text, 1908. [Contains "Preliminary remarks" and "Statement" by Thorvald Solberg, delegate of the United States to the Berlin Conference of 1908, with the Revised text of the Convention in English and French.] 12 pp. 4°. 1908. (Information circular No. 4, A.)

6. New Copyright Treaties negotiated by the United States. [Contains: I. Second Pan-American Convention, 1902, proclaimed April 9, 1908; II. Treaty between the United States and Japan for the protection of trademarks, copyrights, etc., in China, 1908; III. Treaty

between the United States and Japan for the protection of trade-marks, copyrights, etc., in Korea, 1908; IV. Japanese copyright ordinances, Imperial ordinances No. 200 and No. 201.] 12 pp. 4°. 1908. (Information circular No. 39.)

7. Act of March 3, 1905. I. How reservation of copyright may be secured under the Act of March 3, 1905. II. How copyright for full terms provided by the Act of March 4, 1909, may be secured. 4 pp. 8°. 1909. (Information circular No. 33, A.)

8. Rules for Practice and Procedure under section 25 of an Act to amend and consolidate the Acts respecting copyright approved March 4, 1909. Adopted and promulgated by the Supreme Court of the United States June 1, 1909. 4 pp. 8°. (Information circular No. 20.)

SUMMARY OF COPYRIGHT BUSINESS

Summary of
copyright bus-
ness: receipts, etc

Balance on hand July 1, 1908.....	\$1,876.63	
Gross receipts July 1, 1908, to June 30, 1909....	87,085.53	
Total to be accounted for.....	88,962.16	
Refunded.....	\$2,715.46	
Received for subscriptions to cata- logue.....	154.50	
Total subtracted.....	2,869.96	
Balance to be accounted for.....	\$86,092.20	
Applied as earned fees.....	83,816.75	
Balance carried over to July 1, 1909:		
Trust funds.....	2,193.79	
Unfinished business, July 1, 1897, to June 30, 1909, twelve years.....	81.66	
	2,275.45	
		86,092.20
Total fees earned and paid into the Treasury during the twelve fiscal years from July 1, 1897, to June 30, 1909-	\$858,422.75	
Total unfinished business for the twelve years.....	81.66	

<i>Fees</i>	FEES	
Fees for entry of titles, United States productions, at 50 cents each.....	\$54,140.50	
Fees for entry of titles of foreign productions, at \$1 each.....	11,850.00	
Total fees for titles recorded.....		\$65,990.50
Fees for certificates, United States entries, at 50 cents each.....	14,803.00	
Fees for certificates, foreign entries, at 50 cents each.....	1,374.50	
Total fees for certificates.....		16,177.50
Fees for certified copies of record, at 50 cents each.....	891.50	
Fees for recording assignments.....	720.00	
Searches made and charged for, at the rate of 50 cents for each hour of time consumed.....	37.25	
		1,648.75
Total fees.....		83,816.75

<i>Entries</i>	ENTRIES	
Number of entries of United States productions recorded.....	108,281	
Number of entries of foreign productions recorded.....	11,850	
Total number of titles recorded.....		120,131
Number of certificates of United States entries.....	29,606	
Number of certificates of foreign entries.....	2,749	
Total number of certificates.....		32,355
Number of certified copies of record.....	1,783	
Number of assignments recorded.....	604	

CONDITION OF COPYRIGHT OFFICE WORK

(a) Current work

Condition of current work ^{a f} At this date (July 9, 1909) the remittances received up to the third mail of the day have been recorded and acknowledged. 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 twelve years from July 1, 1897, to June 30, 1909, amounts to but \$81.66.

At the close of business on July 9, 1909, the titles for record had been dated, classified, and numbered to July 2, inclusive, for books and periodicals and to July 1 for all other classes, and all titles had been indexed up to and including June 30.

The articles of all classes deposited had been stamped, catalogued, and credited up to the receipts of June 25, inclusive, for class D (drama), and to June 30, inclusive, for all other classes.

The certificate and noncertificate entries had been recorded to June 30, inclusive, and certificates and notices of entry to the same date made, revised, and mailed.

(b) *Copyright business prior to July 1, 1897*

Congress in the appropriation act for the fiscal year just closed continued the special force for work on the arrears of Copyright Office business prior to July 1, 1897. The examination and arrangement of the mass of deposits have been continued.

DEPOSITS RECEIVED PRIOR TO JULY 1, 1897

During the fiscal year 1908-9, 21,962 articles received prior to July 1, 1897, were credited to their respective entries, and 562 articles were filed away as unclearable, no entries being found therefor, making a total of 22,524 articles finally disposed of during the year.

Of the titles filed prior to July 1, 1897, in bundles, the remainder, amounting to 106,738, have now been collated, arranged, and permanently disposed of.

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT RELATIONS

I. *Legislation*

The record of proposed copyright legislation was brought down (in my last year's report) to the end of the first session of the Sixtieth Congress. Promptly in the second session of that Congress the consolidated copyright bill was reintroduced.

duced in various texts which, while mainly in accord, differed in certain important particulars. Mr. Barchfeld, of the House Committee on Patents, reintroduced his bill on December 19, 1908.^a Mr. Sulzer presented, on January 5, 1909, an amended text of his former bill.^b On January 15, 1909, Mr. Washburn, of the House Committee on Patents, brought in a bill containing those sections of the general copyright bill which related to the administration of the Copyright Office, with a view to the enactment of administrative provisions for the relief of the office in case the bill as a whole failed of enactment.^c

Public hearing On January 20 the Copyright Subcommittee^d of the House Committee on Patents gave a hearing on the clause in section 4 of Mr. Washburn's bill (H. R. 21592, 60th Cong., 1st sess.), reading: "That subject to the limitations and conditions of this Act copyright secured hereunder shall be entitled to all the rights and remedies which would be accorded to any other species of property at common law." Arguments were submitted and discussed by Mr. Arthur Steuart of Baltimore; Mr. William A. Jenner of New York; and Mr. Robert H. Parkinson of Chicago, and a stenographic report was printed.^e Following this hearing Mr. Washburn introduced on January 28, 1909, a new edition of his bill, which was ordered to be printed and referred to the Committee on Patents of the House of Representatives.^f

New copy-right bills On February 17 Mr. Currier introduced a new draft of the

^a 1908 (December 19).—A bill to consolidate and revise the Acts respecting copyright. Presented by Mr. Barchfeld. H. R. bill No. 24782. Printed, 38 pp. 4°. [Referred to the Committee on Patents.]

^b 1909 (January 5).—A bill to amend and consolidate the Acts respecting copyright. Presented by Mr. Sulzer. H. R. bill No. 25162. Printed, 38 pp. 4°. [Referred to the Committee on Patents.]

^c 1909 (January 15).—A bill to provide for the administration of the Copyright Office. Presented by Mr. Washburn. H. R. bill No. 26282. Printed, 8 pp. 1 l. 4°. [Referred to the Committee on Patents.]

^d Frank D. Currier, chairman; Edmund H. Hinshaw, John C. Chaney, Charles McGavin, Charles G. Washburn, William Sulzer, George S. Legare.

^e 1909 (January 20).—Arguments before the Copyright Subcommittee of the Committee on Patents, House of Representatives, on Common-law Rights as applied to Copyright (Sec. 4, H. R. 21592). 42 pp. 8°. Washington, Government Printing Office, 1909.

^f 1909 (January 28).—A bill to amend and consolidate the Acts respecting copyright. Presented by Mr. Washburn. H. R. bill No. 27310. Printed, 38 pp. 4°. [Referred to the Committee on Patents.]

House Committee's bill.^a This bill was reported by Mr. Currier from the House Committee on Patents on February 22, and bill and report were ordered to be printed.^b On the same day Mr. Smoot, Chairman of the Senate Committee on Patents, introduced the same bill in the Senate, where it was read twice and referred to the Committee on Patents.^c This bill was reported by Mr. Smoot without amendment, on March 1, and the report was ordered printed. The Senate report itself is very brief, reading as follows: "The Committee on Patents, to whom was referred the bill (S. 9440) to amend and consolidate the acts respecting copyright, having carefully considered the same, beg to report it back with the recommendation that it do pass." The House report was adopted, however, as part of the Senate report and reprinted with it.^d

On Tuesday, March 2, 1909, Mr. Currier, under a motion to suspend the rules, submitted certain committee amendments^e to the bill, which were read and printed in full in the Congressional Record. On Wednesday, March 3, Mr. Currier moved again to suspend the rules, agree to the committee amendments, and to pass the bill. After some discussion, participated in by Mr. Currier, Mr. Sulzer, Mr. Washburn, Mr. Chaney, Mr. Cooper of Wisconsin, Mr. Wilson of Pennsylvania, Mr. Olmsted, Mr. Driscoll, and others, the bill was agreed to and passed, to go into effect on July 1, 1909. Later on the same day Mr. Smoot, in the Senate, proposed to substitute the House bill (No. 28192) as amended and passed for the Senate bill (No. 9440), and this, after

^a 1909 (February 17).—A bill to amend and consolidate the Acts respecting copy right. Presented by Mr. Currier. H. R. bill No. 28192. Printed, 36 pp. 1 l 4°. [Referred to the Committee on Patents.]

^b 1909 (February 22).—To amend and consolidate the Acts respecting copyright, Mr. Currier, from the Committee on Patents, submitted the following report (to accompany H. R. 28192). 60th Congress, 2d session, House of Representatives. Report No. 2222. Printed, 21 pp. 8°.

^c 1909 (February 22).—A bill to amend and consolidate the Acts respecting copyright. Presented by Mr. Smoot. Senate bill No. 9440. Printed, 36 pp. 1 l 4°. [Referred to the Committee on Patents.]

^d 1909 (March 1).—To amend and consolidate the Acts respecting copyright. Mr. Smoot, from the Committee on Patents, submitted the following report (to accompany S. 9440). 60th Congress, 2d session. Senate report No. 1108. Printed, 21 pp. 8°.

^e 1909 (March 2).—Amendments to the Copyright Bill (H. R. 28192). Agreed to by the Committee on Patents February 26, 1909. Printed, 2 pp. 4°.

some little discussion including support of the bill by Senator Kittredge, was agreed to and the bill was passed.

The bill as enacted was printed in the usual large type, folio form, for signing by the President, who affixed his signature on the morning of Thursday, March 4. It was then printed in the usual manner as an act (Public—No. 349).^a An edition (of 3,000 copies) with marginal notes and full index was promptly printed by the Copyright Office. A second impression of 3,000 copies was issued on April 7, 1909, and a third impression of the same number on June 25. This last has as an appendix the Rules for Practice and Procedure under section 25, promulgated by the Supreme Court on June 1.^b (For full text, see Addenda, No. 1.)

In addition to the consolidated copyright bill Mr. John H. Stephens, of Texas, on December 7, 1908, in the second session of the Sixtieth Congress, introduced a bill, which was referred to the Committee on Patents and ordered to be printed.^c This bill, in revised text, was reintroduced in the first session of the Sixty-first Congress on March 15, 1909, again referred to the Committee on Patents, and ordered to be printed (H. R. bill 78). It was a third time presented by Mr. Stephens on March 29, 1909, referred to the Committee on Patents, and ordered to be printed (H. R. bill 5882). It differs materially from the other bills, and provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) before any letters patent shall be issued by the United States on any article, commodity, compound, device, mechanical appliance, or

^a 1909 (March 4).—An act to amend and consolidate the acts respecting copyright (approved March 4, 1909. Public—No. 349). Printed, 15 pp. 8°.

^b The Copyright law of the United States of America in force July 1, 1909, replacing the Revised Statutes of the United States, title 60, chapter 3 (1873), and subsequent amendatory acts. 2 p. l. 43 pp. 8° Washington, Government Printing Office, 1909. (Copyright Office Bulletin No. 14.)

^c 1908 (December 7).—A bill requiring any citizen of a foreign country who may procure a copyright or letters patent from the United States to pay to the United States for such copyright or patent the same amount of fees and to subject himself to the same laws, rules, and regulations relating to such patent, its use and control, as the government of such foreign country exacts by its laws and regulations from citizens of the United States, and for other purposes. Presented by Mr. Stephens. H. R. bill 22296. Printed, 4 pp. 4°. [Referred to the Committee on Patents.]

machine to be protected by patent, or (b) before any copyright shall be issued by the United States on any article, musical composition, musical instrument, or device for reproducing music or musical compositions, or any picture, book, pamphlet, or any other work of literature or art to be protected by copyright, to any citizen of any foreign country, the applicant for such copyright registration or patent shall pay to the United States the same amount of copyright or patent fees, and subject himself to all the laws, conditions, restrictions, rules, limitations, and regulations that are imposed by the country of said citizen or subject upon a citizen of the United States for securing copyrights or obtaining and maintaining patents or for manufacturing and selling the patented article or article copyrighted in such foreign country, and the failure on the part of the following patentee to comply with this law shall operate as a forfeiture and cancellation of such copyright or letters patent: *Provided*, That citizens of any foreign country having no copyright or patent laws, or having such laws do not permit copyrights or patents to issue to citizens of this country, shall not be entitled to copyrights or patents in the United States.^a

No further action by Congress has been taken in relation to either of these bills.

II. International copyright relations

The Berne Convention creating the International Copyright Union for the protection of works of literature and art was signed on September 9, 1886, and went into force on December 5, 1887. The Additional Agreement formulated at the first conference of revision, which met in Paris, was signed on May 4, 1896, and went into effect on December 9, 1897. This modified articles 2, 3, 5, 7, 12, and 20 of the convention, and Nos. 1 and 4 of the "Protocole de Clôture." A declaration interpreting certain provisions of the Berne Convention of 1886 and the Additional Agreement of Paris of 1896 was also signed on May 4, 1896, to go into effect on September 9, 1897.

^a 1909 (March 20).—A bill requiring any citizen of a foreign country who may apply for a copyright registration or for letters patent from the United States for an invention to pay to the United States for such copyright or patent the same amount of fees and be subject to the same laws, rules, and regulations relating to the registration of copyrights and the issuance of letters patent, and relating to the issuance and maintenance of copyrights and letters patent, as the government of such foreign country exacts by its laws and regulations from citizens of the United States in such cases. Presented by Mr. Stephens. H. R. bill 5882 Printed, 4 pp. 4^o. [Referred to the Committee on Patents.]

A second conference of revision was held in Berlin from October 14 to November 14, 1908, and a new text to take the place of the three documents cited above was formulated by the representatives of the following fifteen countries: Belgium, Denmark, France, Germany, Great Britain, Italy, Japan, Liberia, Luxembourg, Monaco, Norway, Spain, Sweden, Switzerland, and Tunis.

Representatives from the following nonunion countries were also present at the conference: Argentina, Chile, China, Colombia, Ecuador, Greece, Guatemala, Mexico, the Netherlands (Holland), Nicaragua, Peru, Persia, Portugal, Rumania, Russia, Siam, the United States, Uruguay, and Venezuela.

Designated by the Secretary of State as Delegate from the United States, I attended the Berlin Conference instructed to "observe and report," with no authority to take part in the discussions beyond making an explanatory statement relative to my attendance.* Mr. Arthur Orr, Third Secretary of the United States Embassy at Berlin, was also present at the sittings of the conference.

The convention was signed on November 13 and the conference closed on November 14. Article 28 of the convention provides that it shall be ratified, and the ratifications exchanged at Berlin, not later than the 1st of July, 1910. To give prompt publicity to the proposed treaty the official text was, by resolution of the conference, published in the organ of the International Copyright Bureau at Berne, "*Le Droit d'Auteur*," for November 15. This French text of the treaty is reprinted here, together with an English translation from the text as published in "*Le Droit d'Auteur*." The new convention can not go into effect until ratified by the various countries of the Copyright Union, and it will not wholly supersede the previous Conventions of Berne (1886) and Paris (1896). These texts, therefore, are also printed in an English translation. (See Addenda, Nos. 1 and 2.)

Respectfully submitted

THORVALD SOLBERG
Register of Copyrights

HERBERT PUTNAM
Librarian of Congress

Register of Copyrights

EXHIBIT A—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1909

	Gross cash receipts	Refunds	Net receipts	Fees applied
1908				
July	\$6,498.83	\$154.45	\$6,344.38	\$6,200.50
August	6,193.68	161.99	6,031.69	5,875.00
September	6,606.26	234.84	6,371.42	6,408.50
October	7,306.88	177.66	7,129.22	7,188.50
November	6,546.78	163.27	6,383.51	6,227.50
December	7,873.33	231.29	7,642.04	7,657.75
1909				
January	10,192.88	190.27	10,002.61	10,206.00
February	7,303.02	166.30	7,136.72	6,693.50
March	7,894.60	257.09	7,637.51	7,772.50
April	7,360.88	223.86	7,137.02	6,852.50
May	6,522.35	267.05	6,255.30	6,525.50
June	6,786.04	487.39	6,298.65	6,209.00
Total	87,085.53	2,715.46	84,370.07	83,816.75

Balance brought forward from June 30, 1908	\$1,876.63
Net receipts, July 1, 1908, to June 30, 1909:	
Gross receipts	\$87,085.53
Less amount refunded	2,715.46
	84,370.07
Total to be accounted for	86,246.70
Copyright fees applied July 1, 1908, to June 30, 1909.....	\$83,816.75
Subscriptions to Copyright Catalogue	154.50
	83,971.25
Balance carried forward to July 1, 1909:	
Trust funds	2,193.79
Unfinished business	81.66
	2,275.45
	86,246.70

Report of the Librarian of Congress

EXHIBIT B—Statement of fees paid into Treasury

Date	Check number	Amount	Date	Check number	Amount
1908			1909		
July 6	697	\$500.00	Jan. 4	727	\$1,800.00
13	698	1,600.00	6	728	457.75
20	699	1,200.00	11	729	4,500.00
27	700	1,500.00	18	730	2,100.00
Aug. 3	701	1,100.00	25	731	1,600.00
6	702	300.50	Feb. 1	732	1,600.00
10	703	1,300.00	5	733	406.00
17	704	1,200.00	8	734	1,500.00
24	705	1,400.00	15	735	1,600.00
31	706	1,400.00	23	736	1,700.00
Sept. 4	707	575.00	Mar. 1	737	1,500.00
8	708	800.00	6	738	393.50
14	709	1,200.00	8	739	1,400.00
21	710	1,600.00	15	740	1,700.00
28	711	1,500.00	22	741	1,600.00
Oct. 5	712	1,308.50	29	742	1,800.00
12	713	2,000.00	Apr. 5	743	1,272.50
19	714	1,700.00	12	744	2,100.00
26	715	1,600.00	19	745	1,700.00
Nov. 2	716	1,600.00	26	746	1,500.00
7	717	288.50	May 3	747	1,300.00
9	718	1,100.00	6	748	252.50
16	719	1,500.00	10	749	1,500.00
23	720	1,600.00	17	750	1,700.00
30	721	1,100.00	24	751	1,600.00
Dec. 5	722	927.50	June 1	752	1,400.00
7	723	1,000.00	5	753	325.50
14	724	1,500.00	7	754	1,000.00
21	725	1,500.00	14	755	1,300.00
28	726	1,400.00	21	756	1,300.00
			28	757	1,300.00
			July 9	758	1,309.00
			Total		83,816.75

Subscriptions to Copyright Catalogue paid into Treasury.

1908	Check number	Amount	1908	Check number	Amount
Aug. 5	CCE 19	\$11.00	Jan. 5	CCE 24	\$64.00
Sept. 3	20	2.00	Feb. 4	25	15.00
Oct. 5	21	12.00	Mar. 5	26	2.00
Nov. 6	22	22.00	May 5	27	9.00
Dec. 4	23	7.00	June 4	28	7.00
			July 6	29	3.50
					154.50

EXHIBIT C—Record of applied fees

Month	Number of titles, foreign productions	Fees at \$1 each	Number of titles, United States productions	Fees at 50 cents each	Total number of titles entered	Total monthly applied fees for titles recorded
1908						
July	844	\$844.00	8,141	\$4,070.50	8,985	\$4,914.50
August	946	946.00	7,244	3,622.00	8,190	4,568.00
September	1,042	1,042.00	7,998	3,999.00	9,040	5,041.00
October	1,134	1,134.00	8,964	4,482.00	10,098	5,616.00
November	960	960.00	7,860	3,930.00	8,820	4,890.00
December	1,190	1,190.00	9,819	4,909.50	11,009	6,099.50
1909						
January	988	988.00	15,091	7,545.50	16,079	8,533.50
February	956	956.00	8,345	4,172.50	9,301	5,128.50
March	1,084	1,084.00	9,921	4,960.50	11,005	6,044.50
April	943	943.00	8,669	4,334.50	9,612	5,277.50
May	967	967.00	8,109	4,054.50	9,076	5,021.50
June	796	796.00	8,120	4,060.00	8,916	4,856.00
Total	11,850	11,850.00	108,281	54,140.50	120,131	65,990.50

Month	Number of certificates, foreign	Fees at 50 cents each	Number of certificates, United States	Fees at 50 cents each	Total certificates	Fees at 50 cents each
1908						
July	227	\$113.50	2,111	\$1,055.50	2,338	\$1,169.00
August	253	126.50	2,170	1,085.00	2,423	1,211.50
September	213	106.50	2,277	1,138.50	2,490	1,245.00
October	253	126.50	2,671	1,335.50	2,924	1,462.00
November	214	107.00	2,235	1,117.50	2,449	1,224.50
December	293	146.50	2,508	1,254.00	2,801	1,400.50
1909						
January	238	119.00	2,760	1,380.00	2,998	1,499.00
February	196	98.00	2,694	1,347.00	2,890	1,445.00
March	279	139.50	2,835	1,417.50	3,114	1,557.00
April	213	106.50	2,550	1,275.00	2,763	1,381.50
May	177	88.50	2,562	1,281.00	2,739	1,369.50
June	193	96.50	2,233	1,116.50	2,426	1,213.00
Total	2,749	1,374.50	29,606	14,803.00	32,355	16,177.50

EXHIBIT C—Record of applied fees—Continued

Month	Copies of record	Fees at 50 cents each	Assignments	Charge for assignments	Search fees	Total applied fees
1908						
July	96	\$48.00	44	\$62.00	\$7.00	\$6,200.50
August	121	60.50	36	35.00		5,875.00
September	109	54.50	42	68.00		6,468.50
October	137	68.50	43	41.00	1.00	7,188.50
November	126	63.00	40	50.00		6,227.50
December	152	76.00	56	56.00	25.75	7,657.75
1909						
January	174	87.00	47	85.00	1.50	10,206.00
February	138	69.00	55	50.00	1.00	6,693.50
March	176	88.00	79	82.00	1.00	7,772.50
April	263	131.50	60	62.00		6,852.50
May	139	69.50	40	65.00		6,525.50
June	152	76.00	62	64.00		6,209.00
Total	1,783	891.50	604	720.00	37.25	83,816.75

EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1908, to June 30, 1909

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

Month	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1908				
July	\$6,498.83		\$267.42	\$249.95
August	6,193.68		305.15	238.21
September	6,606.26	\$412.58		264.25
October	7,306.88	700.62		270.62
November	6,546.78		760.10	272.78
December	7,873.33	1,326.55		302.82
1909				
January	16,192.88	2,319.55		407.71
February	7,303.02		2,889.86	317.52
March	7,894.60	591.58		292.39
April	7,360.88		533.72	283.11
May	6,522.35		838.53	260.89
June	6,786.04	263.69		261.00
Total	87,085.53			

EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1908, to June 30, 1909—Continued

Month	Business executed			
	1908-9	Increase	Decrease	Daily average
1908				
July	\$6,200.50		\$575.50	\$238.48
August	5,875.00		325.50	225.96
September	6,408.50	\$533.50		256.34
October	7,188.50	780.00		266.24
November	6,227.50		961.00	259.48
December	7,657.75	1,430.25		294.53
1909				
January	10,206.00	2,548.25		408.24
February	6,693.50		3,512.50	291.02
March	7,772.50	1,079.00		287.87
April	6,852.50		920.00	263.56
May	6,525.50		327.00	261.02
June	6,209.00		316.50	238.81
Total	83,816.75			

Month	Number of entries					
	Foreign	United States	Totals	Increase	Decrease	Daily average
1908						
July	844	8,141	8,985		853	346
August	946	7,244	8,190		795	315
September	1,042	7,998	9,040	850		362
October	1,134	8,964	10,098	1,058		374
November	960	7,860	8,820		1,278	368
December	1,190	9,819	11,009	2,189		423
1909						
January	988	15,091	16,079	5,070		643
February	956	8,345	9,301		6,778	404
March	1,084	9,921	11,005	1,704		408
April	943	8,669	9,612		1,393	370
May	967	8,109	9,076		536	363
June	798	8,120	8,916		160	343
Total	11,850	108,281	120,131			

EXHIBIT E—Statement of gross cash receipts, business executed, number of entries, etc., for twelve 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

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	4,075.96	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	6,512.00	6,435.56	6,728.06	7,332.53
January	6,074.03	6,050.86	7,649.80	7,155.68
February	4,066.92	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

Month	1901-2	1902-3	1903-4	1904-5
July	\$5,382.28	\$5,429.52	\$5,380.97	\$5,540.30
August	4,880.60	4,504.56	4,958.30	5,770.70
September	5,295.87	5,539.07	5,658.48	6,849.35
October	5,399.03	5,651.16	6,323.42	6,704.89
November	5,019.10	5,646.93	5,303.93	6,056.79
December	7,201.64	8,005.75	8,581.00	7,699.47
January	7,604.08	8,053.81	7,502.53	8,946.60
February	4,810.59	5,360.48	6,185.14	6,029.62
March	5,899.56	6,119.54	6,567.73	7,311.90
April	5,580.14	6,005.89	5,996.58	6,806.66
May	5,762.92	5,395.02	6,540.88	6,531.99
June	5,569.27	5,821.58	6,303.27	6,192.29
Total	68,405.08	71,533.91	75,302.83	80,440.56

EXHIBIT E—Statement of gross cash receipts, business executed, number of entries, etc., for twelve 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

GROSS RECEIPTS—Continued

Month	1905-6	1906-7	1907-8	1908-9
July	\$5,779.98	\$6,469.68	\$6,772.43	\$6,498.83
August	6,071.25	5,601.93	7,179.19	6,193.68
September	6,405.60	6,137.15	6,605.38	6,606.26
October	6,789.36	6,786.13	7,343.10	7,306.88
November	6,310.94	6,920.64	6,327.06	6,546.78
December	7,981.03	7,856.74	7,386.04	7,873.33
January	9,321.94	10,992.30	9,260.75	10,192.88
February	6,259.18	6,318.95	6,558.38	7,303.02
March	6,965.43	7,662.29	7,048.94	7,894.60
April	6,954.68	7,524.81	7,460.41	7,360.88
May	6,814.08	8,173.59	6,334.10	6,522.35
June	6,957.45	6,940.10	6,766.25	6,786.04
Total	82,610.92	87,384.31	85,042.03	87,085.53

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	5,426.50
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

EXHIBIT E—Statement of gross cash receipts, business executed, number of entries, etc., for twelve 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

BUSINESS EXECUTED—Continued

Month	1901-2	1902-3	1903-4	1904-5
July	\$4,886.50	\$4,781.00	\$5,001.00	\$5,553.50
August	4,847.50	4,599.00	5,043.50	5,707.50
September	4,828.00	5,388.50	5,406.00	6,431.50
October	5,175.50	5,492.50	5,945.50	6,873.00
November	4,366.00	5,242.00	5,250.50	5,653.00
December	6,176.50	7,228.50	7,441.00	6,760.00
January	7,795.00	8,107.00	8,120.50	9,432.50
February	4,629.00	5,159.00	6,001.50	5,544.50
March	5,473.50	5,993.00	6,146.50	7,266.00
April	5,271.50	6,025.00	5,953.50	6,635.00
May	5,568.00	5,074.50	6,160.00	6,014.50
June	5,475.00	5,784.50	6,159.50	6,187.00
Total	64,687.00	68,874.50	72,629.00	78,058.00
Month	1905-6	1906-7	1907-8	1908-9
July	\$5,520.50	\$6,350.00	\$6,509.00	\$6,200.50
August	5,734.50	5,584.50	6,820.00	5,875.00
September	6,171.50	5,559.00	6,682.00	6,408.50
October	6,752.00	6,865.50	6,819.00	7,188.50
November	5,862.00	6,420.50	6,181.00	6,227.50
December	7,458.00	7,803.50	6,889.00	7,657.75
January	9,719.00	10,590.00	9,247.50	10,206.00
February	6,076.50	6,190.00	6,203.50	6,693.50
March	6,777.50	7,399.50	6,885.00	7,772.50
April	6,610.00	7,145.50	7,189.50	6,852.50
May	7,020.50	7,883.50	6,186.00	6,525.50
June	6,550.00	6,833.50	6,776.00	6,209.00
Total	80,108.00	84,685.00	82,387.50	83,816.75

Register of Copyrights

101

EXHIBIT E—Statement of gross cash receipts, business executed, number of entries, etc., for twelve 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

NUMBER OF ENTRIES

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3
July	5,015	5,053	6,835	7,514	7,010	6,748
August	5,618	6,005	6,525	7,822	6,770	6,451
September	6,106	6,188	7,571	6,685	6,684	7,132
October	6,368	6,316	7,627	7,901	7,305	7,771
November	5,288	5,682	6,814	6,210	5,909	7,397
December	7,408	7,288	7,284	9,693	9,190	10,792
January	9,220	9,556	12,808	9,871	12,241	12,808
February	5,514	6,552	7,521	6,421	6,333	7,144
March	6,350	7,417	8,311	7,755	7,757	8,663
April	6,494	6,834	8,089	8,062	7,527	7,839
May	6,222	6,888	7,905	6,974	8,325	6,907
June	5,942	6,589	7,905	7,443	7,921	8,327
Total	75,545	80,968	94,798	92,351	92,978	97,979

Month	1903-4	1904-5	1905-6	1906-7	1907-8	1908-9
July	7,107	7,778	8,241	9,023	9,594	8,985
August	7,147	8,059	8,337	8,142	10,004	8,190
September	7,605	8,487	9,001	7,792	9,281	9,040
October	8,289	9,326	9,778	9,682	9,652	10,098
November	7,352	8,109	8,317	9,374	8,804	8,820
December	10,248	9,436	10,936	11,557	10,163	11,009
January	12,546	15,116	15,358	16,841	14,615	16,079
February	8,519	7,939	8,639	8,991	8,863	9,301
March	8,657	10,879	9,628	10,750	9,999	11,005
April	8,412	10,066	9,402	10,422	10,316	9,612
May	8,546	8,845	10,411	11,317	8,616	9,076
June	8,702	9,334	9,656	9,938	9,838	8,916
Total	103,130	113,374	117,704	123,829	119,742	120,131

EXHIBIT E.—Statement of gross cash receipts, business executed, number of entries, etc., for twelve 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

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

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	

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	

Year	Number of entries	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	

Register of Copyrights

103

EXHIBIT F—Table of entries of titles made during the fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, and 1908-9, 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	22,625	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
	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

EXHIBIT G—Table of articles deposited during twelve 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	3,202	5,185	8,851	9,010	5,577
2. Dramatic compositions	391	507	561	634	815
3. Periodicals (number)	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	1,290	1,478	1,353	1,718	1,506
6. Engravings, cuts, and prints	2,912	3,505	3,593	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	12,967	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 (number)	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

Register of Copyrights

105

EXHIBIT G—Table of articles deposited during twelve 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

	1902-3	1903-4	1904-5	1905-6
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

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992			
(b) Volumes, circulars, leaflets, etc.....	5,340	25,363	27,425	265,352
(c) Newspaper and magazine articles.....	8,403			
2. Dramatic compositions.....	1,568	1,904	2,226	13,294
3. Periodicals (number).....	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

Addenda No. 1

CONVENTION CREATING AN INTERNATIONAL UNION FOR
THE PROTECTION OF LITERARY AND ARTISTIC WORKS,
SIGNED AT BERLIN, NOVEMBER 13, 1908

[French Text]

[English Text]

ARTICLE 1

ARTICLE 1

Les Pays contractants sont constitués à l'état d'Union pour la protection des droits des auteurs sur leurs œuvres littéraires et artistiques.

The contracting countries are constituted into a Union for the protection of the rights of authors in their literary and artistic works. Union to protect literary and artistic works

ARTICLE 2

ARTICLE 2

L'expression "œuvres littéraires et artistiques" comprend toute production du domaine littéraire, scientifique ou artistique, quel qu'en soit le mode ou la forme de reproduction, telle que: les livres, brochures, et autres écrits; les œuvres dramatiques ou dramatico-musicales, les œuvres chorégraphiques et les pantomimes, dont la mise en scène est fixée par écrit ou autrement; les compositions musicales avec ou sans paroles; les œuvres de dessin, de peinture, d'architecture, de sculpture, de gravure et de lithographie; les illustrations, les cartes géographiques; les plans, croquis et ouvrages plastiques, relatifs à la géographie, à la topographie, à l'architecture ou aux sciences.

The expression "literary and artistic works" includes all productions in the literary, scientific or artistic domain, whatever the mode or form of reproduction, such as: books, pamphlets and other writings; dramatic or dramatico-musical works; choreographic works and pantomimes, the stage directions ("*mise en scène*") of which are fixed in writing or otherwise; musical compositions with or without words; drawings, paintings; works of architecture and sculpture; engravings and lithographs; illustrations; geographical charts; plans, sketches and plastic works relating to geography, topography, architecture, or the sciences. Definition of "literary and artistic works"

Sont protégés comme des ouvrages originaux, sans préjudice des droits de l'auteur de l'œuvre originale, les traductions, adaptations, arrangements de musique et autres reproductions transformées

Translations, adaptations, arrangements of music and other reproductions transformed from a literary or artistic work, as well as compilations from different works, are protected as original works. Translations, arrangements, and adaptations protected

d'une œuvre littéraire ou artistique, ainsi que les recueils de différentes œuvres.

Les Pays contractants sont tenus d'assurer la protection des œuvres mentionnées ci-dessus.

Works of art applied to industry

Les œuvres d'art appliqué à l'industrie sont protégées autant que permet de le faire la législation intérieure de chaque pays.

without prejudice to the rights of the author of the original work.

The contracting countries are pledged to secure protection in the case of the works mentioned above.

Works of art applied to industry are protected so far as the domestic legislation of each country allows.

ARTICLE 3

Photographic works to be protected

La présente Convention s'applique aux œuvres photographiques et aux œuvres obtenues par un procédé analogue à la photographie. Les Pays contractants sont tenus d'en assurer la protection.

ARTICLE 3

The present Convention applies to photographic works and to works obtained by any process analogous to photography. The contracting countries are pledged to guarantee protection to such works.

ARTICLE 4

Authors to enjoy in countries of the Union the rights granted to natives

Les auteurs ressortissant à l'un des pays de l'Union jouissent, dans les pays autres que le pays d'origine de l'œuvre, pour leurs œuvres, soit non publiées, soit publiées pour la première fois dans un pays de l'Union, des droits que les lois respectives accordent, actuellement ou accorderont par la suite aux nationaux, ainsi que des droits spécialement accordés par la présente Convention.

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

No formalities required

La jouissance et l'exercice de ces droits ne sont subordonnés à aucune formalité; cette jouissance et cet exercice sont indépendants de l'existence de la protection dans le pays d'origine de l'œuvre. Par suite, en dehors des stipulations de la présente Convention, l'étendue de la protection ainsi que les moyens de recours garantis à l'auteur pour sauvegarder ses droits se règlent exclusivement d'après la législation du pays où la protection est réclamée.

ARTICLE 4

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

Est considéré comme pays d'origine de l'œuvre: pour les œuvres non publiées, celui auquel appartient l'auteur; pour les œuvres publiées, celui de la première publication, et pour les œuvres publiées simultanément dans plusieurs pays de l'Union, celui d'entre eux dont la législation accorde la durée de protection la plus courte. Pour les œuvres publiées simultanément dans un pays étranger à l'Union et dans un pays de l'Union, c'est ce dernier pays qui est exclusivement considéré comme pays d'origine.

Par œuvres publiées, il faut, dans le sens de la présente Convention, entendre les œuvres éditées. La représentation d'une œuvre dramatique ou dramatico-musicale, l'exécution d'une œuvre musicale, l'exposition d'une œuvre d'art et la construction d'une œuvre d'architecture ne constituent pas une publication.

ARTICLE 5

Les ressortissants de l'un des pays de l'Union, qui publient pour la première fois leurs œuvres dans un autre pays de l'Union, ont, dans ce dernier pays, les mêmes droits que les auteurs nationaux.

ARTICLE 6

Les auteurs ne ressortissant pas à l'un des pays de l'Union, qui publient pour la première fois leurs œuvres dans l'un de ces pays, jouissent, dans ce pays, des mêmes droits que les auteurs nationaux, et dans les autres pays de l'Union, des droits accordés par la présente Convention.

The following is considered as the country of origin of the work: for unpublished works, the country to which the author belongs; for published works, the country of first publication, and for works published simultaneously in several countries of the Union, the country among them whose legislation grants the shortest term of protection. For works published simultaneously in a country outside of the Union and in a country within the Union, it is the latter country which is exclusively considered as the country of origin.

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

ARTICLE 5

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

ARTICLE 6

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

Definition of country of origin

Published works

Authors of countries of the Union have same rights as natives of other countries

Authors not belonging to countries of the Union also protected if they first publish in a Union country

ARTICLE 7

Term of protection: Life and 50 years

La durée de la protection accordée par la présente Convention comprend la vie de l'auteur et cinquante ans après sa mort.

If not adopted; Laws of country to govern term

Toutefois, dans le cas où cette durée ne serait pas uniformément adoptée par tous les pays de l'Union, la durée sera réglée par la loi du pays où la protection sera réclamée et elle ne pourra excéder la durée fixée dans le pays d'origine de l'œuvre. Les Pays contractants ne seront, en conséquence, tenus d'appliquer la disposition de l'alinéa précédent que dans la mesure où elle se concilie avec leur droit interne.

Term for photographic, posthumous, anonymous or pseudonymous works

Pour les œuvres photographiques et les œuvres obtenues par un procédé analogue à la photographie, pour les œuvres posthumes, pour les œuvres anonymes ou pseudonymes, la durée de la protection est réglée par la loi du pays où la protection est réclamée, sans que cette durée puisse excéder la durée fixée dans le pays d'origine de l'œuvre.

ARTICLE 7

The term of protection granted by the present Convention comprises the life of the author and fifty years after his death.

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

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

ARTICLE 8

Exclusive right of translation for entire term

Les auteurs d'œuvres non publiées, ressortissant à l'un des pays de l'Union, et les auteurs d'œuvres publiées pour la première fois dans un de ces pays jouissent, dans les autres pays de l'Union, pendant toute la durée du droit sur l'œuvre originale, du droit exclusif de faire ou d'autoriser la traduction de leurs œuvres.

ARTICLE 8

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

ARTICLE 9

Serial novels protected when published in newspapers or periodicals

Les romans-feuilletons, les nouvelles et toutes autres œuvres, soit littéraires, soit scientifiques, soit

ARTICLE 9

Serial stories ("romans-feuilletons"), novels and all other works, whether literary, scientific

artistiques, quel qu'en soit l'objet, publiés dans les journaux ou recueils périodiques d'un des pays de l'Union, ne peuvent être reproduits dans les autres pays sans le consentement des auteurs.

A l'exclusion des romans-feuilletons et des nouvelles, tout article de journal peut être reproduit par un autre journal, si la reproduction n'en est pas expressément interdite. Toutefois, la source doit être indiquée; la sanction de cette obligation est déterminée par la législation du pays où la protection est réclamée.

La protection de la présente Convention ne s'applique pas aux nouvelles du jour ou aux faits divers qui ont le caractère de simples informations de presse.

ARTICLE 10

En ce qui concerne la faculté de faire licitement des emprunts à des œuvres littéraires ou artistiques pour des publications destinées à l'enseignement ou ayant un caractère scientifique, ou pour des chrestomathies, est réservé l'effet de la législation des pays de l'Union et des arrangements particuliers existants ou à conclure entre eux.

ARTICLE 11

Les stipulations de la présente Convention s'appliquent à la représentation publique des œuvres dramatiques ou dramatico-musicales, et à l'exécution publique des œuvres musicales, que ces œuvres soient publiées ou non.

Les auteurs d'œuvres dramatiques ou dramatico-musicales sont, pendant la durée de leur droit sur l'œuvre originale, pro-

or artistic, whatever may be their subject, published in newspapers or periodicals of one of the countries of the Union, may not be reproduced in the other countries without the consent of the authors.

With the exception of serial stories and of novels (*"romans-feuilletons et des nouvelles"*) any newspaper article may be reproduced by another newspaper if reproduction has not been expressly forbidden. The source, however, must be indicated. The confirmation of this obligation shall be determined by the legislation of the country where protection is claimed.

The protection of the present Convention does not apply to news of the day or to miscellaneous news having the character merely of press information.

ARTICLE 10

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

ARTICLE 11

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

Authors of dramatic or dramatico-musical works are protected, during the term of their copyright in the original work, against the

Reproduction of newspaper articles

News items not protected

Extracts from literary or artistic works for educational publications

Representation of dramatic or dramatico-musical works

Representation of translations of dramatic works

tégés contre la représentation publique non autorisée de la traduction de leurs ouvrages. unauthorized public representation of a translation of their works.

Notice of reservation of performance not required

Pour jouir de la protection du présent article, les auteurs, en publiant leurs œuvres, ne sont pas tenus d'en interdire la représentation ou l'exécution publique.

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

ARTICLE 12

Adaptations, etc., considered as infringements

Sont spécialement comprises parmi les reproductions illicites auxquelles s'applique la présente Convention, les appropriations indirectes non autorisées d'un ouvrage littéraire ou artistique, telles que adaptations, arrangements de musique, transformations d'un roman, d'une nouvelle ou d'une poésie en pièce de théâtre et réciproquement, etc., lorsqu'elles ne sont que la reproduction de cet ouvrage, dans la même forme ou sous une autre forme, avec des changements, additions ou retranchements, non essentiels, et sans présenter le caractère d'une nouvelle œuvre originale.

ARTICLE 12

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

ARTICLE 13

Adaptation of musical works to mechanical instruments

Les auteurs d'œuvres musicales ont le droit exclusif d'autoriser: 1° l'adaptation de ces œuvres à des instruments servant à les reproduire mécaniquement; 2° l'exécution publique des mêmes œuvres au moyen de ces instruments.

ARTICLE 13

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

Each country to regulate for itself the manner in which Convention shall apply

Des réserves et conditions relatives à l'application de cet article pourront être déterminées par la législation intérieure de chaque pays, en ce qui le concerne; mais toutes réserves et conditions de cette nature n'auront qu'un effet strictement limité au pays qui les aurait établies.

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

Register of Copyrights—Berlin Convention 113

La disposition de l'alinéa 1^{er} n'a pas d'effet rétroactif et, par suite, n'est pas applicable, dans un pays de l'Union, aux œuvres qui, dans ce pays, auront été adaptées licitement aux instruments mécaniques avant la mise en vigueur de la présente Convention.

Les adaptations faites en vertu des alinéas 2 et 3 du présent article et importées, sans autorisation des parties intéressées, dans un pays où elles ne seraient pas licites, pourront y être saisies.

ARTICLE 14

Les auteurs d'œuvres littéraires, scientifiques ou artistiques ont le droit exclusif d'autoriser la reproduction et la représentation publique de leurs œuvres par la cinématographie.

Sont protégées comme œuvres littéraires ou artistiques les productions cinématographiques lorsque, par les dispositifs de la mise en scène ou les combinaisons des incidents représentés, l'auteur aura donné à l'œuvre un caractère personnel et original.

Sans préjudice des droits de l'auteur de l'œuvre originale, la reproduction par la cinématographie d'une œuvre littéraire, scientifique ou artistique est protégée comme une œuvre originale.

Les dispositions qui précèdent s'appliquent à la reproduction ou production obtenue par tout autre procédé analogue à la cinématographie.

ARTICLE 15

Pour que les auteurs des ouvrages protégés par la présente Convention soient, jusqu'à preuve contraire, considérés comme tels

The provisions of paragraph 1 ^{Not retroactive} have no retroactive effect, and therefore are not applicable in a country of the Union to works which, in that country, shall have been lawfully adapted to mechanical instruments before the going into force of the present Convention.

The adaptations made by virtue ^{Importation of mechanical musical appliances prohibited} of paragraphs 2 and 3 of this article and imported without the authorization of the parties interested into a country where they are not lawful, may be seized there.

ARTICLE 14

Authors of literary, scientific or artistic works have the exclusive ^{Reproduction by cinematograph} right to authorize the reproduction and the public representation of their works by means of the cinematograph.

Cinematographic productions ^{Cinematographic productions protected} are protected as literary or artistic works when by the arrangement of the stage effects or by the combination of incidents represented, the author shall have given to the work a personal and original character.

Without prejudice to the rights ^{Cinematographs copy-rightable} of the author in the original work, the reproduction by the cinematograph of a literary, scientific or artistic work is protected as an original work.

The preceding provisions apply ^{Also any analogous production} to the reproduction or production obtained by any other process analogous to that of the cinematograph.

ARTICLE 15

In order that the authors of the ^{Author's name indicated on work sufficient proof of authorship} works protected by the present Convention may be considered as such, until proof to the contrary,

et admis, en conséquence, devant les tribunaux des divers pays de l'Union, à exercer des poursuites contre les contrefacteurs, il suffit que leur nom soit indiqué sur l'ouvrage en la manière usitée.

Publisher of anonymous or pseudonym or works considered as representative of author
 Pour les œuvres anonymes ou pseudonymes, l'éditeur dont le nom est indiqué sur l'ouvrage est fondé à sauvegarder les droits appartenant à l'auteur. Il est, sans autres preuves, réputé ayant cause de l'auteur anonyme ou pseudonyme.

and admitted in consequence before the courts of the various countries of the Union to proceed against infringers, it is sufficient that the author's name be indicated upon the work in the usual manner.

For anonymous or pseudonymous works, the publisher whose name is indicated upon the work is entitled to protect the rights of the author. He is without other proofs considered the legal representative of the anonymous or pseudonymous author.

ARTICLE 16

Seizure of pirated copies
 Toute œuvre contrefaite peut être saisie par les autorités compétentes des pays de l'Union où l'œuvre originale a droit à la protection légale.

Dans ces pays, la saisie peut aussi s'appliquer aux reproductions provenant d'un pays où l'œuvre n'est pas protégée ou a cessé de l'être.

Seizure to be made according to the laws of each country
 La saisie a lieu conformément à la législation intérieure de chaque pays.

ARTICLE 17

Each Government to exercise supervision as to circulation, representation or exhibition of works
 Les dispositions de la présente Convention ne peuvent porter préjudice, en quoi que ce soit, au droit qui appartient au Gouvernement de chacun des pays de l'Union de permettre, de surveiller, d'interdire, par des mesures de législation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ARTICLE 16

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

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

The seizure takes place in conformity with the domestic legislation of each country.

ARTICLE 17

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

Register of Copyrights—Berlin Convention 115

ARTICLE 18

La présente Convention s'applique à toutes les œuvres qui, au moment de son entrée en vigueur, ne sont pas encore tombées dans le domaine public de leur pays d'origine par l'expiration de la durée de la protection.

Cependant, si une œuvre, par l'expiration de la durée de protection qui lui était antérieurement reconnue, est tombée dans le domaine public du pays où la protection est réclamée, cette œuvre n'y sera pas protégée à nouveau.

L'application de ce principe aura lieu suivant les stipulations contenues dans les conventions spéciales existantes ou à conclure à cet effet entre pays de l'Union. A défaut de semblables stipulations, les pays respectifs régleront, chacun pour ce qui le concerne, les modalités relatives à cette application.

Les dispositions qui précèdent s'appliquent également en cas de nouvelles accessions à l'Union et dans le cas où la durée de la protection serait étendue par application de l'article 7.

ARTICLE 19

Les dispositions de la présente Convention n'empêchent pas de revendiquer l'application de dispositions plus larges qui seraient édictées par la législation d'un pays de l'Union en faveur des étrangers en général.

ARTICLE 20

Les Gouvernements des pays de l'Union se réservent le droit de prendre entre eux des arrangements particuliers, en tant que ces arrangements conférerait aux

ARTICLE 18

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

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

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

The preceding provisions apply equally in the case of new accessions to the Union and where the term of protection would be extended by the application of Article 7.

ARTICLE 19

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

ARTICLE 20

The governments of the countries of the Union reserve the right to make between themselves special treaties, when these treaties would confer upon authors

Convention to apply to all works not in public domain at the time of its going into force

Special Conventions and domestic legislation may govern

Provisions of Convention to apply to new accessions

More extensive rights may be granted by domestic legislation

More extensive rights may be secured by special treaties

auteurs des droits plus étendus que ceux accordés par l'Union, ou qu'ils renfermeraient d'autres stipulations non contraires à la présente Convention. Les dispositions des arrangements existants qui répondent aux conditions précitées restent applicables.

more extended rights than those accorded by the Union, or when they contain other stipulations not conflicting with the present Convention. The provisions of existing treaties which answer the aforesaid conditions remain in force.

ARTICLE 21

Bureau of the
International
Union

Est maintenu l'office international institué sous le nom de "Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques."

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

Under control
of Switzerland

Ce Bureau est placé sous la haute autorité du Gouvernement de la Confédération Suisse, qui en règle l'organisation et en surveille le fonctionnement.

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

Language of
Bureau to be
French

La langue officielle du Bureau est la langue française.

The official language of the Bureau is the French language

ARTICLE 22

Duties of In-
ternational Bu-
reau

Le Bureau international centralise les renseignements de toute nature relatifs à la protection des droits des auteurs sur leurs œuvres littéraires et artistiques. Il les coordonne et les publie. Il procède aux études d'utilité commune intéressant l'Union et rédige, à l'aide des documents qui sont mis à sa disposition par les diverses Administrations, une feuille périodique, en langue française, sur les questions concernant l'objet de l'Union. Les Gouvernements des pays de l'Union se réservent d'autoriser, d'un commun accord, le Bureau à publier une édition dans une ou plusieurs autres langues, pour le cas où l'expérience en aurait démontré le besoin.

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

ARTICLE 22

Register of Copyrights—Berlin Convention 117

Le Bureau international doit se tenir en tout temps à la disposition des membres de l'Union pour leur fournir, sur les questions relatives à la protection des œuvres littéraires et artistiques, les renseignements spéciaux dont ils pourraient avoir besoin.

Le Directeur du Bureau international fait sur sa gestion un rapport annuel qui est communiqué à tous les membres de l'Union.

ARTICLE 23

Les dépenses du Bureau de l'Union internationale sont supportées en commun par les Pays contractants. Jusqu'à nouvelle décision, elles ne pourront pas dépasser la somme de soixante mille francs par année. Cette somme pourra être augmentée au besoin par simple décision d'une des Conférences prévues à l'article 24.

Pour déterminer la part contributive de chacun des pays dans cette somme totale des frais, les Pays contractants et ceux qui adhéreront ultérieurement à l'Union sont divisés en six classes contribuant chacune dans la proportion d'un certain nombre d'unités, savoir:

1 ^{re} classe	25 unités
2 ^{me} classe	20 unités
3 ^{me} classe	15 unités
4 ^{me} classe	10 unités
5 ^{me} classe	5 unités
6 ^{me} classe	3 unités

Ces coefficients sont multipliés par le nombre des pays de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

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

The Director of the International Bureau makes an annual report on his administration, which is communicated to all the members of the Union.

ARTICLE 23

The expenses of the Bureau of the International Union are shared in common by the contracting countries. Until a new decision, they may not exceed sixty thousand francs per year. This sum may be increased when needful by the simple decision of one of the Conferences provided for in Article 24.

To determine the part of this sum total of expenses to be paid by each of the countries, the contracting countries and those which later adhere to the Union are divided into six classes each contributing in proportion to a certain number of units, to wit:

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

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

Will furnish information as to copyright

Annual report of Director of International Bureau

Expenses of the International Bureau to be shared by contracting states

Method of sharing expenses

Chaque pays déclarera, au moment de son accession, dans laquelle des susdites classes il demande à être rangé.

Swiss administration to prepare the budget of the International Bureau, etc.

L'Administration suisse prépare le budget du Bureau et en surveille les dépenses, fait les avances nécessaires et établit le compte annuel qui sera communiqué à toutes les autres Administrations.

Each country shall declare, at the time of its accession, in which of the above-mentioned classes it desires to be placed.

The Swiss Administration prepares the budget of the Bureau and superintends its expenditures, makes necessary advances and draws up the annual account, which shall be communicated to all the other administrations.

ARTICLE 24

Revisions of Convention

La présente Convention peut être soumise à des revisions en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

To take place successively in the countries of the Union

Les questions de cette nature, ainsi que celles qui intéressant à d'autres points de vue le développement de l'Union, sont traitées dans des Conférences qui auront lieu successivement dans les pays de l'Union entre les délégués desdits pays. L'Administration du pays où doit siéger une Conférence prépare, avec le concours du Bureau international, les travaux de celle-ci. Le Directeur du Bureau assiste aux séances des Conférences et prend part aux discussions sans voix délibérative.

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

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

Changes require unanimous consent

Aucun changement à la présente Convention n'est valable pour l'Union que moyennant l'assentiment unanime des pays qui la composent.

No change in the present Convention is valid for the Union except on condition of the unanimous consent of the countries which compose it.

ARTICLE 25

Accession of other countries

Les États étrangers à l'Union et qui assurent la protection légale des droits faisant l'objet de la présente Convention, peuvent y accéder sur leur demande.

ARTICLE 25

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

Register of Copyrights—Berlin Convention 119

Cette accession sera notifiée par écrit au Gouvernement de la Confédération suisse, et par celui-ci à tous les autres.

Elle emportera, de plein droit, adhésion à toutes les clauses et admission à tous les avantages stipulés dans la présente Convention. Toutefois, elle pourra contenir l'indication des dispositions de la Convention du 9 septembre 1886 ou de l'Acte additionnel du 4 mai 1896 qu'ils jugeraient nécessaire de substituer, provisoirement au moins, aux dispositions correspondantes de la présente Convention.

ARTICLE 26

Les Pays contractants ont le droit d'accéder en tout temps à la présente Convention pour leurs colonies ou possessions étrangères.

Ils peuvent, à cet effet, soit faire une déclaration générale par laquelle toutes leurs colonies ou possessions sont comprises dans l'accession, soit nommer expressément celles qui y sont comprises, soit se borner à indiquer celles qui en sont exclues.

Cette déclaration sera notifiée par écrit au Gouvernement de la Confédération Suisse, et par celui-ci à tous les autres.

ARTICLE 27

La présente Convention remplacera, dans les rapports entre les États contractants, la Convention de Berne du 9 septembre 1886, y compris l'Article additionnel et le Protocole de clôture du même jour, ainsi que l'Acte additionnel et la Déclaration interprétative du 4 mai 1896. Les actes conventionnels précités resteront en vigueur dans les rapports avec les États qui ne ratifieraient pas la présente Convention.

This accession shall be made known in writing to the Government of the Swiss Confederation and by the latter to all the others.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages stipulated in the present Convention. It may, however, indicate such provisions of the Convention of September 9, 1886, or of the Additional Act of May 4, 1896, as it may be judged necessary to substitute provisionally, at least, for the corresponding provisions of the present Convention.

ARTICLE 26

The contracting countries have the right to accede at any time to the present Convention for their colonies or foreign possessions.

They may, for that purpose, either make a general declaration by which all their colonies or possessions are included in the accession, or name expressly those which are included therein, or confine themselves to indicating those which are excluded from it.

This declaration shall be made known in writing to the Government of the Swiss Confederation, and by the latter to all the others.

ARTICLE 27

The present Convention shall replace, in the relations between the contracting States, the Convention of Berne of September 9, 1886, including the Additional Article and the Final Protocol of the same day, as well as the Additional Act and the Interpretative Declaration of May 4, 1896. The conventional acts above-mentioned shall remain in force in the relations with the States which do not ratify the present Convention.

To be made known by Switzerland

May substitute provisions of previous conventions

Accession for colonies or foreign possessions

Present Convention to replace Berne Convention and Additional Articles

But Berne Convention remains in force between countries not signatory to present Convention

<p>Signatory States may declare themselves bound by former Conventions upon certain points</p>	<p>Les États signataires de la présente Convention pourront, lors de l'échange des ratifications, déclarer qu'ils entendent, sur tel ou tel point, rester encore liés par les dispositions des Conventions auxquelles ils ont souscrit antérieurement.</p>	<p>The States signatory to the present Convention may, at the time of the exchange of ratifications, declare that they intend, upon such or such point, still to remain bound by the provisions of the Conventions to which they have previously subscribed.</p>
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ARTICLE 28

ARTICLE 28

<p>Convention to be ratified not later than July 1, 1910</p>	<p>La présente Convention sera ratifiée, et les ratifications en seront échangées à Berlin au plus tard le 1^{er} juillet 1910.</p>	<p>The present Convention shall be ratified, and the ratifications shall be exchanged at Berlin, not later than the first of July, 1910.</p>
<p>Instrument to be filed with Swiss Government</p>	<p>Chaque Partie contractante remettra, pour l'échange des ratifications, un seul instrument, qui sera déposé, avec ceux des autres pays, aux archives du Gouvernement de la Confédération suisse. Chaque Partie recevra en retour un exemplaire du procès-verbal d'échange des ratifications, signé par les Plénipotentiaires qui y auront pris part.</p>	<p>Each contracting party shall send, for the exchange of ratifications, a single instrument, which shall be deposited, with those of the other countries, in the archives of the Government of the Swiss Confederation. Each party shall receive in return a copy of the <i>procès-verbal</i> of the exchange of ratifications, signed by the Plenipotentiaries who shall have taken part therein.</p>

ARTICLE 29

ARTICLE 29

<p>Convention to take effect three months after exchange of ratifications</p>	<p>La présente Convention sera mise à exécution trois mois après l'échange des ratifications et demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite.</p>	<p>The present Convention shall be put into execution three months after the exchange of the ratifications and shall remain in force for an indefinite time, until the expiration of one year from the day when denunciation of it shall have been made.</p>
<p>With drawal from the Convention</p>	<p>Cette dénonciation sera adressée au Gouvernement de la Confédération Suisse. Elle ne produira son effet qu'à l'égard du pays qui l'aura faite, la Convention restant exécutoire pour les autres pays de l'Union.</p>	<p>This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only as regards the country which shall have made it, the Convention remaining in force for the other countries of the Union.</p>

ARTICLE 30

ARTICLE 30

<p>Adoption of term of life and 50 years to be notified</p>	<p>Les États qui introduiront dans leur législation la durée de protection</p>	<p>The States which introduce into their legislation the term of protection</p>
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tion de cinquante ans prévue par l'article 7, alinéa 1^{er}, de la présente Convention, le feront connaître au Gouvernement de la Confédération Suisse par une notification écrite qui sera communiquée aussitôt par ce Gouvernement à tous les autres États de l'Union.

Il en sera de même pour les États qui renonceront aux réserves faites par eux en vertu des articles 25, 26 et 27.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Berlin, le 13 novembre mil neuf cent huit, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement de la Confédération Suisse et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Pays contractants.

(Suivent les signatures)

lection of fifty years^a provided for by Article 7, paragraph 1, of the present Convention, shall make it known to the Government of the Swiss Confederation by a written notification which shall be communicated at once by that Government to all the other countries of the Union.

It shall be the same for such States as shall renounce any reservations made by them in virtue of Articles 25, 26, and 27.

In testimony of which, the respective Plenipotentiaries have signed the present Convention and have attached thereto their seals.

Done at Berlin, the thirteenth of November, one thousand nine hundred eight, in a single copy, which shall be deposited in the archives of the Government of the Swiss Confederation, and of which copies, properly certified, shall be sent through diplomatic channels to the contracting countries.

Notice shall be given of renunciation of any reservations

Signatures

Date of signing, November 13, 1908

^a Article 7 provides for a general term of protection for life and fifty years.

BERNE INTERNATIONAL COPYRIGHT UNION

Text of the Convention creating an International Union for the protection of Literary and Artistic Works, Signed at Berne, Switzerland, September 9, 1886, Ratified September 5, 1887

Amendments to the International Copyright Convention of September 9, 1886, agreed to at Paris, May 4, 1896

ARTICLE I

The International Convention of the 9th of September, 1886, is modified as follows:

ARTICLE I

The contracting States are constituted into an Union for the protection of the rights of authors over their literary and artistic works.

Union to protect literary and artistic works

ARTICLE II

Authors of any one of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives.

1. ARTICLE II. The first paragraph of Article II shall run as follows:

"Authors of any countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, either not published or published for the first time in one of those countries, the rights which the respective laws do now or shall hereafter grant to natives."

Authors to enjoy in other countries the rights granted to natives

The enjoyment of these rights is subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and cannot exceed in the other countries the term of protection granted in the said country of origin.

Conditions and formalities of country of origin to be fulfilled

The country of origin of the work is that in which the work is first published, or if such publica-

Term of protection

Country of first publication to be considered country of origin

tion takes place simultaneously in several countries of the Union, that one of them in which the shortest term of protection is granted by law.

Unpublished works For unpublished works the country to which the author belongs is considered the country of origin of the work.

Posthumous works

Publishers of works published in one of the countries of the Union protected The stipulations of the present Convention apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union.

ARTICLE III

ARTICLE IV

Definition of "literary and artistic works" The expression "literary and artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture, and engraving; lithographs, illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

ARTICLE V

Exclusive right of translation Authors of any of the countries of the Union, or their lawful repre-

A fifth paragraph is furthermore added, which runs thus:

"Posthumous works are included amongst protected works."

2. ARTICLE III. Article III shall run as follows:

"Authors, not subjects of one of the countries of the Union, but who shall have published, or caused to be published for the first time, their literary or artistic works in one of those countries, shall enjoy for those works the protection accorded by the Berne Convention, and by the present additional act."

3. ARTICLE V. The first paragraph of Article V shall run as follows:

"Authors of any of the countries of the Union, or their lawful repre-

sentatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union.

For works published in incomplete parts ("livraisons") the period of ten years commences from the date of publication of the last part of the original work.

For works composed of several volumes published at intervals, as well as for bulletins or collections ("cahiers") published by literary or scientific societies, or by private persons, each volume, bulletin, or collection is, with regard to the period of ten years, considered a separate work.

In the cases provided for by the present article, and for the calculation of the period of protection, the 31st of December of the year in which the work was published is admitted as the date of publication.

ARTICLE VI

Authorized translations are protected as original works. They consequently enjoy the protection stipulated in Articles II and III as regards their unauthorized reproduction in the countries of the Union.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

ARTICLE VII

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the

sentatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the whole duration of the right in the original work. But the exclusive right of translation shall cease to exist when the author shall not have made use of it within a period of ten years from the first publication of the original work, by publishing or causing to be published in one of the countries of the Union, a translation in the language for which protection shall be claimed."

Right of translation expires after ten years
Works published in incomplete parts

Works published in several volumes

Translations protected

New translations by other writers

4. ARTICLE VII. Article VII shall run as follows:

"Serial novels ('Romans-feuilletons'), including novels published in newspapers or periodicals of one of the countries of the Union, cannot be reproduced, in original or in

Serial novels protected

Reproduction of newspaper articles

<p>Newspaper articles pro- tected</p>	<p>Union, unless the authors or publishers have expressly forbidden it. For periodicals it is sufficient if the prohibition is made in a general manner at the beginning of each number of the periodical.</p>	<p>translation, in the other countries, without the authorization of their authors or of their lawful representatives.</p>
		<p>"This applies equally to other articles in newspapers or periodicals, whenever the authors or publishers shall have expressly declared in the paper or periodical in which they may have published them, that they forbid their reproduction.</p>
<p>Periodicals protected</p>		<p>"For periodicals it is sufficient if the prohibition is made in a general way, at the beginning of each number.</p>
<p>Reproduction permitted if credit is given</p>		<p>"In the absence of prohibition, reproduction will be permitted on condition of indicating the source.</p>
<p>Articles of political discussion, etc., not protected</p>	<p>This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or <i>current topics</i>.</p>	<p>"This prohibition cannot in any case apply to articles of political discussion, to the news of the day, or to current topics."</p>

ARTICLE VIII

EXTRACTS — As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes or for chrestomathies, the matter is to be decided by the legislation of the different countries of the Union, or by special arrangements existing or to be concluded between them.

ARTICLE IX

Representation of dramatic or dramatico-musical works — The stipulations of Article II apply to the public representation of dramatic or dramatico-musical works, whether such works be published or not.

Translations of dramatic works — Authors of dramatic or dramatico-musical works, or their lawful representatives, are, during the existence of their exclusive right

of translation, equally protected against the unauthorized public representation of translations of their works.

The stipulations of Article II apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title page or commencement of the work that he forbids the public performance.

Public performance of musical works

ARTICLE X

Unauthorized indirect appropriations of a literary or artistic work of various kinds, such as *adaptations, arrangements of music*, etc., are specially included amongst the illicit reproductions to which the present Convention applies, when they are only the reproduction of a particular work, in the same form, or in another form, with non-essential alterations, or abridgements, so made as not to confer the character of a new original work.

Adaptations, etc., considered as infringement

It is agreed that, in the application of the present article, the tribunals of the various countries of the Union will, if there is occasion, conform themselves to the provisions of their respective laws.

Courts of the various countries to conform to their own laws

ARTICLE XI

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

Author's name to be indicated on work

Publisher of anonymous or pseudonymous works considered as representative of author

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the lawful representative of the anonymous or pseudonymous author.

Courts may require certificate of accomplishment of formalities

It is, nevertheless, agreed that the tribunals may, if necessary, require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II.

ARTICLE XII

Seizure of pirated copies

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.

The seizure shall take place conformably to the domestic law of each State.

ARTICLE XIII

Each government to exercise supervision

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

ARTICLE XIV

Convention to apply to all works not in public domain at the time of its going into force

Under the reserves and conditions to be determined by common agreement,^a the present Convention applies to all works which at

5. ARTICLE XII. Article XII shall run as follows:

"Pirated works may be seized by the competent authorities of the countries of the Union where the original work has a right to legal protection.

"The seizure will take place conformably to the domestic legislation of each country."

^a See paragraph 4 of Final Protocol, p. 122.

the moment of its coming into force have not fallen into the public domain in the country of origin.

ARTICLE XV

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

Right of governments to make separate treaties reserved

ARTICLE XVI

An International Office is established, under the name of "Office of the International Union for the Protection of Literary and Artistic Works."

International office

This Office, of which the expenses will be borne by the Administrations of all the countries of the Union, is placed under the high authority of the Superior Administration of the Swiss Confederation, and works under its direction. The functions of this Office are determined by common accord between the countries of the Union.

ARTICLE XVII

The present Convention may be admitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Revisions of Convention

Questions of this kind, as well as those which are of interest to the Union in other respects, will be considered in Conferences to be held successively in the countries

Future conferences

of the Union by delegates of the said countries.

Alterations of Convention must be by unanimous consent
It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries comprising it.

ARTICLE XVIII

Accession of other countries
Countries which have not become parties to the present Convention, and which grant by their domestic law the protection of rights secured by this Convention, shall be admitted to accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

ARTICLE XIX

Accession for colonies or foreign possessions
Countries acceding to the present Convention shall also have the right to accede thereto at any time for their colonies or foreign possessions.

They may do this either by a general declaration comprehending all their colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE XX

Convention to take effect three months after exchange of ratifications
The present Convention shall be put in force three months after the exchange of the ratifications, and shall remain in effect for an indefinite period until the termination of a year from the day on which it may have been denounced.

6. ARTICLE XX. The second paragraph of Article XX shall run as follows:

Such denunciation shall be made by the Government authorized to receive accessions, and shall only be effective as regards the country making it, the Convention remaining in full force and effect for the other countries of the Union.

"This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only take effect in respect of the country which shall have made it, the Convention remaining operative for the other countries of the Union."

Withdrawal from the Convention
Denunciation of treaty

ARTICLE XXI

The present Convention shall be ratified, and the ratifications exchanged at Berne, within the space of one year at the latest.

Convention to be ratified within one year

ADDITIONAL ARTICLE

The Convention concluded this day in no wise affects the maintenance of existing conventions between the contracting States, provided always that such conventions confer on authors, or their lawful representatives, rights more extended than those secured by the Union, or contain other stipulations which are not contrary to the said Convention.

Convention not to affect existing conventions conferring more extended rights

ARTICLE II

The "Protocole de Clôture" annexed to the Convention of the 9th September, 1886, is modified as follows:

1. No. 1. This number shall run as follows:

"1. With regard to Article IV, it is agreed as follows:

Protection of photographs

"(a.) In the countries of the Union in which protection is accorded not only to architectural designs, but to the actual works of architecture, those works are admitted to the benefit of the provisions of the Convention of Berne and of the present additional act.

Works of architecture protected

(b.) Photographic works, and those obtained by similar processes, are admitted to the benefit

Photographic works

FINAL PROTOCOL

1. As regards Article IV, it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day, from the date of its coming into effect. They are, however, not bound to protect the authors of such works further than permitted by their own legislation, except in the case of international engagements already ex-

isting, or which may hereafter be entered into by them.

of the provisions of these acts, in so far as the domestic legislation allows this to be done, and according to the measure of protection which it gives to similar national works.

Photograph of work of art protected

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private arrangements between those who have legal rights.

It is understood that the authorized photograph of a protected work of art enjoys legal protection in all the countries of the Union, within the meaning of the Convention of Berne and the present additional act, as long as the principal right of reproduction of this work itself lasts, and within the limits of private conventions between those who have legal rights."

Choreographic works admitted to the benefits of the Convention in countries whose legislation includes them

2. As regards Article IX, it is agreed that those countries of the Union whose legislation implicitly includes choreographic works amongst dramatico-musical works, expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective tribunals to decide.

Mechanical reproduction of music not infringement

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs which are copyright, shall not be considered as constituting an infringement of musical copyright.

2. No. 4. This number shall run as follows:

4. The common agreement alluded to in Article XIV of the Convention is established as follows:

4. "The common agreement provided for in Article XIV of the Convention is determined as follows:

Application of the Convention

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall operate according to the stipula-

"The application of the Convention of Berne and of the present additional act to works that had not fallen into the public domain

is on this head which may be
tained in special conventions
er existing or to be concluded.

in the country of origin when these
acts came into force, shall take
effect according to the stipulations
relative to this point which are
contained in special conventions
either now existing or to be con-
cluded to this effect.

n the absence of such stipula-
s between any countries of the
on, the respective countries
l regulate, each for itself, by
l domestic legislation, the man-
in which the principle con-
ed in Article XIV is to be ap-
l.

“In the absence of such stipula-
tions between countries of the
Union, the respective countries
shall regulate, each for itself, by
its domestic legislation, the man-
ner in which the principle con-
tained in Article XIV is to be ap-
plied.

Each country
to regulate for
itself the man-
ner in which
Convention shall
apply

“The stipulations of Article
XIV of the Convention of Berne
and of the present number of the
‘Protocole de Clôture’ apply
equally to the exclusive right of
translation, as granted by the pres-
ent additional act.

Exclusive
right of transla-
tion

“The above-mentioned tem-
porary provisions are applicable
in case of new accessions to the
Union.”

The organization of the In-
tional Office, established in
ie of Article XVI of the Con-
ion, shall be fixed by a regu-
n which shall be drawn up by
overnment of the Swiss Con-
ation.

Organization
of International
Office

ie official language of the In-
tional Office will be French.
e International Office will col-
all kinds of information rel-
to the protection of the rights
thors over their literary and
ic works. It will arrange
ublish such information. It
study questions of general
y likely to be of interest to
nion, and, by the aid of docu-
s placed at its disposal by the
ent administrations, will edit
riodical publication in the

Official lan-
guage to be
French
Duties of In-
ternational
Office

French language treating questions which concern the Union. The Governments of the countries of the Union reserve to themselves the faculty of authorizing, by common accord, the publication by the Office of an edition in one or more other languages, if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union, with the view to furnish them with any special information they may require relative to the protection of literary and artistic works.

C o u n t r y
where a conference is to be held to prepare programme
The Administration of the country where a Conference is about to be held, will prepare the programme of the Conference with the assistance of the International Office.

D i r e c t o r o f
the International Office
The Director of the International Office will attend the sittings of the Conferences, and will take part in the discussion without a deliberate voice. He will make an annual report on his administration, which shall be communicated to all the members of the Union.

E x p e n s e s of
the International Office to be shared by contracting states
The expenses of the Office of the International Union shall be shared by the contracting States. Unless a fresh arrangement be made, they cannot exceed a sum of sixty thousand francs a year. This sum may be increased by the decision of one of the Conferences provided for in Article XVII.

M e t h o d of
sharing expenses
The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding States into six classes, each of which shall

contribute in the proportion of a certain number of units, viz:

First class.....	25 units
Second class.....	20 units
Third class.....	15 units
Fourth class.....	10 units
Fifth class.....	5 units
Sixth class.....	3 units

These coefficients will be multiplied by the number of States of each class, and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unity of expense.

Each State will declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the budget of the Office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI, each contracting party shall give a single instrument, which shall be deposited, with those of the other States, in the Government archives of the Swiss Confederation. Each party shall receive in exchange a copy of the *procès-*

Swiss Administration to prepare the budget of the International Office, etc.

Next Conference to be held at Paris

Exchange of ratifications

verbal of the exchange of ratifications, signed by the plenipotentiaries present.

Present Protocol of Convention
The present Final Protocol, which shall be ratified with the Convention concluded this day, shall be considered as forming an integral part of the said Convention, and shall have the same force, effect, and duration.

Accession of other countries

ARTICLE III

The countries of the Union which have not become parties to the present Additional Act shall be allowed to accede to it at any time, on their request to that effect. The same rule shall apply to the countries which may eventually accede to the Convention of the 9th September, 1886. It shall be sufficient for the purpose if a notification is addressed in writing to the Swiss Federal Council, who will, in turn, notify this accession to the other Governments.

Additional Act to be ratified

ARTICLE IV

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris in the form adopted for that Convention, as soon as possible, and within a year at the latest.

It shall come into force between the countries who have ratified it three months after this exchange.

DECLARATION INTERPRETING CERTAIN PROVISIONS OF THE ^{Interpretation} CONVENTION OF BERNE OF SEPTEMBER 9, 1886, AND OF _{of Convention} THE ADDITIONAL ACT, SIGNED AT PARIS, MAY 4, 1896

1. By the terms of paragraph 2 of Article II of the Convention, the protection granted by the aforementioned Acts depends solely on the accomplishment in the country of origin of the work of the conditions and formalities that may be prescribed by the legislation of that country. The same rule applies to the protection of the photographic works mentioned in No. 1 b), of the modified "Protocole de Clôture."

2. By *published* works must be understood works actually issued to the public in one of the countries of the Union. Consequently, the representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, do not constitute publication in the sense of the aforementioned Acts.

3. The transformation of a novel into a play, or of a play into a novel, comes under the stipulations of Article X.

The countries of the Union which are not parties to the present Declaration shall be allowed to accede thereto at any time on their request to that effect. The same rule shall apply to countries which may accede either to the Convention of the 9th September, 1886, or to this Convention or to the Additional Act of the 4th May, 1896. It will be sufficient for this purpose if a notification be addressed in writing to the Swiss Federal Council, who will, in turn, notify this accession to the other Governments.

The present Declaration shall have the same force and duration as the Acts to which it refers.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the form adopted for those Acts, as soon as possible, and within a year at the latest.

INDEX TO THE INTERNATIONAL COPYRIGHT CONVENTIONS

[To aid in keeping clear the distinction between the texts of the various conventions, however, references to the Berne Convention of 1886 are preceded by "1886;" references to the Final Protocol of 1886, by "1886, Fin. prot.;" references to the Additional Act of Amendment, and the Declaration of Interpretation of 1896, by "1896, Amend.," and "1896, Decl.," respectively; and to the Berlin Convention of 1908, by "1908", followed in each case by "art.," "par.," and "p".]

Abrogation of the convention, 1886, art. 20, p. 131; 1896, Amend., art. 1 (6), p. 131; 1908, art. 29, p. 120.

Adaptation of musical works to mechanical instruments, 1908, art. 13, p. 112.

Adaptations of copyright works:

Protected, 1908, art. 2, par. 2, p. 107.

When illegal, 1886, art. 10, p. 126; 1908, art. 12, p. 111.

Additional agreement, Paris, 1896, pp. 123-136 (col. 2).

Amendments to Berne Convention, Paris, May 4, 1896, pp. 123-136 (col. 2).

Annual report of Director of International Bureau, 1886, Fin. prot., 5, par. 6, p. 133; 1908, art. 22, par. 3, p. 117.

Anonymous or pseudonymous work:

Publisher authorized to protect copyright, 1886, art. 11, par. 2, p. 128; 1908, art. 15, par. 2, p. 114.

Term of protection, 1908, art. 7, par. 3, p. 110.

Architectural plans and plastic works, etc., 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Architecture, works of:

Subject to copyright, 1896, Amend., art. 2, no. 1 a.), p. 131; 1908, art. 2, p. 107.

Construction of, is not publication, 1908, art. 4, par. 4, p. 109.

Arrangements of music:

Subject to copyright, 1908, art. 2, par. 2, p. 107.

When illegal, 1886, art. 10, p. 127; 1908, art. 12, p. 112.

For mechanical instruments, 1908, art. 13, p. 112.

Art applied to industry protected if domestic legislation allows, 1908, art. 2, par. 4, p. 108.

Artistic works. *See* Fine arts, works of the.

Assigns of author may secure copyright, 1886, art. 2, p. 123; 1896, Amend., art. 1 (1), p. 123.

Authors:

- International union formed for protection of, 1886, art. 1, p. 123; 1908, art. 1, p. 107.
- Of countries of the union protected, 1886, art. 2, p. 123; 1896, Amend., art. 1, p. 123; 1908, arts. 4, 5, pp. 108, 109.
- May prohibit reproduction of periodical contributions, 1886, art. 7, p. 125; 1896, Amend., art. 1 (4), p. 125.
- Not in union who first publish within union are protected, 1886, art. 3, p. 124; 1896, Amend., art. 1 (2), p. 124; 1908, art. 6, p. 109.
- Of anonymous or pseudonymous work, protected by publisher, 1886, art. 11, par. 2, p. 128; 1908, art. 15, par. 2, p. 114.
- Of dramatic works, unlawful representation of translations, 1886, art. 9, par. 2, p. 126; 1908, art. 11, p. 111.
- Of musical works, exclusive right of mechanical reproduction, 1908, art. 13, p. 112.
- Of photographs, 1886, Fin. prot., 1, p. 131; 1908, art. 3, p. 108.
- Exclusive right to reproduce by cinematograph, 1908, art. 14, p. 113.
- Right of translation for ten years, 1886, art. 5, p. 125.
 - After ten years applies only to languages in which published, 1896, Amend., art. 1 (3), p. 125.
 - Endures entire term of copyright, 1896, Amend., art. 1 (3) p. 125; 1908, art. 8, p. 110.
- Authorship, question of, in case of infringement, 1886, art. 11, p. 127; 1908, art. 15, p. 113.
- Berlin Convention, text of, p. 107.
- Berne Convention, 1886, text of, p. 123.
 - Superseded for countries signing the Berlin Convention, 1908, art. 27, p. 119.
- Books:
 - Included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.
 - Published in volumes or parts, term of protection for, 1886, art. 5, p. 125.
- Bureau of the International Copyright Union:
 - Annual report of the director, 1886, Fin. prot., 5, par. 6, p. 134; 1908, art. 22, par. 3, p. 117.
 - Duties of International Bureau, 1886, Fin. prot., 5, p. 133; 1908, art. 22, p. 116.
 - "Office" established in Switzerland, 1886, art. 16, p. 129; 1886, Fin. prot., 5, p. 133.
 - "Office" in Switzerland maintained, 1908, art. 21, p. 116.
 - Official language of, French, 1886, Fin. prot., 5, p. 133; 1908, art. 21, par. 3, p. 116.
- Charts, geographical, included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Choreographic works, subject-matter of copyright, 1886, Fin. prot., 2, p. 132; 1908, art. 2, p. 107.

Register of Copyrights—Index to Conventions 141

- Chrestomathies, extracts from literary and artistic works for, 1886, art. 8, p. 126; 1908, art. 10, p. 111.
- Cinematographic productions, subject-matter of copyright, 1908, art. 14, p. 113.
- Circulation, right of, under control of separate countries, 1886, art. 13, p. 128; 1908, art. 17, p. 114.
- Citation of source of republished article must be given, 1896, Amend., art. 1 (4, par. 4), p. 126; 1908, art. 9, p. 111.
- Colonies or foreign possessions, accession for, 1886, art. 10, p. 130; 1908, art. 26, p. 119.
- Compilations protected as original works, 1908, art. 2, par. 2, p. 107.
- Conditions precedent to copyright. *See* Formalities.
- Construction of work of architecture is *not* publication, 1908, art. 4, par. 4, p. 109.
- Contributions to newspapers and magazines, 1908, art. 9, p. 110.
- Country of origin:
Definition of, 1886, art. 2, par. 3, p. 123; 1908, art. 4, par. 3, p. 109.
For published works, country of first publication, 1908, art. 4, par. 3, p. 109.
For unpublished works, country to which author belongs, 1886, art. 2, par. 4, p. 124; 1908, art. 4, par. 3, p. 109.
For works published simultaneously, 1886, art. 2, par. 3, p. 123; 1908, art. 4, par. 3, p. 109.
- Certificate of compliance with formalities may be required, 1886, art. 11, par. 3, p. 128.
- Formalities must be complied with, 1886, art. 2, par. 2, p. 123.
- Formalities not required under Berlin Convention, 1908, art. 4, par. 2, p. 108.
- Term of protection determined by, 1886, art. 2, par. 2, p. 123.
- Term of protection in other countries can not exceed term granted in, 1886, art. 2, par. 2, p. 123; 1908, art. 7, par. 2, p. 110.
- Date of publication, 1886, art. 5, par. 4, p. 125.
- Declaration of interpretation, Paris, 1896, p. 137.
- Definitions:
Country of origin, 1886, art. 2, par. 3, p. 123; 1908, art. 4, par. 3, p. 108.
Literary and artistic works, 1886, art. 4, p. 124; 1908, art. 2, p. 107.
Published works, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.
- Designs:
Included in "literary and artistic works," 1886, art. 4, p. 124.
Architectural, subject-matter of copyright, 1896, Amend., art. 2, p. 131.
See also Drawings.
- Dramatic or dramatico-musical works:
Included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.
Cinematographic reproductions, 1908, art. 14, p. 113.
Representation of, is not publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Dramatic or dramatico-musical works—Continued.

Right of public representation reserved to author, 1886, art. 9, p. 126; 1908, art. 11, p. 112.

Translation of, 1908, art. 11, p. 111.

Unauthorized public representation of translations prohibited, 1886, art. 9, par. 2, p. 126; 1908, art. 11, par. 2, p. 111.

Dramatization of a novel, 1896, Decl., art. 3, p. 137; 1908, art. 12, p. 112.

Drawings:

Included in "literary and artistic works," 1908, art. 2, p. 107.

See also Designs.

Duration of copyright:

Life of author and 50 years, adopted by Berlin Convention, 1908, art. 7, par. 1, p. 110.

Adoption of this term by separate countries to be reported to Swiss government, 1908, art. 30, p. 121.

Cannot exceed term granted in country of origin if less than life and 50 years, 1886, art. 2, par. 2, p. 123; 1908, art. 7, par. 2, p. 110.

Date of publication for calculation of, 1886, art. 5, par. 4, p. 125.

For photograph of work of art, 1886, Fin. prot., 1, par. 2, p. 131; 1896, Amend., art. 2 (b, par. 2), p. 131.

For works published in parts, 1886, art. 5, pars. 2, 3, p. 125.

In case of simultaneous publication in several countries, 1886, art. 2, par. 3, p. 123.

Right of translation, 1886, art. 5, p. 125; 1896, Amend., art. 1 (3), p. 125; 1908, art. 8, p. 110.

Education, extracts from literary and artistic works for purposes of, 1886, art. 8, p. 126; 1908, art. 10, p. 111.

Engraving, included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Exhibition:

Of work of art is not publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Supervision of, under control of separate countries, 1886, art. 13, p. 128; 1908, art. 17, p. 114.

Expenses of the International Bureau, 1886, Fin. prot., 5, par. 7, p. 134; 1908, art. 23, p. 117.

Extracts from literary or artistic works, 1886, art. 8, p. 126; 1908, art. 10, p. 111.

Final protocol to the Berne Convention, Sept. 9, 1886, p. 131.

Amendment of, Paris, 1896, art. 2, p. 131.

Superseded for countries signing the Berlin Convention, 1908, art. 27, p. 119.

Fine arts, works of the:

Applied to industry, protected, 1908, art. 2, par. 4, p. 108.

Exhibition does not constitute publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Photographs of, 1886, Fin. prot., 1, par. 2; and 1896, Amend., art. 2 (b, par. 2), p. 132.

Register of Copyrights—Index to Conventions 143

- Foreigners, more extensive rights may be granted to, 1908, art. 19, p. 115.
- Forfeiture. *See* Seizure of unlawful copies.
- Formalities of country of origin:
- Certificate of compliance with, in case of infringement, 1886, art. 11, par. 3, p. 128.
 - Must be complied with, 1886, art. 2, par. 2, p. 123; 1896, Decl., art. 1, p. 137.
 - Abolished by Berlin Convention, 1908, art. 4, par. 2, p. 108.
 - Notice of reservation of right of performance required by Berne Convention, 1886, art. 9, p. 126.
 - Not required by Berlin Convention, 1908, art. 11, par. 3, p. 112.
- Geographical charts, plastic works, etc., included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Illustrations included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Importation:
- Of mechanical musical appliances prohibited, 1908, art. 13, par. 4, p. 113.
 - Seizure in case of unlawful copies, 1886, art. 12, p. 128; 1896, Amend., art. 1 (5), p. 128; 1908, art. 16, p. 114.
- Industrial art works not covered by convention, 1908, art. 2, par. 4, p. 108.
- Infringement of copyright:
- What constitutes, 1886, art. 10, p. 127; 1908, art. 12, p. 112.
 - Seizure of unlawful copies, 1886, art. 12, p. 128; 1896, Amend., art. 1 (5), p. 128; 1908, art. 16, p. 114.
 - See also* Suit for infringement.
- Instruments, mechanical:
- For reproduction of music, 1886, Fin. prot., 3, p. 132; 1908, art. 13, p. 112.
 - Reproduction by means of, 1908, art. 13, p. 112.
 - Cinematographs, 1908, art. 14, p. 113.
- International Copyright Union:
- Constituted for protection of authors, 1886, art. 1, p. 123; 1908, art. 1, p. 107.
 - Accession of countries not yet party to, 1886, art. 18, p. 130; 1896, Decl., par. 4, p. 137; 1908, art. 25, p. 118.
 - Accession for colonies or foreign possessions of countries parties to, 1886, art. 19, p. 130; 1908, art. 26, p. 119.
 - Authors belonging to countries parties to, 1886, art. 2, p. 123; 1896, Amend., art. 1 (1), p. 123; 1908, arts. 4 and 5, pp. 108, 109.
 - Authors not belonging to countries parties to, 1886, art. 3, p. 124; 1896, Amend., art. 1 (2), p. 124; 1908, art. 6, p. 109.
 - Countries may enter into separate treaties with each other, 1886, art. 15, p. 129; 1908, art. 20, p. 115.
 - Periodical publication to be issued, 1886, Fin. prot., 5, par. 3, p. 133; 1908, art. 22, p. 116.

International Copyright Union—Continued.

Separate countries control domestic right of circulation, representation, exhibition, 1886, art. 13, p. 128; 1908, art. 17, p. 114.

Simultaneous publication in countries of, 1886, art. 2, par. 3, p. 123; 1908, art. 4, par. 3, p. 109.

See also Bureau of International Copyright Union.

Interpretative declaration of May 4, 1896, p. 137.

Literary and artistic works:

Union constituted for the protection of, 1886, art. 1, p. 123; 1908, art. 1, p. 107.

Definition of, 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Cinematographic productions, 1908, art. 14, p. 113.

Reproduction of extracts from, 1886, art. 8, p. 126; 1908, art. 10, p. 111.

Unauthorized reproduction of, 1886, art. 10, p. 127; 1908, art. 12, p. 112.

Lithographs included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Magazine and newspaper contributions, 1886, art. 7, p. 125; 1896, Amend., art. 1 (4), p. 125; 1908, art. 9, p. 110.

Maps. *See* Geographical charts.

Mechanical instruments:

Cinematographs, 1908, art. 14, p. 113.

Reproduction by means of, 1908, art. 14, p. 113.

For reproduction of music, 1886, Fin. prot., 3, p. 132; 1908, art. 13, p. 112.

Modifications of the Berne International Copyright Convention.

May 4, 1896, pp. 121-136 (col. 2).

Moving pictures. *See* Cinematographic productions.

Musical compositions:

Arrangements of, subject to copyright, 1908, art. 2, par. 2, p. 107.

When illegal, 1886, art. 10, p. 127; 1908, art. 12, p. 112.

Instruments for mechanical reproduction of, 1886, Fin. prot., 3, p. 132; 1908, art. 13, p. 111.

Performance is not publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Right of public performance reserved to author, 1886, art. 9, p. 126; 1908, art. 11, p. 111.

With or without words, included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Name of author on book sufficient, 1908, art. 15, p. 113.

News is not protected, 1908, art. 9, par. 3, p. 111.

Newspapers and periodicals:

Notice of copyright on, 1886, art. 7, p. 126; 1896, Amend., art. 1 (4), p. 126.

Reproduction of contributions to, 1886, art. 7, p. 125; 1896, Amend., art. 1 (4), p. 125; 1908, art. 9, p. 111.

Register of Copyrights—Index to Conventions 145

Notice of reservation:

Of right of performance required, 1886, art. 9, p. 126.

Of right of performance not required by Berlin Convention, 1908, art. 11, par. 3, p. 112.

Of right of reproduction of periodical contributions, 1886, art. 7, p. 125; 1896, Amend., art. 1 (4), p. 125.

Novelization of a drama, 1896, Decl., art. 3, p. 137; 1908, art. 12, p. 112.

Novels published in newspapers or periodicals, protected, 1896, Amend., art. 1 (4), p. 125; 1908, art. 9, p. 110.

Office of the International Copyright Union. *See* Bureau of the International Copyright Union.

Origin, Country of. *See* Country of origin.

Paintings included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Pamphlets included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Pantomimes protected, 1908, art. 2, p. 107.

Paris Convention, May 4, 1896:

Additional agreement, text of, p. 123-136 (col. 2).

Declaration of interpretation, text of, p. 137.

Superseded for countries signing the Berlin Convention, 1908, art. 27, p. 119.

Perforated music rolls. *See* Mechanical instruments.

Performance of musical works:

Does not constitute publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Right of, of published musical works, notice of reservation required, 1886, art. 9, par. 3, p. 127.

Notice of reservation not required, 1908, art. 11, par. 3, p. 112.

Right of public, reserved to author, 1886, art. 9, par. 3, p. 127; 1908, art. 11, p. 111.

Periodical publication of the International Copyright Union, 1886, Fin. prot., 5, p. 134; 1908, art. 22, p. 116.

Periodicals. *See* Newspapers and periodicals.

Photographs:

How protected, 1886, Fin. prot., 1, p. 131; 1896, Amend., art. 2 (1 b), p. 131; 1908, art. 3, p. 108.

Formalities to be complied with, 1896, Decl., art. 1, p. 137.

Of work of art protected, 1886, Fin. prot., 1, p. 132; 1896, Amend., art. 2 (b, par. 2), p. 132.

Term of protection, 1908, art. 7, par. 3, p. 110.

Piracy. *See* Suit for infringement of copyright.

Plans, geographical, architectural, and topographical, 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Plastic works, geographical, architectural, and topographical, 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Poem, dramatization of, when illegal, 1908, art. 12, p. 112.

Political discussions in newspapers and periodicals, reproduction not prohibited, 1886, art. 7, par. 2, p. 126; 1896, Amend., art. 1 (4, par. 5), p. 126.

Posthumous works:

May be copyrighted, 1896, Amend., art. 1, p. 124.

Term of protection, 1908, art. 7, par. 3, p. 110.

Proof, sufficient, is author's or publisher's name on book, 1886, art. 11, p. 127; 1908, art. 15, p. 114.

Protection of author's rights:

Berlin Convention, 1908, art. 18, p. 115.

In countries of union independent of copyright in country of origin, 1908, arts. 4, 5, pp. 108, 109.

More favorable may be enacted, 1908, art. 19, p. 115.

Pseudonymous works:

Publisher's name sufficient, 1908, art. 15, p. 114.

See also Anonymous or pseudonymous works.

Public domain:

All works not in, protected, 1908, art. 18, p. 115.

Reproduction of works in, 1886, art. 14, p. 128.

Translating right fallen into, 1886, art. 6, par. 2, p. 125; 1896, Amend., art. 2 (2), p. 133.

Publication:

What is and what is not, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Date of, 1886, art. 5, par. 4, p. 125.

Publisher:

Of work by author of nonunion country, 1886, art. 3, p. 124; 1896, Amend., art. 1 (2), p. 124.

Authorized to protect copyright of anonymous or pseudonymous works, 1886, art. 11, p. 128; 1908, art. 15, par. 2, p. 114.

May prohibit reproduction of periodical contributions, 1886, art. 7, p. 126.

Remedies. *See* Suit for infringement.

Representation, public, of dramatic or dramatico-musical works:

Right of, reserved to author, 1886, art. 9, p. 126; 1908, art. 11, p. 111.

Is not publication, 1896, Decl., art. 2, p. 137; 1908, art. 4, par. 4, p. 109.

Of translations of dramatic works, 1886, art. 9, par. 2, p. 126; 1908, art. 11, par. 2, p. 111.

Under supervision of separate countries, 1886, art. 13, p. 128; 1908, art. 17, p. 114.

Reproduction:

By cinematograph, 1908, art. 14, p. 113.

By mechanical musical instruments, 1886, Fin. prot., 3, p. 132; 1908, art. 13, p. 112.

Of extracts from literary and artistic works, 1886, art. 8, p. 126.

Of literary and artistic works, when illegal, 1886, art. 10, p. 127.

Of periodical contributions, 1886, art. 7, p. 125.

Register of Copyrights—Index to Conventions 147

- Revisions of Convention to be considered in conferences, 1886, art. 17, p. 129; 1908, art. 24, p. 118.
- Right:
- Of performance of musical works, 1886, art. 9, par. 3, p. 127; 1908, art. 11, p. 111.
 - By mechanical instruments, 1886, Fin. prot., 3, p. 132; 1908, art. 13, p. 112.
 - Of representation of dramatic works, 1886, art. 9, p. 126; 1908, art. 11, p. 111.
 - Of reproduction by cinematograph, 1908, art. 14, p. 113.
 - Of translation, 1886, art. 5, p. 125; 1896, Amend., art. 1 (3), p. 125, and art. 2 (4), p. 132; 1908, art. 8, p. 110.
- Scientific plans, sketches, etc., 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Sculpture, works of, included in copyright protection, 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Seizure of unlawful copies, 1886, art. 12, p. 128; 1896, Amend., art. 1 (5), p. 128; 1908, art. 16, p. 114.
- Seizure of unlawful mechanical appliances, 1908, art. 13, par. 4, p. 113.
- Serial novels, reproduction without consent illegal, 1896, Amend., art. 1 (4), p. 125; 1908, art. 9, p. 110.
- Simultaneous publication, term of protection in case of, 1886, art. 2, par. 3, p. 124; 1908, art. 4, par. 3, p. 109.
- Sketches, geographical, architectural, and topographical, 1886, art. 4, p. 124; 1908, art. 2, p. 107.
- Societies, term of copyright in works published by, 1886, art. 5, p. 125.
- Subject-matter of copyright:
- Architectural works, 1896, Amend., art. 2, p. 131; 1908, art. 2, p. 107.
 - Literary and artistic works, 1886, art. 1, p. 123; 1886, art. 4, p. 124; 1908, art. 2, p. 107.
 - Photographic works, 1886, Fin. prot., 1, p. 131; 1896, Amend., art. 2 (b), p. 131; 1908, art. 3, p. 108.
 - Posthumous works, 1896, Amend., art. 1, p. 124; 1908, art. 7, par. 3, p. 110.
 - Translations, 1886, art. 6, p. 125; 1908, art. 2, par. 2, p. 107.
 - Works not in public domain, 1886, art. 14, p. 128; 1886, Fin. prot., 4, p. 132; 1896, Amend., art. 2 (2), p. 132; 1908, art. 18, p. 115.
- Remedy for infringement:
- Author or publisher may bring, 1886, art. 11, p. 127; 1908, art. 15, p. 113.
 - Certificate of compliance with formalities may be required in, 1886, art. 11, par. 3, p. 128.
 - Regulated by country where protection is claimed, 1908, art. 4, par. 2, p. 108.
- Supervision of circulation of work, 1908, art. 17, p. 114.
- Switzerland:
- Office of International Copyright Union established under authority of, 1886, art. 16, p. 129; 1908, art. 21, par. 2, p. 116.
 - Term of copyright. *See* Duration of copyright.
 - Topographical plans, plastic works, etc., included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Transformation:

- Of a novel into drama, 1896, Decl., 3, p. 137; 1908, art. 12, p. 112.
- Of a poem into drama, 1908, art. 10, p. 112.

Translation:

- Authorized, protected as original work, 1886, art. 6, p. 125; 1908, art. 2, par. 2, p. 107.
- Of dramatic or dramatico-musical work, unauthorized representation prohibited, 1886, art. 9, par. 2, p. 126; 1908, art. 11, par. 2, p. 111.
- Of periodical contributions, reproduction of, 1886, art. 7, p. 125; 1896, Amend., art. 4), p. 125.
- Translator of work in public domain cannot oppose other translations, 1886, art. 6, par. 2, p. 125.

Translation, right of:

- Reserved to author for ten years, 1886, art. 5, p. 125.
- Reserved to author for full term of right in original work, 1896, Amend., art. 1-3), p. 125; 1908, art. 8, p. 110.
- After ten years applies only to languages in which published, 1896, Amend., art. 1-3), p. 125.
- Art. 14 of Berne Convention applies to, 1896, Amend., art. 2-2), p. 132.

Treaties, special, if more favorable, may be negotiated, 1886, art. 15, p. 129; 1908, art. 20, p. 115.

Unauthorized copies, seizure of imported, 1886, art. 12, p. 128; 1896, Amend., art. 1-5), p. 128; 1908, art. 16, p. 114.

Unauthorized mechanical appliances, seizure of imported, 1908, art. 13, par. 4, p. 113.

Unauthorized reproduction. *See* Infringement of copyright.

Union for the protection of works of literature and art. *See* International Copyright Union.

Unlawful reproductions, 1886, art. 10, p. 127; 1908, art. 12, p. 112.

Unpublished works:

- Authors of, may secure copyright, 1886, art. 2, par. 1, p. 123; 1908, art. 4, par. 1, p. 108.
- Country of origin, 1886, art. 2, par. 4, p. 108; 1908, art. 4, par. 3, p. 109.
- Right of public performance or representation reserved to author, 1886, art. 9, p. 126; 1908, art. 11, p. 111.

Who may obtain copyright, 1886, arts. 2, 3, pp. 123, 124; 1896, Amend., art. 1, pp. 123, 124; 1908, arts. 4, 5, 6, pp. 108, 109.

Works of architecture:

- Protected, 1896, Amend., art. 2-1a), p. 131; 1908, art. 2, par. 1, p. 107.

Construction of, is not publication, 1908, art. 4, par. 4, p. 109.

Works of art, exhibition of, is *not* publication, 1896, Decl., 2, p. 137; 1908, art. 4, par. 4, p. 109.

See also Fine arts, works of the.

Works protected in the union independent of copyright in country of origin, 1908, art. 4, par. 2, p. 108.

Writings included in "literary and artistic works," 1886, art. 4, p. 124; 1908, art. 2, p. 107.

Addenda 3

THE COPYRIGHT LAW

OF THE UNITED STATES OF AMERICA

IN FORCE JULY 1, 1909

[Replacing the Revised Statutes of the United States, Title 60, Chapter 3
(1873), and Subsequent Amendatory Acts]

TOGETHER WITH

RULES FOR PRACTICE AND PROCEDURE

UNDER SECTION 25, BY THE SUPREME COURT OF THE UNITED STATES

CONTENTS

	Page
Constitutional provision respecting copyright (art. 1, sec. 8)---	153
LAW OF MARCH 4, 1909	
Nature and extent of copyright (secs. 1-3).....	153
Subject-matter of copyright (secs. 4-7).....	155
Classification of copyright works (sec. 5).....	155
Who may obtain copyright (sec. 8).....	157
How to secure copyright:	
Publication of work with notice (sec. 9).....	157
Registration of copyright work (secs. 10-11).....	157
Deposit of copies of copyright work (secs. 12-14).....	158
Manufacturing provisions (secs. 15-17).....	159
Affidavit of American manufacture (sec. 16).....	160
Notice of copyright (secs. 18-20).....	160
Ad interim copyright for books published abroad in the English language (secs. 21-22).....	161
Duration of copyright (sec. 23).....	162
Extension of subsisting copyrights (sec. 24).....	163
Protection of copyright:	
Infringement; damages, etc. (secs. 25-28).....	163
False notice of copyright (secs. 29-30).....	166
Importation (secs. 31-33).....	166
Jurisdiction and copyright suits (secs. 34-40).....	168
Assignment of copyright (secs. 41-46).....	169
Copyright Office administration (secs. 47-60).....	170
Copyright fees (sec. 61).....	174
Miscellaneous provisions:	
Definitions; "date of publication," "author" (sec. 62)---	175
Repealing clause (sec. 63).....	175
Date of enforcement (sec. 64).....	175
Presidential proclamations.....	177
APPENDIX:	
Rules for practice and procedure under section 25, adopted and promulgated by the Supreme Court of the United States, June 1, 1909.....	179
Index.....	183

CONSTITUTION, 1787

ART. 1, SEC. 8. The Congress shall have power: ----- To promote the progress of science and useful arts, BY SECURING FOR LIMITED TIMES TO AUTHORS and inventors THE EXCLUSIVE RIGHT TO THEIR respective WRITINGS and discoveries.

AN 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 any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copy-
righted work;

Exclusive
right to print,
publish and
vend

(b) To translate the copyrighted work into other lan-
guages or dialects, or make any other version thereof, if it
be a literary work; to dramatize it if it be a nondramatic
work; to convert it into a novel or other nondramatic work
if it be a drama; to arrange or adapt it if it be a musical
work; to complete, execute, and finish it if it be a model
or design for a work of art;

Exclusive
right to trans-
late, dramatize,
arrange and
adapt, etc.

(c) To deliver or authorize the delivery of the copyrighted
work in public for profit if it be a lecture, sermon, address,
or similar production;

Exclusive
right to deliver
lectures, ser-
mons, etc.

(d) To perform or represent the copyrighted work pub-
licly if it be a drama or, if it be a dramatic work and not
reproduced in copies for sale, to vend any manuscript or
any record whatsoever thereof; to make or to procure the
making of any transcription or record thereof by or from
which, in whole or in part, it may in any manner or by
any method be exhibited, performed, represented, pro-
duced, or reproduced; and to exhibit, perform, represent,
produce, or reproduce it in any manner or by any method
whatsoever;

To represent
dramatic
works, or make
record, or ex-
hibit or per-
form, etc.

To perform music and make arrangement, setting, or record (c) 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:

Act not retro active *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: *And provided further, and as a condition of extending the copyright control to such mechanical reproductions*, That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit:

Music by foreign author *And provided further*, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others

Control of mechanical musical reproduction

Royalty for use of music on records, etc.

Notice of use of music on records

License to use music on records

to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

Failure to pay royalties

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Reproduction of music on coin-operated machines

SEC. 2. That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

Right at common law or in equity

SEC. 3. That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act.

Component parts of copyrightable work

Composite works or periodicals

SEC. 4. That the works for which copyright may be secured under this Act shall include all the writings of an author.

Works protected

SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

Classification of copyright works

- (a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;
- (b) Periodicals, including newspapers;

Books, composite, cyclopædic works; directories, gazetteers, etc.

- (c) Lectures, sermons, addresses, prepared for oral delivery;
- (d) Dramatic or dramatico-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art; models or designs for works of art;
- (h) Reproductions of a work of art;
- (i) Drawings or plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations;

Classification does not limit copyright

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act.

Compilations, abridgments, dramatizations, translations, new editions

SEC. 6. That compilations or abridgements, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

Subsisting copyright not affected

Not subject-matter of copyright; works in public domain; government publications

SEC. 7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or reproduction by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to author-

ize any use or appropriation of such copyright material without the consent of the copyright proprietor.

SEC. 8. 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 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.

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.

SEC. 9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section twenty-one of this Act.

SEC. 10. That such person may obtain registration of his claim to copyright by complying with the provisions of this Act, including the deposit of copies, and upon such

compliance the register of copyrights shall issue to him the certificate provided for in section fifty-five of this Act.

Copyright certificate
Copyright protection of unpublished works: lectures, dramas, music, etc.
Deposit of copies after publication
Two complete copies of best edition
Periodical contributions
Work not reproduced in copies for sale
No action for infringement until deposit of copies
Failure to deposit copies
Register of copyrights may demand copies

SEC. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic or musical composition; of a photographic print if the work be a photograph; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this Act where the work is later reproduced in copies for sale.

SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with.

SEC. 13. That should the copies called for by section twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require

the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

Failure to deposit on demand

Fine \$100 and retail price of 2 copies, best edition
Forfeiture of copyright

SEC. 14. That the postmaster to whom are delivered the articles deposited as provided in sections eleven and twelve of this Act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

Postmaster's receipt

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 typesetting 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.

Printed from type set within the United States

Book in foreign language excepted

Lithographic or photo-engraving process

Printing and binding of the book

Illustrations in a book

Separate lithographs and photo-engravings

Books for blind excepted
Books in foreign languages excepted

Affidavit of American manufacture	SEC. 16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States 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, that such process was wholly performed within the limits
Printing and binding of the book	of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state
Establishment where printing was done	also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and
Date of publi- cation	binding were performed and the date of the completion of the printing of the book or the date of publication.
False affida- vitt, a misde- meanor: fine, \$1,000 and for- feiture of copy- right	SEC. 17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.
Notice of copyright	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, however, of copies of works specified in sub-
Notice on maps, copies of works of art, photographs, and prints. Notice on ac- cessible portion	sections (f) to (k), inclusive, of section five of this Act, 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: <i>Provided</i> , 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. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four.

Notice on existing copyright works
[See note on page 175]

SEC. 19. That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: *Provided*, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

Notice of copyright on book

On periodical

One notice in each volume or periodical

SEC. 20. That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

Omission of notice by accident or mistake

Innocent infringement

SEC. 21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of thirty days after such deposit in the copyright office.

Book published abroad in the English language

Ad interim copyright for 30 days

Extension to full term SEC. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this Act.

Deposit of copies, filing of affidavit SEC. 23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopaedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopaedic or other composite work when such contribution has been separately registered, 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 the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the orig-

Duration of copyright: 1st term, 28 years

Posthumous works, periodicals, cyclopaedic or composite works

Renewal term 28 years

Other copyrighted works, first term 28 years

Renewal term 28 years; to author, widow, children, heirs or next of kin

Notice that renewal term is desired

inal term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

Copyright ends in 28 years unless renewed

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: *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: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

Extension of subsisting copyrights

Proprietor entitled to renewal for composite work

Renewal application

SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

Infringement of copyright

(a) To an injunction restraining such infringement;

Injunction

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five

Damages

Proving sales

Newspaper reproduction of photograph: recovery, \$50-\$200

Maximum recovery, \$5,000

Minimum recovery, \$250 thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty:

Painting, statue, or sculpture, \$10 for every infringing copy First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Other works, \$1 for every infringing copy Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Lectures, \$50 for every infringing delivery Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Dramatic or musical works, \$100 for first and \$50 for subsequent infringing performance Fourth. In the case of dramatic or dramatico musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

Delivering up infringing article (c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

Destruction of infringing copies, etc. (d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

Infringement by mechanical musical instruments (e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music producing machines adapted to reproduce the copyrighted music, no criminal

Injunction may be granted action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose,

Recovery of royalty and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also*, That whenever any person,

in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Notice to proprietor of intention to use

Damages, three times amount provided

Temporary injunction

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

Rules for practice and procedure
For rules see pages 179-182

SEC. 26. That any court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

Judgment enforcing remedies

SEC. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

Proceedings, injunction, etc., may be united in one action

SEC. 28. That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court: *Provided, however,* That nothing in this Act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or

Penalty for willful infringement

Oratorios, cantatas, etc., may be performed

vocal society, provided the performance is given for charitable or educational purposes and not for profit.

False notice of copyright (penalty for)

SEC. 29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars.

Fraudulent removal of notice; fine \$100 \$1,000

Issuing, selling, or importing article bearing false notice; fine \$100

Importation prohibited of articles bearing false notice and piratical copies

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

Prohibition of importation of books

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:

Exceptions to prohibition of importation

Works for the blind Foreign newspapers or magazines

(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;

Books in foreign languages of which only translations are copyrighted

(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:

Importation of authorized foreign books permitted

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;

For individual use and not for sale

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

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;

For the use of societies, libraries, etc.

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:

Libraries purchased en bloc

Books brought personally into the United States

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.

Imported copies not to be used to violate 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

Seizure of unlawfully imported copies

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.

Copies of authorized books imported may be returned

Secretary of Treasury and Postmaster General to make rules to prevent unlawful importation

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.

Jurisdiction of courts in copyright cases

SEC. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the district court of any Territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

District in which suit may be brought

SEC. 35. That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

Injunctions may be granted

SEC. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be

granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

SEC. 37. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

Certified copy of papers filed

SEC. 38. That the orders, judgments, or decrees of any court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

Judgments, etc., may be reviewed on appeal or writ of error

SEC. 39. That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose.

No criminal proceedings shall be maintained after three years

SEC. 40. That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

Full costs shall be allowed

SEC. 41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained.

Copyright distinct from property in material object

Transfer of any copy of copyrighted work permitted

SEC. 42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

Copyright may be assigned, mortgaged, or bequeathed by will

Assignment executed in foreign country to be acknowledged SEC. 43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgement under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

Assignments to be recorded SEC. 44. That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Register of copyrights to record assignments SEC. 45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

Assignee's name may be substituted in copyright notice SEC. 46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act.

Copyright records SEC. 47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

Register of copyrights and assistant register of copyrights SEC. 48. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of four thousand dollars per annum, and one assistant register of copyrights, at a salary of three thousand dollars per annum, who shall have authority during the absence of the register of copy-

rights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

SEC. 49. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

Register of copyrights to deposit and account for fees

Shall make monthly report of fees

SEC. 50. That the register of copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

Bond of register of copyrights

SEC. 51. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this Act.

Annual report of register of copyrights

SEC. 52. That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

Seal of copyright office

SEC. 53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this Act.

Rules for the registration of copyrights

Record books **SEC. 54.** That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof.

Entry of copy-right **SEC. 55.** That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry

Certificate of registration number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

Certificate for book to state receipt of affidavit **SEC. 56.** That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

Certificate may be given to any person **SEC. 57.** That the said printed current catalogues as they are issued shall be promptly distributed by the copyright

Receipt for copies deposited

Index to copyright registrations

Catalogue of copyright entries

Catalogue cards

Catalogues and indexes prima facie evidence

Distribution of catalogue of copyright entries

office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

Subscription price

Superintendent of documents to receive subscriptions

SEC. 58. That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

Record books, etc., open to inspection

Copies may be taken of entries in record books

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

Disposition of copyright deposits

Preservation of copyright deposits

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

Disposal of copyright deposits

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.

Manuscript
copies to be pre-
served

Fees.

Fee for regi-
stration

Fee for certifi-
cate

Fee for record-
ing assignment

Fee for copy
of assignment

Fee for record-
ing notice of user
upon mechanical
musical instru-
ments

Fee for com-
paring copy of
assignment

Fee for record-
ing renewal of
copyright

Sec. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, one dollar, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be fifty cents where a certificate is not demanded. For every additional certificate of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, subsection (c), or for any copy of such assignment or license, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section one, subsection (c), twenty-five cents for each notice if not over fifty words, and an additional twenty five cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, one dollar. For recording the extension or renewal of copyright provided for in sections twenty-

three and twenty-four of this Act, fifty cents. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

Fee for recording transfer of proprietorship

Fee for search

Only one registration required for work in several volumes

SEC. 62. That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

Definitions: "Date of publication"

"Author"

SEC. 63. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Repealing clause

SEC. 64. That this Act shall go into effect on the first day of July, nineteen hundred and nine.

Date of enforcement

Approved, March 4, 1909.

NOTE TO SECTION 18, PROVISIO

(See page 161)

The Act of June 18, 1874, provides that the notice of copyright to be inscribed on each copy of a copyrighted work shall consist of the following words:

"Entered according to act of Congress, in the year —, by A. B., in the office of the Librarian of Congress, at Washington;" or, . . . the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out, thus: "Copyright, 18—, by A. B."

PRESIDENTIAL PROCLAMATIONS

[See Sec. 8. Page 157]

The following proclamations have been issued by the President, by which copyright protection is granted in the United States to works of authors who are citizens or subjects of the countries named:

July 1, 1891—Belgium, France, Great Britain and her possessions, and Switzerland. (Stat. L., vol. 27, pp. 981, 982.)

April 15, 1892—Germany. (Stat. L., vol. 27, pp. 1021, 1022.)

October 31, 1892—Italy. (Stat. L., vol. 27, p. 1043.)

May 8, 1893—Denmark. (Stat. L., vol. 28, p. 1219.)

July 20, 1893—Portugal. (Stat. L., vol. 28, p. 1222.)

July 10, 1895—Spain. (Stat. L., vol. 29, p. 871.)

February 27, 1896—Mexico. (Stat. L., vol. 29, p. 877.)

May 25, 1896—Chile. (Stat. L., vol. 29, p. 880.)

October 19, 1899—Costa Rica. (Stat. L., vol. 31, pp. 1955, 1956.)

November 20, 1899—Netherlands and possessions. (Stat. L., vol. 31, p. 1961.)

November 17, 1903—Cuba. (Stat. L., vol. 33, pt. 2, p. 2324.)

January 13, 1904—China. (Treaty of October 8, 1903, Article XI.) (Stat. L., vol. 33, pt. 2, pp. 2208, 2213.)

July 1, 1905—Norway. (Stat. L., vol. 34, pt. 3, pp. 3111-3112.)

May 17, 1906—Japan. (Treaty of November 10, 1905.) (Stat. L., vol. 34, pt. 3, pp. 2890-2891.)

September 20, 1907—Austria. (But not including Hungary.) (Stat. L., vol. 35, pt. 2, p. 2155.)

April 9, 1908—Convention between the United States and other powers on literary and artistic copyrights, signed at

the City of Mexico, January 27, 1902. (This treaty is effective from July 1, 1908, as between the United States and the following countries: Guatemala, Salvador, Costa Rica, Honduras, and Nicaragua.) (Stat. L., vol. 35, pt. 2, pp. 1934-1946.)

August 11, 1908—Japan. (Treaty of May 19, 1908, for protection in China.) (Stat. L., vol. 35, pt. 2, pp. 2044-2046.)

August 11, 1908—Japan. (Treaty of May 19, 1908, for protection in Korea.) (Stat. L., vol. 35, pt. 2, pp. 2041-2043.)

RULES ADOPTED BY THE SUPREME COURT OF THE UNITED STATES FOR PRACTICE AND PROCEDURE UNDER SECTION 25 OF AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT, APPROVED MARCH 4, 1909. TO GO INTO EFFECT JULY 1, 1909

1

The existing rules of equity practice, so far as they may be applicable, shall be enforced in proceedings instituted under section twenty-five (25) of the act of March fourth, nineteen hundred and nine, entitled "An act to amend and consolidate the acts respecting copyright."

2

A copy of the alleged infringement of copyright, if actually made, and a copy of the work alleged to be infringed, should accompany the petition, or its absence be explained; except in cases of alleged infringement by the public performance of dramatic and dramatico-musical compositions, the delivery of lectures, sermons, addresses, and so forth, the infringement of copyright upon sculptures and other similar works and in any case where it is not feasible.

3

Upon the institution of any action, suit, or proceeding, or at any time thereafter, and before the entry of final judgment or decree therein, the plaintiff or complainant, or his authorized agent or attorney, may file with the clerk of any court given jurisdiction under section 34 of the act of March 4, 1909, an affidavit stating upon the best of his knowledge, information, and belief, the number and location, as near as may be, of the alleged infringing copies, records, plates, molds, matrices, etc., or other means for making the copies alleged to infringe the copyright, and the value of the same, and with such affidavit shall file with the clerk a bond executed by at least two sureties and approved by the court or a commissioner thereof.

(179)

Such bond shall bind the sureties in a specified sum, to be fixed by the court, but not less than twice the reasonable value of such infringing copies, plates, records, molds, matrices, or other means for making such infringing copies, and be conditioned for the prompt prosecution of the action, suit or proceeding; for the return of said articles to the defendant, if they or any of them are adjudged not to be infringements, or if the action abates, or is discontinued before they are returned to the defendant; and for the payment to the defendant of any damages which the court may award to him against the plaintiff or complainant. Upon the filing of said affidavit and bond, and the approval of said bond, the clerk shall issue a writ directed to the marshal of the district where the said infringing copies, plates, records, molds, matrices, etc., or other means of making such infringing copies shall be stated in said affidavit to be located, and generally to any marshal of the United States, directing the said marshal to forthwith seize and hold the same subject to the order of the court issuing said writ, or of the court of the district in which the seizure shall be made.

The marshal shall thereupon seize said articles or any smaller or larger part thereof he may then or thereafter find, using such force as may be reasonably necessary in the premises, and serve on the defendant a copy of the affidavit, writ, and bond by delivering the same to him personally, if he can be found within the district, or if he can not be found, to his agent, if any, or to the person from whose possession the articles are taken, or if the owner, agent, or such person can not be found within the district by leaving said copy at the usual place of abode of such owner or agent, with a person of suitable age and discretion, or at the place where said articles are found, and shall make immediate return of such seizure, or attempted seizure, to the court. He shall also attach to said articles a tag or label stating the fact of such seizure and warning all persons from in any manner interfering therewith.

6

A marshal who has seized alleged infringing articles, shall retain them in his possession, keeping them in a secure place, subject to the order of the court.

7

Within three days after the articles are seized, and a copy of the affidavit, writ and bond are served as hereinbefore provided, the defendant shall serve upon the clerk a notice that he excepts to the amount of the penalty of the bond, or to the sureties of the plaintiff or complainant, or both, otherwise he shall be deemed to have waived all objection to the amount of the penalty of the bond and the sufficiency of the sureties thereon. If the court sustain the exceptions it may order a new bond to be executed by the plaintiff or complainant, or in default thereof within a time to be named by the court, the property to be returned to the defendant.

8

Within ten days after service of such notice, the attorney of the plaintiff or complainant shall serve upon the defendant or his attorney a notice of the justification of the sureties, and said sureties shall justify before the court or a judge thereof at the time therein stated.

9

The defendant, if he does not except to the amount of the penalty of the bond or the sufficiency of the sureties of the plaintiff or complainant, may make application to the court for the return to him of the articles seized, upon filing an affidavit stating all material facts and circumstances tending to show that the articles seized are not infringing copies, records, plates, molds, matrices, or means for making the copies alleged to infringe the copyright.

10

Thereupon the court in its discretion, and after such hearing as it may direct, may order such return upon the filing by the defendant of a bond executed by at least two sureties,

binding them in a specified sum to be fixed in the discretion of the court, and conditioned for the delivery of said specified articles to abide the order of the court. The plaintiff or complainant may require such sureties to justify within ten days of the filing of such bond.

11

Upon the granting of such application and the justification of the sureties on the bond, the marshal shall immediately deliver the articles seized to the defendant.

12

Any service required to be performed by any marshal may be performed by any deputy of such marshal.

13

For services in cases arising under this section, the marshal shall be entitled to the same fees as are allowed for similar services in other cases.

INDEX TO COPYRIGHT ACT OF MARCH 4, 1909

[The references are to section and page.]

- Abridgements may be copyrighted (sec. 6), p. 156.
- Actions. *See* Suits for infringement.
- Ad interim copyright. *See* Interim copyright.
- Adapt musical work, exclusive right to (sec. 1 b), p. 153.
- Adaptations may be copyrighted (sec. 6), p. 156.
- Address (Oral):
 - May be copyrighted (sec. 5 c), p. 156.
 - Right to deliver for profit (sec. 1 c), p. 153.
 - Damages for infringement of (sec. 25 b), p. 163.
- Administrators of author or proprietor may obtain copyright (sec. 8), p. 157.
- Affidavit of American manufacture:
 - Required (sec. 16), p. 160.
 - Shall state date of printing or of publication (sec. 16), p. 160.
 - Shall state place where type was set (sec. 16), p. 160.
 - To be acknowledged in certificate of registration (sec. 55), p. 172.
 - Penalty for false (sec. 17), p. 160.
- Alaska, courts having jurisdiction in copyright suits (sec. 34), p. 168
- Alien author may secure copyright (sec. 8 a), p. 157.
- American manufacture:
 - Affidavit required (sec. 16), p. 160.
 - Exceptions to (sec. 15), p. 159.
 - Required for books and periodicals (sec. 15), p. 159.
 - Required for lithographs and photo-engravings (sec. 15), p. 159.
- Annual report of Register of Copyrights (sec. 51), p. 171.
- Anonymous works, term of copyright in (sec. 23), p. 162.
- Appeal allowed in copyright cases (sec. 38), p. 169.
- Application:
 - For registration of copyright (sec. 5), p. 155.
 - For renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.
- Arrange musical work, exclusive right to (sec. 1 b), p. 153; (sec. 1 e), p. 154.
- Arrangements, may be copyrighted (sec. 6), p. 156.
- Art, works of. *See* Fine arts, works of the.
- Articles subject to copyright protection (sec. 5), p. 155.
- Assignment of copyright (secs. 41-44), p. 169-170.
 - By instrument of writing (sec. 42), p. 169.
 - Must be recorded (sec. 44), p. 170.
 - Certified copy may be had on payment of fee (sec. 45), p. 170.

Assignment of copyright—Continued.

Failure to record (sec. 44), p. 170.

Fee for comparing copy of (sec. 61), p. 174.

Fee for copy of (sec. 61), p. 174.

Fee for recording (sec. 61), p. 174.

Foreign, must be acknowledged before United States officer (sec. 43), p. 170.

— must be recorded within six months (sec. 44), p. 170.

Not involved in sale of material object (sec. 41), p. 169.

Assigns of author or proprietor may obtain copyright (sec. 8), p. 157.

Assistant Register of Copyrights:

Appointment of (sec. 48), p. 170.

Duties of, defined (sec. 48), p. 170.

Salary of, \$3,000 (sec. 48), p. 170.

Assumed name, work published under. *See* Pseudonymous works.

Author:

Common law right of (sec. 2), p. 155.

May obtain copyright (sec. 8), p. 157.

May secure extension of existing copyrights (sec. 24), p. 163.

May secure renewal of copyright for contributions to periodical and composite works (sec. 23), p. 162.

Shall include employer in case of works made for hire (sec. 62), p. 175.

Authorized copies prohibited importation if not manufactured in U. S. (sec. 31), p. 166.

Bands, infringement of musical copyright by use of (sec. 25 c), p. 164.

Bequest, copyright subject to (sec. 42), p. 169.

Binding of book:

Affidavit of American, required (sec. 16), p. 160.

Must be performed within United States (sec. 15), p. 159.

Blind, works for the:

May be imported (sec. 31 a), p. 166.

Need not be manufactured in United States (sec. 15), p. 159.

Bond of Register of Copyrights (sec. 50), p. 171.

Books:

May be copyrighted (sec. 5 a), p. 155.

Copies deposited must be manufactured in United States (sec. 12), p. 158.

Fee for recording transfer of proprietorship of (sec. 61), p. 175.

For educational institutions or societies may be imported (sec. 31 d), p. 167.

For individual use may be imported (sec. 31 d), p. 167.

For use of United States may be imported (sec. 31 d), p. 167.

In foreign languages, of which only translations are copyrighted, may be imported (sec. 31 c), p. 167.

Must be manufactured in the United States (sec. 15), p. 159.

Notice of copyright, forms prescribed (sec. 18), p. 160.

on title-page or page following (sec. 19), p. 161.

not required for ad interim protection (sec. 9), p. 157.

Books—Continued.

- Of persons from foreign countries may be imported (sec. 31 d), p. 167.
- One registration sufficient for several volumes if deposited at same time (sec. 61), p. 175.
- Published abroad in the English language may secure interim protection (sec. 21), p. 161.
- Right to translate (sec. 1 b), p. 153.
- Cantatas, performance for charitable or educational purposes permitted (sec. 28), p. 165.
- Catalogue of copyright entries:
 - Distribution of (sec. 57), p. 172.
 - Indexed catalogues to be printed for each class (sec. 56), p. 172.
 - Manuscript cards for, may be destroyed (sec. 56), p. 172.
 - Notice of destruction of copyright deposits (sec. 60), p. 174.
 - Superintendent of Public Documents to receive subscriptions (sec. 57), p. 173.
 - To be admitted as prima facie evidence (sec. 56), p. 172.
 - To be printed by Register of Copyrights (sec. 56), p. 172.
- Certificate of registration:
 - Claimant of copyright entitled to (sec. 55), p. 172.
 - Fee for additional, 50 cents (sec. 61), p. 174.
 - Form to be prepared by Register of Copyrights (sec. 55), p. 172.
 - To be admitted as prima facie evidence (sec. 55), p. 172.
 - To be issued upon registration and deposit (sec. 10), p. 157.
 - To state receipt of affidavit (sec. 55), p. 172.
- Children of author may secure renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.
- Claimant of copyright entitled to certificate of registration (sec. 55), p. 172.
- Classification, error in, does not invalidate copyright (sec. 5), p. 156.
- Coin-operated machines, reproduction of music upon (sec. 1 e), p. 155.
- Common-law right of author or proprietor (sec. 2), p. 155.
- Compilations may be copyrighted (sec. 5 a), p. 155; (sec. 6), p. 156.
- Complete, exclusive right to, model or design for work of art (sec. 1 b), p. 153.
- Component parts of copyrighted works protected (sec. 3), p. 155.
- Composer, foreign, when protected (sec. 1 e), p. 154.
- Composite works:
 - May be copyrighted (sec. 5 a), p. 155.
 - All parts protected (sec. 3), p. 155.
 - Author may secure renewal of copyright for contributions to (sec. 23), p. 162.
 - Proprietor may secure renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.
- Constitutional provision, p. 153.
- Copy, exclusive right to (sec. 1 a), p. 153.

Copyright:

- Distinct from property in material object (sec. 41), p. 169.
- May be assigned, granted, mortgaged, or bequeathed (sec. 42), p. 169.
- Not annulled by publication as a document (sec. 7), p. 156.

Copyright deposits:

- May be kept in Library of Congress (sec. 59), p. 173.
- May be sold or exchanged (sec. 59), p. 173.
- May be transferred to other governmental libraries (sec. 59), p. 173.
- May be destroyed after notice (sec. 60), p. 174.

Copyright fees. — *See* Fees.

Copyright office (secs. 47-61), p. 170-175

- Control and preservation of records (sec. 47), p. 170.
- Record books to be kept in (sec. 54), p. 172.
- Records and deposits may be inspected (sec. 58), p. 173.
- Seal (sec. 52), p. 171.

Copyright records:

- Control and preservation of (sec. 47), p. 170.
- Copies may be taken (sec. 58), p. 173.
- To be open to inspection (sec. 58), p. 173.

Copyright suits (secs. 34-40), p. 168-169.

- Appeal allowed (sec. 38), p. 169.
- Causes of action under previous laws not affected (sec. 63), p. 175.
- Deposit of copies condition precedent to (sec. 12), p. 158.
- Full costs allowed (sec. 40), p. 169.
- Injunction may be granted (sec. 36), p. 168.
- Jurisdiction of courts in (sec. 26), p. 165; (sec. 34), p. 168; (sec. 35), p. 168.
- May be instituted where defendant is an inhabitant (sec. 35), p. 168.
- Proceedings for injunction, damages, etc., may be united in one action (sec. 27), p. 165.
- Supreme Court rules for practice and procedure, p. 179.
- Three years' limitation of action (sec. 39), p. 169.

Copyrighted work:

- Exclusive right to deliver (sec. 1 c), p. 153.
 - to perform (sec. 1 d), p. 153.
 - to print, etc., (sec. 1 b), p. 153.
 - to translate, etc., (sec. 1 b), p. 153.

Corporate body, work copyrighted by (sec. 23), p. 162.

Costs allowed in copyright suits (sec. 40), p. 169.

Countries having copyright relations with United States, p. 177.

Country of export, copies may be returned to (sec. 32), p. 168.

Courts, jurisdiction of, in copyright cases (sec. 26), p. 165; (sec. 34), p. 168; (sec. 35), p. 168.

Criminal proceeding must be commenced within three years (sec. 39), p. 169.

Cyclopædic works:

May be copyrighted (sec. 5 a), p. 155.

Author may secure renewal of copyright for contributions to (sec. 23), p. 162.

Proprietor may secure renewal of copyright (sec. 23), p. 162.

Cylinders, infringement of musical copyright by use of (sec. 25 e), p. 164.

Damages:

For infringement of copyright (sec. 25 b), p. 163.

For failure to notify proprietor of mechanical reproduction (sec. 25 e), p. 165.

Royalty in lieu of profits and, in case of mechanical music-producing machines (sec. 25 e), p. 164.

Date of publication, definition of (sec. 62), p. 175.

Defendant, suit may be instituted where he is an inhabitant (sec. 35), p. 168.

Definition:

Of "Author" (sec. 62), p. 175.

Of "Date of publication" (sec. 62), p. 175.

Deliver, right to, lecture, sermon, address (sec. 1 c), p. 153.

Deposit of copies:

Book—must be produced in United States (sec. 12), p. 158.

Condition precedent to suit for infringement (sec. 12), p. 158.

Date to be included in certificate of registration (sec. 55), p. 172.

Entry to be made in record books (sec. 54), p. 172.

Failure to deposit involves forfeiture of copyright, etc. (sec. 13), p. 159.

Periodical—must be from type set in United States (sec. 12), p. 158.

Periodical contribution (sec. 12), p. 158.

Receipt from postmaster (sec. 14), p. 159.

Receipt from copyright office (sec. 55), p. 172.

Registration upon (sec. 10), p. 157.

One copy of foreign book in English language for interim copyright (sec. 21), p. 161.

Two copies of best edition required (sec. 12), p. 158.

Unpublished works, one copy required (sec. 11), p. 158; (sec. 12), p. 158.

Deposits, copyright. *See* Copyright deposits.

Designs for works of art:

May be copyrighted (sec. 5 g), p. 156.

Notice of copyright (sec. 18), p. 160.

Right to complete, execute, and finish (sec. 1 b), p. 153.

Destruction:

Of infringing copies, plates, etc. (sec. 25 d), p. 164.

Of unlawfully imported copies (sec. 32), p. 168.

Dialects, right to translate into other (sec. 1 b), p. 153.

Directories may be copyrighted (sec. 5 a), p. 155.

- Disks, infringement of musical copyright by use of (sec. 25 e), p. 164.
- District of Columbia, supreme court of, jurisdiction in copyright suits (sec. 34), p. 168.
- Documents, public, not copyrightable (sec. 7), p. 156.
- Dramatic composition:
 - May be copyrighted (sec. 5 d), p. 156.
 - Damages for infringement of (sec. 25 b), p. 163.
 - Notice of copyright, forms prescribed (sec. 18), p. 160.
 - Right to convert into (sec. 1 b), p. 153.
 - Right to exhibit (sec. 1 d), p. 153.
 - Right to make transcription of (sec. 1 d), p. 153.
 - Right to perform or represent (sec. 1 d), p. 153.
 - Right to vend manuscript or record thereof (sec. 1 d), p. 153.
 - Unpublished, deposit of one copy required (sec. 11), p. 158.
- Dramatico-musical compositions:
 - May be copyrighted (sec. 5 d), p. 156.
 - Damages for infringement of (sec. 25 b), p. 164.
- Dramatizations may be copyrighted (sec. 6), p. 156.
- Dramatize, right to (sec. 1 b), p. 153.
- Drawings:
 - May be copyrighted (sec. 5 i), p. 156.
 - Notice of copyright (sec. 18), p. 160.
- Duration of copyright (secs. 23-24), p. 162-163.
- Editions, new (sec. 6), p. 156.
- Employer considered as author in case of works made for hire (sec. 62), p. 175.
- Enacting clause (sec. 64), p. 175.
- Engravings. *See* Prints; Photo-engravings.
- Entry. *See* Registration.
- Evidence, prima facie:
 - Catalogue of copyright entries (sec. 56), p. 172.
 - Certificate of registration (sec. 55), p. 172.
- Exceptions:
 - To manufacturing clause (sec. 15), p. 159.
 - To prohibition of importation (sec. 31), p. 166.
- Exchange of copyright deposits (sec. 59), p. 173.
- Execute, exclusive right to, model or design for work of art (sec. 1 b), p. 153.
- Executors of author:
 - May secure copyright (sec. 8), p. 157.
 - May secure extension of existing copyright (sec. 24), p. 163.
 - May secure renewal of copyright (sec. 23), p. 162.
- Exhibit, right to, drama (sec. 1 d), p. 153.
- Extension of existing copyright (sec. 24), p. 163.
 - Fee for recording, 50 cts. (sec. 61), p. 174.
 - See also* Terms of copyright.
- Failure to deposit copies involves forfeiture of copyright, etc. (sec. 13), p. 159.

- False affidavit of American manufacture, penalty (sec. 17), p. 160.
- False notice of copyright:
 - Importation of articles bearing, prohibited (sec. 30), p. 166.
 - Penalty for (sec. 29), p. 166.
- Fees:
 - For registration, with certificate, \$1 (sec. 61), p. 174.
 - For additional certificate, 50 cts. (sec. 61), p. 174.
 - For recording photographs, 50 cts. (sec. 61), p. 174.
 - For recording assignment (sec. 61), p. 174.
 - For copy of assignment (sec. 61), p. 174.
 - For comparing copy of assignment, \$1 (sec. 61), p. 174.
 - For recording transfer of proprietorship (sec. 61), p. 175.
 - For recording extension or renewal of copyright, 50 cts. (sec. 61), p. 174.
 - For recording notice of user of work for mechanical reproduction (sec. 61), p. 174.
 - For search, 50 cts. an hour (sec. 61), p. 175.
 - Deposit of (sec. 49), p. 171.
 - Monthly report on (sec. 49), p. 171.
- Fine arts, works of the:
 - May be copyrighted (sec. 5 g), p. 156.
 - Notice of copyright (sec. 18), p. 160.
 - Right to complete models or designs for (sec. 1 b), p. 153.
 - Unpublished, deposit of reproduction required (sec. 11), p. 158.
- Finish, exclusive right to, model or design for work of art (sec. 1 b), p. 153.
- Foreign assignment must be acknowledged before United States officer (sec. 43), p. 170.
- Foreign author or proprietor may secure copyright (sec. 8), p. 157.
- Foreign books in foreign languages need not be type-set in United States (sec. 15), p. 159.
- Foreign languages, books in, may be imported (sec. 31 c), p. 167.
- Foreign works, mechanical reproduction of, reciprocal rights (sec. 1 e), p. 154.
- Forfeiture of copyright:
 - For failure to deposit copies (sec. 13), p. 159.
 - For false affidavit of American manufacture (sec. 17), p. 160.
- Forfeiture of unlawfully imported copies (sec. 32), p. 167.
- Formalities: Deposit, registration, notice (secs. 9-22), p. 157-162.
- Free transmission of copyright material (sec. 14), p. 159.
- Gazetteers may be copyrighted (sec. 5 a), p. 155.
- Governmental publications not copyrightable (sec. 7), p. 156.
- Governmental libraries, transfer of copyright deposits to (sec. 59), p. 173.
- Hawaii, courts having jurisdiction in copyright cases (sec. 34), p. 168.
- Illustrations:
 - May be copyrighted (sec. 5 k), p. 156.
 - In books must be manufactured in United States (sec. 15), p. 159.

Importation:

Forfeiture in case of illegal (sec. 32), p. 167.
See also Prohibition of importation.

Imprisonment for infringement of copyright (sec. 28), p. 165.

Index of copyright registrations (sec. 56), p. 172.

Infringement of copyright:

Accidental omission of notice of copyright (sec. 20), p. 161.
By mechanical reproduction of music (sec. 25 c), p. 164.
Deposit of copies condition precedent to suit for (sec. 12), p. 158.
Dramatic and musical compositions (sec. 25 b), p. 163.
Lecture, etc. (sec. 25 b), p. 163.
Painting, statue, etc. (sec. 25 b), p. 163.
Photograph, damages (sec. 25 b), p. 163.
Proceedings for injunction, etc., may be united in one action (sec. 27), p. 165.
Remedies for (sec. 25), p. 163.
Willful, misdemeanor (sec. 28), p. 165.
See also Copyright suits.

Injunction:

Certified copies of papers filed (sec. 37), p. 169.
For infringement of copyright (sec. 25 a), p. 163.
In case of mechanical reproduction of music (sec. 25 c), p. 165.
May be granted by circuit and district courts (sec. 36), p. 168.
Proceedings for, damages, etc., may be united in one action (sec. 27), p. 165.
Where notice of copyright has been omitted (sec. 20), p. 161.

Inspection of Copyright Office records (sec. 58), p. 173.

Instruments for mechanical reproduction of music (sec. 1 c), p. 154;
(sec. 25 c), p. 164.

Interim copyright:

Books seeking, need not be manufactured in United States (sec. 15), p. 159.
Deposit of book published abroad in English language (sec. 21), p. 161.
Extension of, for United States edition (sec. 22), p. 162.
Notice of copyright not required in books for (sec. 9), p. 157.
Request for (sec. 21), p. 161.
Term of (sec. 21), p. 161.

International copyright:

Foreign author or proprietor (sec. 8), p. 157.
Interim copyright for English book published abroad (sec. 21), p. 161.
Mechanical musical instruments (sec. 1 c), p. 154.

Interpretation:

"Author" (sec. 62), p. 175.
"Date of publication" (sec. 62), p. 175.

Jurisdiction of courts in copyright cases (sec. 26), p. 165; (sec. 34), p. 168; (sec. 35), p. 168.

Languages, right to translate into other (sec. 1 b), p. 153.

Lecture (Oral):

May be copyrighted (sec. 5 c), p. 156.

Damages for infringement of (sec. 25 b), p. 164.

Right to deliver for profit (sec. 1 c), p. 153.

Unpublished, one copy must be deposited (sec. 11), p. 158.

Librarian of Congress:

Annual report of register of copyrights to (sec. 51), p. 171.

Monthly report of copyright fees to (sec. 49), p. 171.

To appoint register and assistant register of copyrights (sec. 48), p. 170.

To determine disposition of copyright deposits (sec. 59), p. 173; (sec. 60), p. 173.

Library of Congress:

Deposits to be kept in (sec. 59), p. 173.

May recover twice the retail price of work if not deposited (sec. 13), p. 159.

License for mechanical reproduction of music (sec. 1 e), p. 154; (sec. 25 e), p. 164.

Limitation of action, three years, for criminal proceedings (sec. 39), p. 169.

Literary works. *See* Books.

Lithographic process:

Must be performed within United States (sec. 15), p. 159.

Affidavit required (sec. 16), p. 160.

Lithographs:

Must be manufactured in United States (sec. 15), p. 159.

Representing foreign subjects excepted in manufacturing clause (sec. 15), p. 159.

Magazine. *See* Periodical.

Mails, free transmission through the (sec. 14), p. 159.

Manufacturing clause:

Affidavit required under (sec. 16), p. 160.

— to be recorded in certificate of registration (sec. 55), p. 172.

Books and periodicals (sec. 15), p. 159.

Exceptions (sec. 15), p. 159.

Foreign books excepted (sec. 15), p. 159.

Importation of books not produced in accordance with, prohibited (sec. 31), p. 166.

Lithographs and photo-engravings (sec. 15), p. 159.

Manuscript:

Of unpublished work not to be destroyed without notice to proprietor (sec. 60), p. 174.

Right to vend, of drama (sec. 1 d), p. 153.

See also Unpublished works.

Map:

May be copyrighted (sec. 5 f), p. 156.

Notice of copyright (sec. 18), p. 160.

- Masses, performance for charitable or educational purposes permitted (sec. 28), p. 165.
- Material object, sale of, does not imply transfer of copyright (sec. 41), p. 169.
- Matrices for unlawful copies (sec. 25 d), p. 164; (sec. 27), p. 165.
- Mechanical reproduction of music (sec. 1 e), p. 154.
 - Failure to file notice in copyright office (sec. 1 e), p. 155.
 - Failure to serve notice of intended use (sec. 25 e), p. 165.
 - Failure to pay royalties (sec. 1 e), p. 155.
 - Fee for recording notice of user of work (sec. 61), p. 174.
 - Foreign authors, reciprocal rights (sec. 1 e), p. 154.
 - Infringement of copyright by (sec. 25 e), p. 164.
 - Monthly report on parts manufactured (sec. 1 e), p. 154.
 - Notice of intention to use (sec. 25 e), p. 155.
 - Notice of license to use (sec. 1 e), p. 154.
 - Recovery of royalty (sec. 25 e), p. 165.
 - Royalty provision (sec. 1 e), p. 154.
 - Upon coin-operated machines (sec. 1 e), p. 155.
 - Works copyrighted after July 1, 1909 (sec. 1 e), p. 154.
- Melody of a musical composition, right to make arrangement or setting (sec. 1 e), p. 154.
- Model for work of art:
 - May be copyrighted (sec. 5 g), p. 156.
 - Notice of copyright (sec. 18), p. 160.
 - Right to complete, execute, and finish (sec. 1 b), p. 153.
- Molds for unlawful copies (sec. 25 d), p. 164; (sec. 27), p. 165.
- Mortgage, copyright subject to (sec. 42), p. 169.
- Musical composition:
 - May be copyrighted (sec. 5 e), p. 156.
 - Damages for infringement of (sec. 25 b), p. 163.
 - Exclusive right to arrange, etc. (sec. 1 b), p. 153.
 - Foreign, mechanical reproduction, reciprocal rights (sec. 1 e), p. 154.
 - Infringement by mechanical reproduction of (sec. 25 e), p. 164.
 - Mechanical reproduction of, royalty (sec. 1 e), p. 154.
 - Notice of copyright, forms prescribed (sec. 18), p. 160.
 - on title-page or first page of music (sec. 19), p. 161.
 - Notice of intention to reproduce mechanically (sec. 25 e), p. 165.
 - Only those copyrighted after July 1, 1909, controlled for mechanical reproductions (sec. 1 e), p. 154.
 - Performance of choral works for charitable or educational purposes permitted (sec. 28), p. 165.
 - Right to make any arrangement (sec. 1 e), p. 154.
 - Right to make record of (sec. 1 e), p. 154.
 - Right to perform (sec. 1 e), p. 154.
 - Right to use in any system of notation (sec. 1 e), p. 154.
 - Unpublished, deposit of one copy required (sec. 11), p. 158.
- Nature and extent of copyright (secs. 1-3), p. 153-155.

- New editions (sec. 6), p. 156.
- Newspaper reproduction of photograph, damages for (sec. 25 b), p. 163.
- Newspapers:
 - May be copyrighted (sec. 5 b), p. 155.
 - May be imported (sec. 31 b), p. 166.
 - One notice of copyright in each number to suffice (sec. 19), p. 161.
- Next of kin may secure renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.
- Nondramatic work:
 - Right to dramatize (sec. 1 b), p. 153.
 - Right to convert drama into (sec. 1 b), p. 153.
- Notation, any system for musical composition (sec. 1 e), p. 154.
- Notice of copyright:
 - Assignee may substitute name for assignor (sec. 46), p. 170.
 - Forms prescribed (sec. 18), p. 160.
 - Importation of articles bearing false, prohibited (sec. 30), p. 166.
 - May be in form prescribed by act of 1874 (sec. 18), p. 161.
 - Name of proprietor (sec. 18), p. 160.
 - Not required for ad interim protection (sec. 9), p. 157.
 - Omission of, does not invalidate copyright (sec. 20), p. 161.
 - On title-page or page following (sec. 19), p. 161.
 - One notice in each volume or number of a periodical to suffice (sec. 19), p. 161.
 - Penalty for false (sec. 29), p. 166.
 - Penalty for removal of (sec. 29), p. 166.
 - Publication with, initiates copyright (sec. 9), p. 157.
 - Required on copies published or sold in the United States (sec. 9), p. 157.
- Notice of user of musical work for mechanical reproduction:
 - To be filed in Copyright Office (sec. 1 e), p. 155.
 - Failure to file in Copyright Office (sec. 1 e), p. 155.
 - Fee for recording (sec. 61), p. 174.
- Novel, right to convert drama into (sec. 1 b), p. 153.
- Oral delivery, lectures, etc., prepared for (sec. 5 c), p. 156.
- Oratorios, performance for charitable or educational purposes permitted (sec. 28), p. 165.
- Painting:
 - Damages for infringement of (sec. 25 b), p. 164.
 - See also* Fine arts, works of the.
- Parts of copyrighted works protected (sec. 3), p. 155.
- Penalties:
 - For willful infringement—
 - Fine of \$100 to 1,000 (sec. 28), p. 165.
 - Imprisonment (sec. 28), p. 165.
 - For failure to deposit copies (sec. 13), p. 159.
 - For false affidavit of American manufacture (sec. 17), p. 160.
 - For false notice of copyright (sec. 29), p. 166.
 - For fraudulent removal of notice of copyright (sec. 29), p. 166.
 - See also* Damages.

Perform, right to:

Drama (sec. 1 d), p. 153.

Musical composition (sec. 1 e), p. 154.

Performance of oratorios, etc., for charitable or educational purposes permitted (sec. 28), p. 165.

Periodical:

May be copyrighted (sec. 5 b), p. 155.

Copyright in separate articles (sec. 3), p. 155.

Foreign, may be imported (sec. 31 b), p. 166.

Must be manufactured in United States (sec. 15), p. 159.

Notice of copyright (sec. 19), p. 161.

One notice of copyright sufficient (sec. 19), p. 161.

Proprietor may secure renewal of copyright (sec. 23), p. 162.

Two copies of American type-set edition required (sec. 12), p. 158.

Periodical contribution:

Author of, may secure renewal of copyright (sec. 23), p. 162.

Deposit of one copy of issue required (sec. 12), p. 158.

Person, any, entitled thereto, may obtain copyright (sec. 1), p. 153.

Philippine Islands, courts having jurisdiction in copyright suits (sec. 34), p. 168.

Photo-engraving process:

Must be performed within United States (sec. 15), p. 159.

Affidavit required (sec. 16), p. 160.

Photo-engravings:

Must be manufactured in United States (sec. 15), p. 159.

Representing foreign subjects excepted in manufacturing clause (sec. 15), p. 159.

Photograph:

May be copyrighted (sec. 5 j), p. 156.

Damages for infringement of, by newspaper reproduction (sec. 25 b), p. 163.

Fee for registration of (sec. 61), p. 174.

Notice of copyright (sec. 18), p. 160.

Unpublished, deposit of one print required (sec. 11), p. 158.

Pictorial illustrations:

May be copyrighted (sec. 5 k), p. 156.

Notice of copyright (sec. 18), p. 160.

Piratical copies, prohibition of importation of (sec. 30), p. 166; (sec. 31), p. 166.

See also Infringement of copyright.

Plaintiff may recover royalty in lieu of profits and damages (sec. 25 e), p. 164.

Plastic works:

May be copyrighted (sec. 5 i), p. 156.

Notice of copyright (sec. 18), p. 160.

Unpublished, deposit of reproduction required (sec. 11), p. 158.

Plates:

Must be made from type set in United States (sec. 15), p. 159.

For unlawful copies (sec. 25 d), p. 164; (sec. 27), p. 165.

- Play. *See* Dramatic composition.
- Porto Rico, courts having jurisdiction in copyright suits (sec. 34), p. 168.
- Posthumous works, proprietor may secure renewal of copyright (sec. 23), p. 162.
- Postmaster:
- Shall give receipt for articles deposited in the mails (sec. 14), p. 159.
 - Shall mail deposits without cost (sec. 14), p. 159.
- Postmaster-General to make rules and regulations in re importation (sec. 33), p. 168.
- Practice, rules prescribed by Supreme Court (sec. 25), p. 165; p. 179.
- Presidential proclamations, p. 177.
- Prima facie evidence. *See* Evidence.
- Print, exclusive right to (sec. 1 a), p. 153.
- Print:
- May be copyrighted (sec. 5 k), p. 156.
 - Notice of copyright (sec. 18), p. 160.
- Printing of book:
- Must be performed within United States (sec. 15), p. 159.
 - Affidavit required (sec. 16), p. 160.
- Procedure, rules prescribed by Supreme Court (sec. 25), p. 165; p. 179.
- Proceedings for injunction, damages, etc., may be united in one action (sec. 27), p. 165.
- Proclamation, Presidential, for international copyright (sec. 8), p. 157.
- List of Presidential proclamations, p. 177.
- Produce, right to, drama (sec. 1 d), p. 153.
- Profits:
- May be recovered in case of infringement (sec. 25 b), p. 163.
 - Royalty in lieu of, in case of mechanical music-producing machines (sec. 25 e), p. 164.
- Prohibition of importation:
- Books in foreign languages of which only translations are copyrighted, permitted importation (sec. 31 c), p. 167.
 - Exceptions to (sec. 31), p. 166.
 - Notice of illegal importation to be given to Treasury or Post-Office Department (sec. 33), p. 168.
 - Of articles bearing false notice (sec. 30), p. 166.
 - Of authorized copies, printed abroad (sec. 31), p. 166.
 - Of foreign reprints of book by American author (sec. 31), p. 167.
 - Of piratical copies (sec. 30), p. 166; (sec. 31), p. 166.
 - Return of copies of authorized editions to country of export (sec. 32), p. 168.
 - Secretary of the Treasury and Postmaster-General to make rules (sec. 33), p. 168.

Proprietor, copyright:

May obtain copyright (sec. 8), p. 157.

May secure renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.

Must notify Treasury or Post-Office Department of illegal importation (sec. 33), p. 168.

Proprietor of unpublished work, common-law right of (sec. 2), p. 155.

Proprietorship, fee for recording transfer of (sec. 61), p. 175.

Pseudonymous works, term of copyright in (sec. 23), p. 162.

Public documents not copyrightable (sec. 7), p. 156.

Public domain, works in, original text not copyrightable (sec. 7), p. 156.

Publication:

By United States Government does not affect copyright (sec. 7), p. 156.

Date of, definition (sec. 62), p. 175.

With notice initiates copyright (sec. 9), 157.

Publish, exclusive right to (sec. 1 a), p. 153.

Receipt for copies:

From copyright office (sec. 55), p. 172.

From postmaster (sec. 14), p. 159.

Reciprocity provisions (sec. 8 b), p. 157.

Mechanical reproduction of music (sec. 1 c), p. 154.

Record books, copyright, to be kept by register of copyrights (sec. 54), p. 172.

Record of copyright. *See* Registration.

Record, right to make:

Of drama (sec. 1 d), p. 153.

Of musical work (sec. 1 c), p. 154.

Records, copyright. *See* Copyright records.

Register of copyrights:

Annual report (sec. 51), p. 171.

Appointment of (sec. 48), p. 170.

Bond of (sec. 50), p. 171.

May require deposit of copies (sec. 13), p. 158.

Monthly report of fees (sec. 49), p. 171.

Salary of, \$1,000 (sec. 48), p. 170.

To control and preserve copyright records (sec. 47), p. 170.

To determine price of catalogues of copyright entries (sec. 57), p. 173.

To issue certificate of registration (sec. 10), p. 157.

To make rules and regulations (sec. 53), p. 171.

To prepare form for certificate of registration (sec. 55), p. 172.

To print catalogue of copyright entries (sec. 56), p. 172.

To provide and keep record books (sec. 54), p. 172.

To record assignments (sec. 45), p. 170.

To register articles deposited (sec. 54), p. 172.

- Register of copyrights, assistant:
 - Appointment of (sec. 48), p. 170.
 - Duties defined (sec. 48), p. 170.
 - Salary, \$3,000 (sec. 48), p. 170.
- Registration of copyright claim (sec. 10), p. 157.
 - Application for (sec. 5), p. 155.
 - Certificate shall be admitted as prima facie evidence (sec. 55), p. 172.
 - Claimant of copyright entitled to certificate of (sec. 55), p. 172.
 - Condition precedent to suit for infringement (sec. 12), p. 158.
 - Fees for (sec. 61), p. 174.
 - For renewal (sec. 23), p. 162; (sec. 24), p. 163.
 - Of work in several volumes (sec. 61), p. 175.
 - Prima facie evidence, catalogue of copyright entries (sec. 56), p. 172.
 - Register of copyrights to make rules for (sec. 53), p. 171.
- Remedies for infringement (secs. 25-28), pp. 163-165.
- Renewal of copyright:
 - Author, if living, or his widow, children, executors, or next of kin (sec. 23), p. 162.
 - Author may secure, of existing copyrights (sec. 24), p. 163.
 - Author of contributions to periodical or composite work may secure (sec. 23), p. 162.
 - Proprietor of posthumous or composite works (sec. 23), p. 162.
 - Fee for recording, 50 cents (sec. 61), p. 174.
 - Registration during last year of original term (sec. 23), p. 162.
 - Term, 28 years (sec. 23), p. 162.
- Repealing clause (sec. 63), p. 175.
- Report:
 - Annual, of all copyright business (sec. 51), p. 171.
 - Monthly, on copyright fees (sec. 49), p. 171.
- Represent, right to, drama (sec. 1 d), p. 153.
- Reprint, exclusive right to (sec. 1 a), p. 153.
- Reproduce, right to, drama (sec. 1 d), p. 153.
- Reproductions of works of art:
 - May be copyrighted (sec. 5 h), p. 156.
 - Notice of copyright (sec. 18), p. 160.
- Reservation of copyright. *See* Interim copyright.
- Rights of persons entitled to copyright (secs. 1-3), p. 153-155.
- Rolls, infringement of musical copyright by use of (sec. 25 e), p. 164.
- Royalty for use of music:
 - Provision for (sec. 1 e), p. 154.
 - Failure to pay (sec. 1 e), p. 155.
 - Recovery of (sec. 25 e), p. 164.
- Rules and regulations:
 - For copyright office (sec. 53), p. 171.
 - For practice and procedure (sec. 25), p. 165; p. 179.
 - For prohibition of importation (sec. 33), p. 168.

- Sale of copyright deposits (sec. 59), p. 173.
- Sale of work distinct from assignment of copyright (sec. 41), p. 169.
- Scientific drawings or plastic works:
 - May be copyrighted (sec. 5 i), p. 156.
 - Notice of copyright (sec. 18), p. 160.
- Sculpture, damages for infringement of (sec. 25 b), p. 163.
- Seal of copyright office (sec. 52), p. 171.
- Search, fee for (sec. 61), p. 175.
- Secretary of the Treasury:
 - May order destruction of unlawfully imported articles (sec. 32), p. 168.
 - To make rules and regulations in re importation (sec. 33), p. 168.
- Seizure of unlawfully imported copies (sec. 33), p. 167.
- Sermon (Oral):
 - May be copyrighted (sec. 5 c), p. 156.
 - Damages for infringement of (sec. 25 b), p. 164.
 - Right to deliver for profit (sec. 1 c), p. 153.
- Statue:
 - Damages for infringement of (sec. 25 b), p. 164.
 - See also* Fine arts, works of the.
- Subject matter of copyright (secs. 4-7), p. 155-159.
- Suits. — *See* Copyright suits.
- Superintendent of public documents to receive subscriptions to Catalogue of copyright entries (sec. 37), p. 173.
- Supreme Court of the United States, rules and regulations for practice and procedure (sec. 25), p. 163; p. 179.
- Technical drawings or plastic works:
 - May be copyrighted (sec. 5 i), p. 156.
 - Notice of copyright (sec. 18), p. 160.
- Terms of copyright:
 - First term of 28 years (sec. 23), p. 162.
 - Renewal term of 28 years (sec. 23), p. 162.
 - Ad interim term, 30 days (sec. 21), p. 161.
 - extension of term for United States edition (sec. 22), p. 162.
 - Extension to full existing term (sec. 24), p. 163.
- Transfer of copyright (secs. 41-49), p. 169-179.
- Transfer of copyright deposits to other governmental libraries (sec. 59), p. 173.
- Transfer of proprietorship, fee for recording (sec. 61), p. 175.
- Translate, exclusive right to (sec. 1 b), p. 153.
- Translations may be copyrighted (sec. 6), p. 156.
- Treasury. — *See* Secretary of the Treasury.
- Type set within the United States:
 - Plates to be made from (sec. 15), p. 159.
 - Affidavit required (sec. 16), p. 160.
- Unpublished work:
 - Common law right (sec. 2), p. 155.
 - May be copyrighted (sec. 11), p. 158.

Register of Copyrights—Copyright Law 199

- Vend, exclusive right to (sec. 1 a), p. 153.
 - Manuscript of drama (sec. 1 d), p. 153.
- Version, right to make other (sec. 1 b), p. 153.
- Volumes of a book deposited at one time, one fee sufficient (sec. 61), p. 175.
- Who may obtain copyright (sec. 8), p. 157.
- Widow or widower may secure renewal of copyright (sec. 23), p. 162; (sec. 24), p. 163.
- Works:
 - Republished with new matter may be copyrighted (sec. 6), p. 156
 - Subject-matter of copyright (sec. 5), p. 155.
- Writ of error allowed in copyright cases (sec. 38), p. 169.
- Writings of an author subject-matter of copyright (sec. 4), p. 155.