

SIXTY-SECOND  
ANNUAL REPORT OF THE  
**REGISTER OF COPYRIGHTS**  
FOR THE FISCAL YEAR ENDING JUNE 30, 1959



*COPYRIGHT OFFICE*

*The Library of Congress*

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## *The Copyright Office*

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

### *The Copyright Law, 1909–1959*

At the end of fiscal 1959, the copyright law now in force, in general substance, was 50 years old. Passed on March 3, 1909, the law became effective on July 1, 1909.

Thorvald Solberg, Register of Copyrights, had written in his report for fiscal 1901: "I have frequently had occasion to call attention to the need for new copyright legislation. The law now in force consists of the Act of July 8, 1870. . . . the existing legislation is antiquated, inadequate in some directions, inconsistent and confusing in others." In December 1905, President Theodore Roosevelt transmitted a message to Congress in which he said: "Our copyright laws urgently need revision. . . . A complete revision of them is essential . . . to meet modern conditions."

Today the need for new copyright legislation is no less urgent. The past 50 years have brought about revolutionary technological changes in the methods of reproduction, communication, and dissemination of "writings" of an author, including many unknown 50 years ago, such as radio and television, sound motion pictures, and new devices and techniques for the recording of sounds and the reproduction of print. The emergence of new industries and new uses of copyright materials has radically altered the conditions under which copyright materials are created and used. Although numerous

amendments on matters of detail have been enacted to correct its most obvious inadequacies, or to fulfill a treaty obligation, the law has not kept pace with these developments.

The need for a complete revision of out-moded copyright laws in the light of modern conditions has been recognized in many other countries, which have either enacted comprehensive revisions in recent years or are now in the process of formulating such revisions.

Even at the time of its passage, the 1909 law, though considered a great advance, was thought by some to have its shortcomings. The leading editorial in *Publishers' Weekly* for July 3, 1909, stated that the law made "an important stride in American copyright, though it falls far short of the aim and hope of the friends of copyright." The inadequacy of that law a half-century later is now felt in far greater degree by all concerned.

Much care and effort went into the framing of the 1909 law, but essentially it was the product of compromises arrived at in conferences with interested groups, each of which surveyed the field of copyright from its own special and partisan point of view. Similar efforts between 1924 and 1940 to enact a general revision of the 1909 law ended in unreconciled controversies and failure.

General revision is being approached today in a somewhat different manner. For

the past 4 years the Copyright Office, with the aid and advice of specialists experienced in the problems of the various groups concerned, has been conducting a program of research and analysis; objective studies of the important problems are being made to elucidate the issues and analyze the possible solutions. The aim is to create a solid foundation of knowledge upon which to erect a new law.

These studies will result in proposals for a new law. It can be anticipated that compromises and adjustments will be needed to reconcile the conflicting interests on many issues, but it is hoped that a new copyright law, reflecting the needs of today and flexible enough to accommodate those of the foreseeable future, can be enacted before long.

### *The Year's Copyright Business*

During the past 50 years, when the population of the United States has almost doubled, copyright registration figures indicate that intellectual and creative activity has more than kept pace with this group. In 1909 there were entered in the records of the Copyright Office 120,131 titles; last year registrations totaled 241,735.

While only 1.1 percent more registrations were made in fiscal 1959 than in the previous year, the earned fees collected totaled 3.6 percent more or \$979,941. The disproportionate increase in fees is due to a marked rise in statutory fees paid for other services; the recording and indexing of assignments, as well as the preparation of additional certificates, and the searching of the records. This year the Public Office received more visitors than ever before (5,623, an increase of nearly 7 percent over the previous year) and more telephone calls (15,570, an increase of 12 percent). More copies from the year's deposits were transferred for addition to the Library's collections or for use in exchange than in fiscal 1958; the 208,561 copies so transferred represented an increase of 3 percent. The examiners, catalogers, and searchers also handled the largest workloads in their history; 259,211

registrations were cataloged, an increase of 1.6 percent, and 9,126 searches were conducted, an increase of 9 percent.

Copyright searches involving all of the works of such prolific writers as P. G. Wodehouse, Theodore Roosevelt, Damon Runyon, and Edna St. Vincent Millay were made.

The Copyright Card Catalog was increased by 680,995 cards, bringing the content of the catalog up to a total of 21,393,585 cards. Sixteen issues of the *Catalog of Copyright Entries* were produced.

Figures for Copyright Office services that are lower than in previous years reflect in most cases a more efficient processing of the record load of registrations and inquiries. A continuing revision of circulars and application forms, using modern techniques, has apparently been fruitful. The records indicate that printed circulars were used more frequently last year, in place of time-consuming letters, bringing about a decline of total correspondence, in spite of the increase in units of service. Fewer "follow-up" letters were required.

The rise in unpublished music registrations during the year was substantial (8.2 percent). This was perhaps partly due to court decisions supporting the view that the unlimited sale of phonograph records terminates common-law rights in the composition recorded, and to the concomitant belief on the part of composers that copyright registration prior to the issuance of the record is desirable to preserve their rights in the composition. The dramatic rise of 16.4 percent in motion-picture registrations reflects a notable increase in the copyrighting of television film. Renewal registrations, on the other hand, were fewer by 4.7 percent, because of the slump in initial registrations during the depression 28 years ago, although the ratio to original registrations has remained about the same.

The drop continued in ad interim (5-year term) registrations for English-language books and periodicals manufactured and published outside the United States, but 28-year registrations rose in other

classes of foreign works, including books. Many applicants were evidently aware of the possible benefits of registration for works protected under the Universal Copyright Convention, even though registration is not required thereunder. This would explain the number of English-language books published outside the United States which were registered for the full term of 28 years afforded by virtue of the Convention. Prior to the effective date of the Convention, these works could have been registered only for the 5-year ad interim term. This factor necessarily reduced the number of import statements to be issued for such ad interim registrations.

The record of 50 years of copyright registrations from 1909 to 1959 is presented in Charts No. 1 and No. 2. The mountain peaks of total registrations, of course, range higher and higher over the period, but there are deep canyons after the increases in fees in 1928 and 1948, and the graphs indicate the effect on creative activity of wars, the depression, and postwar booms.

Music registrations, in the main, follow the movement of total registrations. But books have a zigzag trajectory of their own, only the salient features of the silhouette being repeated. It should be remembered that in the case of books, only *published* works may be registered. Periodical registrations and renewals have risen steadily, while the art classes, particularly photographs, have as steadily declined. In fiscal 1909 registrations of engravings, cuts, and prints, chromos and lithographs, photographs, and the fine arts accounted for approximately a quarter of the total registrations. During fiscal 1959 registrations of these same art classes, redescribed as works of art, reproductions of works of art, scientific drawings, photographs, and prints, represented less than 4.5 percent of total registrations. The composition of the deposits in this class has also changed. Fewer chromos and lithographs, fine prints, and photographs are now being deposited; instead, considerable numbers of articles of use, including jewelry and fabrics, are the subject of applications for registration as "works of art," based upon

the claims of their artistic design. The problem of works in the field of design was constantly before the Copyright Office last year. Correspondingly, a leading topic at many of the conferences of professional groups, both at home and abroad, was design.

In the field of music, topics of the moment were the inspiration for *Debbie's Love Anthem*, *Fidel Castro Rock*, and *Recession Blues*, as well as the "beatnik" musical *The Nervous Set* and a short-lived spate of "hula hoop" songs. Ten numbers entitled *Alaska* were received; also *Alaska Forty Nine*, *Alaska Millionaire*, *Alaska Boogie*, and *Alaska is the Biggest, but Texas is the Best*. Outer-space items, although now a trifle *vieux jeu*, were still being deposited.

However, the old favorites were not forgotten; applications for renewal were received for *Goodnight Sweetheart*, *I Love a Parade*, *Let's Have Another Cup of Coffee*, and *Life is Just a Bowl of Cherries*. Book renewals included Erskine Caldwell's *Tobacco Road* and Aldous Huxley's *Brave New World*; notable film copyrights renewed were *Grand Hotel* with Greta Garbo and Charlie Chaplin's *City Lights*.

New compositions included Gian Carlo Menotti's *Maria Golovin*, and *A Hand of Bridge*, with words by Menotti and music by Samuel Barber. The literary year was notable for the wide range of the best-sellers: *The Ugly American*, *Mine Enemy Grows Older*, the English translation of *Doctor Zhivago*, *Only in America*, and, of course, *Lady Chatterley's Lover*. Several works in the field of electronic music, with scores containing nonstandard notation, were registered. The script *Scent of Danger*, for a motion picture in production which was said to add odors to the audio-visual components, was another ultramodern copyright entry.

Besides works of art, other categories of deposits have greatly changed in character during the half-century. In 1909 "lectures or similar productions prepared for oral delivery," Class C, consisted chiefly of lectures and sermons. In 1959 radio and television scripts, including panel discus-

© 1909 - 1959 ©

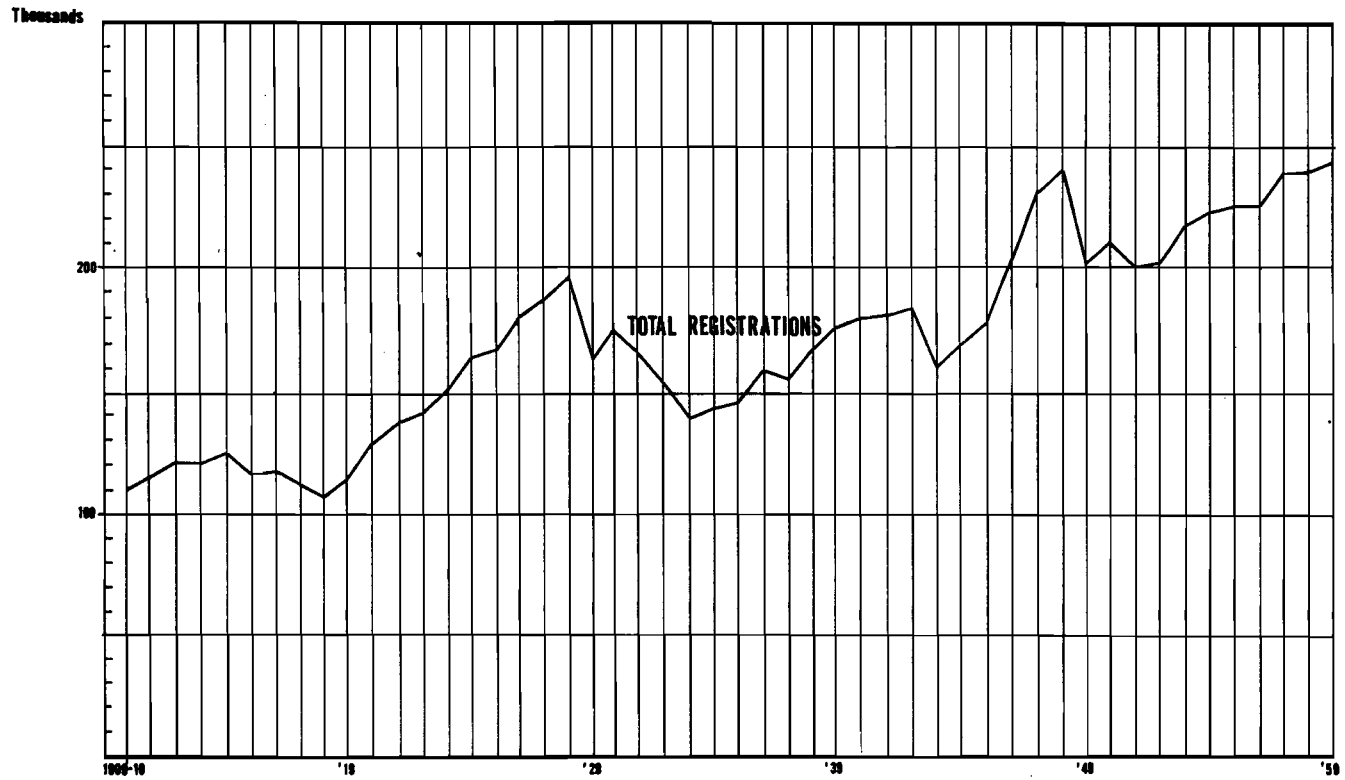


CHART 1

Totals include registrations made at the Patent Office under Copyright Law

# Fifty-year Trends in Copyright Registration

1909 - 1959

Total Registrations 8,493,080

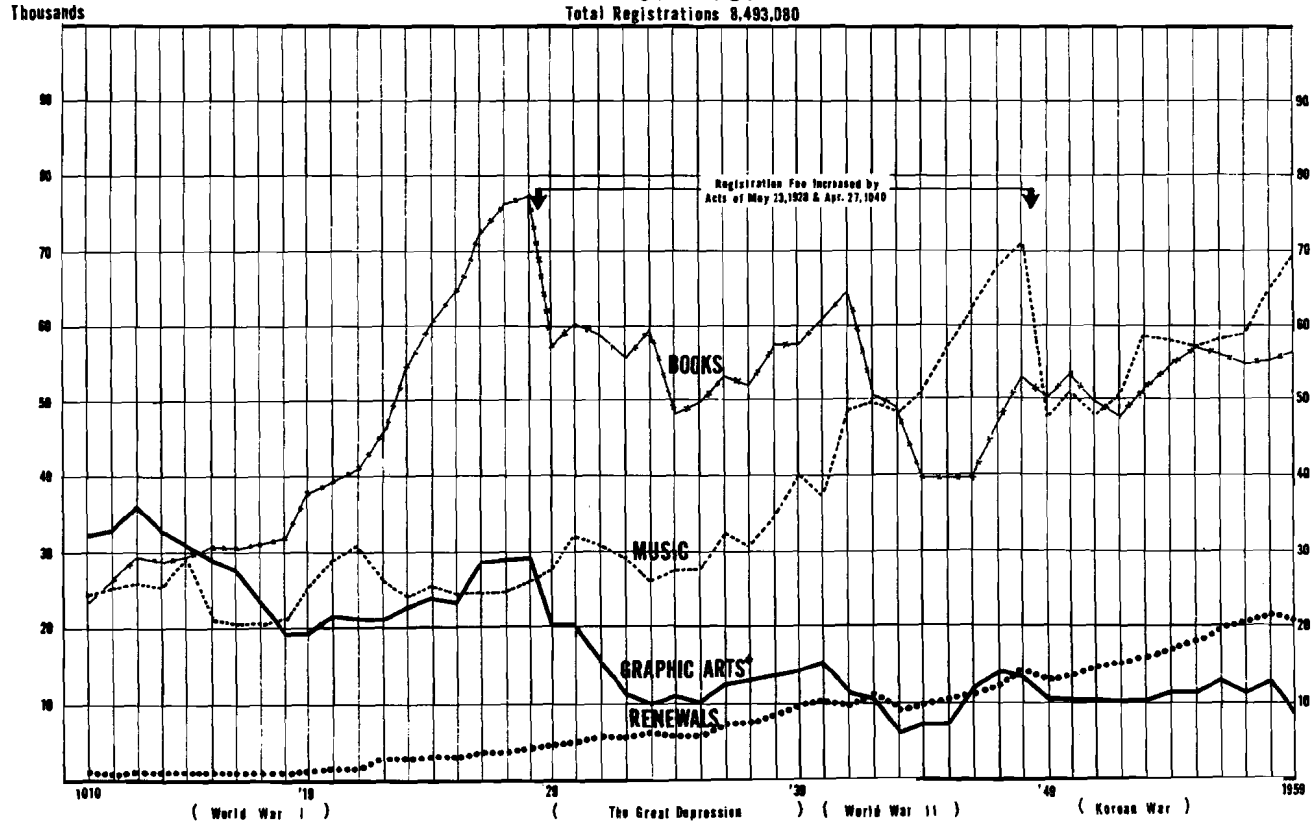


CHART 2

\*Graphic Arts' includes Classes: F, G, H, I, J & K



sions and variety programs make up the bulk of Class C registrations. The Act of 1909 did not mention motion pictures; they were registered as photographs until the passage of the amendatory Act of August 24, 1912. Last year 3,724 motion pictures were registered, as well as a large number of filmstrips. "Books" on microfilm and microcards are another type of entry made possible by recent technological advances. One trend that is evident is the shift in the form of publication of scientific and scholarly works from monographic in 1909 to serial in 1959. The modern insistence on keeping up-to-date is evinced in many ways, notably by the great increase in looseleaf material registered.

### *Copyright Contributions to the Library*

Transferred to the Library's collections, or for its disposition through the Exchange and Gift Division, were 208,561 articles deposited for copyright (exclusive of bulk transfers in various classes from deposits of previous years), an increase of 7,212 over last year. As usual, these transfers included most of the books, periodicals, music, and maps issued by the publishing industries during the year. Material valued at \$218,576 and fees of \$56,498 were collected as a result of compliance action. Of the 13,140 registrations obtained by means of compliance letters, 5,644 were the result of requests from other divisions of the Library.

A survey showed that many leading producers of popular television serials were regularly depositing their television films for copyright registration, and 182 television reels of this type were selected for the Library's collections.

Motion picture registrations made 3,724 films available to the Library, including a surprisingly large number in the Spanish language. Almost 500 were selected for the collections. Other valuable works deposited for copyright were the last three parts of the *Sky Survey Atlas* jointly produced by the National Geographic Society and the Palomar Observatory; four costly foreign editions of the Bible, two with the

King James version and the others with the Confraternity and Douay texts, all containing reproductions of classic paintings; and the 21½-pound manuscript score by Heitor Villa-Lobos for the motion picture *Green Mansions*. Two large works, the series entitled *Musica Britannica* and a German edition of the complete works of Franz Joseph Haydn, were also deposited.

### *Administrative Developments*

Procedures were streamlined in many areas of work. The use of lightweight stock for catalog cards resulted in a 30 percent saving in space as well as \$1,500 a year saving in costs. The elimination of the symbol © after the names of some 90,000 claimants in the *Catalog of Copyright Entries* has cut one step from the routine of the catalogers, revisers, proofreaders, and typists. Use of a Xerox machine for photoreproductions is estimated to have saved \$2,000. An experiment in independent cataloging, without the process of revision, has also proved successful.

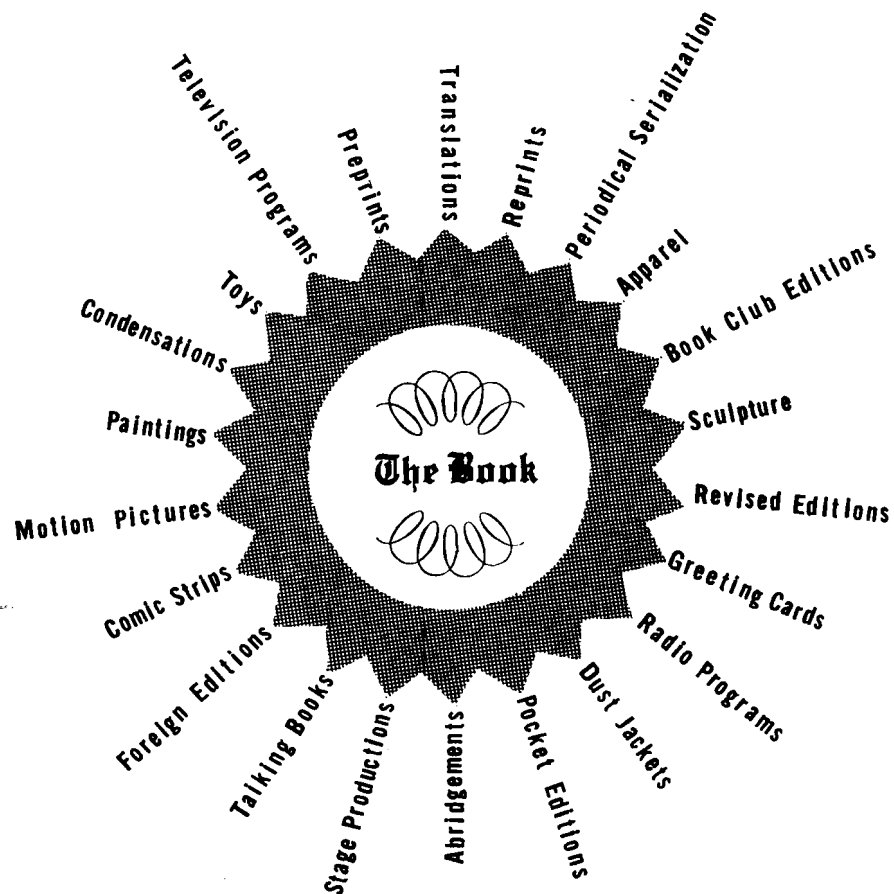
Last year's report mentioned an experiment in microfilming current applications for registration, in order to protect the records and to cut down their bulk. Mechanical difficulties in the equipment available and the illegibility of some applications prevented completely satisfactory results. It was evident, however, that the microfilming of applications may have substantial advantages if technical difficulties can be overcome, and the developments in this field are being studied.

A thorough survey of the storage area on the interior decks was made last year, and a program was set up for continuous retirement of old deposits and records. All custodial functions were better coordinated by centralizing the control of current records and applications in the Custodial Section of the Service Division.

Conferences between division representatives and among sections proved fruitful, and rotation of personnel contributed to a more flexible operation.

Important administrative changes were made in 1959 in response to the new regulations of the Copyright Office. As a con-

# The Expanding Uses of an Original Work



**Note:** The basic work may be in a music or art form, as well as literary form, from which a new complex of works may evolve, many of which are themselves copyrightable.

CHART 3

sequence of Federal Legislation, the policy resulting from the so-called "Heim-Case Doctrine," under which for a number of years the Office registered foreign-language works first published abroad without any notice of copyright, or with a defective one, was modified. Also, because of a doubt created by a recent judicial opinion, the time-limit for postdated notices in works deposited for registration was extended to one year from the date of publication. New provisions brought changes in the procedure for allowing the public access to interim administrative files. The scope of the classification "works of art" was clarified, and the requirements for optional deposit of photographs altered, involving changes in Office practice.

The fifth and sixth depository libraries of copyright materials were established at the law school libraries of the University of Southern California and New York University. The New York University collection is expected to become the nucleus of an outstanding Eastern copyright center. The depository libraries established previously are: the New York Public Library, the Chicago Bar Association Library, the Los Angeles County Law Library, and the library of the school of law of the University of California at Los Angeles.

### *Legal Developments*

#### GENERAL REVISION OF THE LAW

Substantial progress was made during the year toward the completion of the program of studies authorized by Congress looking to a general revision of the United States copyright law.

Prior to fiscal 1959, three studies of a general background nature had been published, and nine studies on substantive problems (numbered 1-9 in a series) had been completed and circulated in limited numbers. These studies dealt with the history of United States copyright law revision, 1901-54; the moral right of the author; the meaning of "writings" in the United States Constitution; the compul-

sory license provisions; the damage provisions; duration of copyright; divisibility of copyright; unauthorized duplication of sound recordings; notice of copyright; protection of unpublished works; liability of innocent infringers; and operation of the damage provisions in practice.

During fiscal 1959, one additional background study entitled "Size of the Copyright Industries," and nine additional substantive studies with the views of the panel of consultants appended, were circulated. The nine studies (numbered 10-18 in the series) covered the following 12 subjects: fair use of copyrighted works; works made for hire and on commission; economic aspects of the compulsory license; joint ownership of copyright; the registration of copyright; the recordation of copyright assignments and licenses; limitations on performing rights; uses of copyright notice (by commercial users and by libraries); remedies other than damages for copyright infringement; the authority of the Register to reject applications for registration; false use of copyright notice; and copyright in territories and possessions of the United States. The studies covering the last four were circulated together under the heading of "Miscellaneous Copyright Problems."

At the close of the fiscal year, the drafts of two additional substantive studies were in the hands of the panel of consultants appointed by the Librarian to review and comment on their content. These deal with the photoduplication of copyrighted material by libraries, and the protection of works of foreign origin. Several other studies on miscellaneous subjects were in process of preparation at the close of the year. These include the last of the series of studies planned for circulation. When they have been completed, the general revision project will enter its next phase, which will be to develop recommendations for a new copyright law.

The Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee has authorized the printing of the studies as "Committee Prints," which will be made available for

sale through the Superintendent of Documents.

During fiscal 1959 two general meetings of the panel were held, under the chairmanship of the Register, in Washington and New York, at which a number of the most important substantive problems were considered.

#### LEGISLATION

One amendment to the copyright law became effective during the fiscal year. Public Law 85-313 (71 Stat. 633) took effect on September 7, 1958, one year after the date of its enactment. This amendment to Title 17 of the *United States Code* provides for a 3-year statute of limitations with respect to civil actions.

The attempt to remove the so-called "jukebox" exemption in Section 1(e) of the copyright law was revived again during the new session of Congress by the introduction of S. 950 by Senator Joseph C. O'Mahoney on February 5, 1959. No hearings were held nor other action taken on this bill during the fiscal year. However, full-scale hearings were held in June on another bill, H.R. 5921, introduced by Representative Emanuel Celler on March 23, 1959. Following the June hearings, Representative Celler called a meeting of all interested parties and introduced for consideration a proposal under which several trustees would be appointed to collect a statutory annual license fee and, at the end of a 5-year period, set the rate of the license fee for the next 5-year period. It was indicated that a group would assemble on September 1, 1959, to give further consideration to the proposal.

A bill to permit action against the Government in copyright infringement cases has on two prior occasions passed the House but not the Senate. During the past year, Representative Celler, at the request of the Department of Commerce, introduced H.R. 4059, which was substantially the same as the prior bills; it passed the House shortly after the close of the fiscal year, on July 20, 1959, but no action was taken by the Senate.

At the close of the 2d session of the 85th Congress, Senator Hubert H. Humphrey, on August 20, 1958, introduced S. 4317, known as the electronic music bill. In a statement made on the floor of the Senate he urged that consideration be given to providing specifically for copyright in music produced "electronically," that is, without the use of a conventional system of notation, directly upon magnetic tape, disks, etc. Senator Humphrey stated that he realized that no action could be taken on the bill at that late hour, but he said that his purpose was to obtain reports from the agencies involved in order to take further action on the proposal at the following session. On March 10, 1959, he introduced S. 1357, a bill identical to S. 4317. At the close of the fiscal year no action had been taken thereon.

A new design bill, S. 2075, was introduced on May 28, 1959, by Senator Joseph C. O'Mahoney, for himself and on behalf of Senators Alexander Wiley and Philip A. Hart. The O'Mahoney bill is based on the same general principles as the Willis bill (H.R. 8873) introduced in the 85th Congress, but several major provisions have been changed in language and content. The most important changes include: the reduction of the maximum term from 10 to 5 years, with the elimination of the renewal; the specific exclusion of staple or commonly known designs; the introduction of a procedure for administrative examination to determine if a design is staple or commonly known, permitting the public to file "objections" to a particular registration on this ground; the requirement that, to be eligible for protection, a design must actually be embodied in an article and published; and the introduction of more flexible notice provisions.

During the past year several decisions upholding the copyrightability of textile designs have created additional problems for the Office and demonstrated the inappropriateness of the present copyright law to protect designs. In an effort to resolve these difficulties, the Copyright Office has continued to participate in the discussions of pending design legislation, and has of-

ferred assistance in drafting revised language for the O'Mahoney bill. It also prepared and issued an extensive supplement to the 1955 *Biography on Design Protection*, covering bills, cases, and recent articles on the subject. Hearings on the O'Mahoney bill are expected during the next session of Congress.

#### COPYRIGHT CASES

There was more copyright litigation last year than in any prior year. Several of the cases directly involved or affected the practices of the Copyright Office.

Two decisions mentioned in previous reports were carried to the United States Supreme Court by petitions for a writ of certiorari. The petitions were denied in the case of *Continental Casualty Co. v. Beardsley*, 358 U.S. 816 (1958), which upheld the copyrightability of an insurance form, and in *Gibran v. National Committee of Gibran*, 358 U.S. 828 (1958), a case involving renewal rights under a will. The opinions are reported in 253 F. 2d 702 and 255 F. 2d 121 respectively.

The *Vacheron* case, which inspired much law review comment last year (*Vacheron & Constantin - Le Coultre Watches, Inc. v. Benrus Watch Co., Inc.*, 260 F. 2d 637 (2d Cir., 1958)), has gained renewed attention by the filing, on April 10, 1959, of an action in the nature of mandamus against the Register (Civil No. 1038-59, D.D.C.). This case, it will be recalled, involved denial of copyright registration for a watch-face design. The majority opinion for the Circuit Court required the plaintiff to obtain a certificate of registration as a prerequisite to bringing suit for copyright infringement, whereupon plaintiff filed a new application for registration, which was also rejected.

Two other actions in the nature of mandamus were filed against the Register during the year, which, if successful, would require the registration of three objects claimed as "works of art." In the action entitled *James Lees and Sons Co. v. Fisher* (Civil No. 3075-58), filed on December 8, 1958, in the United States Dis-

trict Court for the District of Columbia, the plaintiff sought to obtain a court order directing the registration of a carpet design called "Bel Canto," which had been previously rejected by the Office. However, the plaintiff dismissed his action, with prejudice, on June 22, 1959.

Trophy bases as "works of art" were the subject of the third action in the nature of mandamus against the Register, *Dodge Inc. v. Fisher*, filed on May 25, 1959 (Civil No. 1426-59, D.D.C.).

These "works of art" cases are sequels to the historic decision of the United States Supreme Court in 1954 in the case of *Mazer v. Stein* (347 U.S. 201), establishing that the intended or actual use in industry of an article eligible for copyright does not bar or invalidate its copyright as a work of art. In addition to the problems in the jewelry field, which were prominent in last year's report, new problems cropped up in connection with textiles and found their way into the courts. *Peter Pan Fabrics, Inc. v. Brenda Fabrics, Inc.*, 169 F. Supp. 142 (S.D.N.Y. 1959), represents the first direct decision in favor of the copyrightability of a "design printed upon dress fabric"—an elaborate pattern called "Byzantium." In a subsequent action by the same plaintiff, *Peter Pan Fabrics, Inc. v. The Acadia Co.*, 173 F. Supp. 292 (S.D.N.Y. 1959), the court also upheld copyright in a design called "Grecian Glory." In *Scarves by Vera, Inc. v. United Merchants and Manufacturers, Inc.*, 173 F. Supp. 625 (S.D.N.Y. 1959), the court held that designs printed on blouse fabrics were a proper subject of copyright.

A major problem where the work itself is very small or the design is repetitive is that of affixing a notice of copyright in the statutory form and position. In the last two cases mentioned, the courts considered as adequate notices on the selvage of dress goods and on a label sewn into the seam of a garment. Continued litigation in the jewelry area, represented by *Don Kasoff, Inc. v. Palmer Jewelry Mfg. Co.*, 171 F. Supp. 603 (S.D.N.Y. 1959), also raised the question of the use of trade names in the

notice and followed a tendency toward less stringency in applying the statutory provisions for notice.

The question of publication of some copies without any notice of copyright received some attention, too, in the fabrics and jewelry cases and in *Modern Aids, Inc. v. R. H. Macy & Co., Inc.*, 264 F. 2d 93 (2d Cir. 1959), involving newspaper advertisements for massage machines. If the lack of notice was not the fault of the copyright claimant, the courts were inclined to regard such omissions as not prejudicial.

The indeterminate definition of "publication" continues to raise judicial issues. The court in *McIntyre v. Double-A Music Corp.*, 166 F. Supp. 681 (S.D. Calif. 1958), besides ruling that the "inconsequential melodies and harmonic embellishments" in questions were not copyrightable, added its support to the proposition enunciated in a few earlier court decisions that the unlimited sale of phonograph recordings constitutes publication terminating common-law rights in the composition on the records. General recognition of this position undoubtedly accounts for much of the increase in unpublished music registration.

In *Fader v. Twentieth Century-Fox Corp.*, 169 F. Supp. 880 (S.D.N.Y., Jan. 23, 1959), the defendant's contention that the plaintiff's copyright was invalid was based in large part on the latter's admission that the scenario filed with the Copyright Office and registered as a "book" was in manuscript form and had never been reproduced in copies and published. However, the court said that since the work had not been published, as required for statutory copyright, the mistaken and fruitless attempt to secure statutory copyright did not operate to destroy plaintiff's common-law rights.

Two label cases sanctioned Copyright Office practices, one specifically and one inferentially. In *Kitchens of Sara Lee, Inc. v. Nifty Foods Corp.*, 266 F. 2d 541 (2d Cir. 1959), the principles stated in the Office's Circular 46 on the limitations of copyright in prints and labels were cited

with approval. Although this circular was not specifically referred to, the result was the same in *Rochelle Asparagus Co. v. Princeville Canning Co.*, 170 F. Supp. 809 (S.D. Ill. 1959).

#### ATTORNEY GENERAL'S OPINION

The Attorney General released, under date of May 8, 1959, an Opinion in regard to whether the Register of Copyrights has the power, and, if so, the duty to deny registration of a claim to copyright in a work that appears to be illegal (seditious, libelous, obscene, in violation of the pure food and drug acts, etc.). The Copyright Law contains no provision in this regard, yet there have been a number of court decisions indicating that copyright cannot subsist in obscene and other illegal works. Because this situation raised the question of whether the Register of Copyrights has the authority to register possibly illegal materials, the Librarian on December 30, 1957, requested an Opinion from the Attorney General. Pending receipt of such Opinion, the Copyright Office, with the approval of the Librarian, limited its examinations to the requirements of the Copyright Act and registered all materials that met these statutory requirements.

The Attorney General's Opinion (41 Ops. Atty. Gen. No. 73) concluded: ". . . the statute nowhere requires the Register to refuse to accept such works for registration. . . . I am of the opinion that the discretion conferred upon the Register by the Copyright Law leaves him free to decide not to attempt to refuse or deny registration of claims to copyright in works of the nature here discussed."

While affirming that the Register has the authority but not the duty to deny registration to such works, the Attorney General pointed out that denial of registration would involve "substantial" problems. Among those he cited were lack of a satisfactory legal definition of what is obscene, varying standards from time to time, the decision of the Supreme Court to the effect that whether material is obscene may depend upon the audience it reaches, and the fact that, in connection with Post Office

action against allegedly obscene publications, the requirements of due process or of the Administrative Procedure Act have been held to necessitate hearings.

In view of this Opinion of the Attorney General, the Copyright Office is continuing the policy of limiting its examination to the statutory requirements of the copyright law and of registering all works that meet such standards.

### *International Developments*

#### UNIVERSAL COPYRIGHT CONVENTION

The third session of the Intergovernmental Copyright Committee, an organ established by the Universal Copyright Convention, was held in Geneva from August 18 to 23, 1958. The Register was the representative of the United States.

Several of the meetings for discussion of substantive issues were held jointly with the Permanent Committee of the Berne Copyright Union. It was the first occasion that the two committees met together, and this mark of close cooperation is a gratifying and significant landmark in the history of international copyright.

The agenda of the meeting included among other items the copyright protection of news and of works of applied art and designs, double taxation of copyright royalties, and neighboring rights.

Two adherences to the UCC brought the number of Member States up to 31. On October 20, 1958, Ireland deposited its instrument of ratification to the Convention and Protocol 1, 2, and 3 thereto, effective January 20, 1959. The instrument of accession of Liechtenstein to the Convention and Protocols 1 and 2 was deposited on October 22, 1958, effective January 22, 1959.

In implementation of the Universal Copyright Convention, the United Kingdom issued an Order in Council (S.I. 1958/1254), effective August 11, 1958. The effect of the Order in Council is that works of United States and other UCC nationals will be protected in the United Kingdom for the full term of the life of the author and 50 years thereafter.

#### DESIGN PROTECTION

Interest in the problems of effective design protection is of immediate importance throughout the world. The extensive writings on the subject in European legal periodicals, the pending legislative reform programs in several countries, and recent international developments all emphasize this. International design protection was considered at the third annual session of the Intergovernmental Copyright Committee. A resolution was adopted favoring the appointment by UNESCO, the Berne Copyright Union, and the Paris Industrial Property Union, of a study group to report upon the problem; and a parallel resolution was adopted by the Permanent Committee of the Berne Copyright Union at the concurrent meeting mentioned above.

Design protection was an important topic at the diplomatic conference for the revision of the Paris Industrial Property Convention, held at Lisbon in October 1958, which Dr. Arpad L. Bogsch of the Copyright Office attended as an observer. An amendment to the Convention was adopted requiring Convention countries to afford some form of design protection, but the Conference decided to postpone revision of the Arrangement of The Hague on the International Deposit of Designs until 1960, on the ground that preparation up to that time had been inadequate. It was also resolved that the Paris Union should join in the study group mentioned above.

As a result of these resolutions, the Study Group on the International Protection of Works of Applied Art, Designs and Models met at Paris in April 1959. Members of the Study Group came from 21 countries, with Dr. Bogsch serving as Rapporteur General. The purpose of the meeting, as expressed in the report, was "to study possible means of improving and rendering more effective the international protection for the creators of designs and works of applied art." Views were expressed, and some agreement was reached, on a number of questions of international protection, including subject matter, novelty, minimum rights, term, and formalities. It was

agreed that the report of the Study Group should be forwarded for consideration by the Conference of Experts, scheduled to meet at The Hague in September-October 1959, to prepare for the diplomatic conference for revision of the Arrangement of The Hague.

Only 13 of the 45 members of the Paris Union are parties to The Hague Arrangement, and some of its present provisions are considered unacceptable to a number of countries, including the United States. A principal reason for a thoroughgoing revision of the present Arrangement was to enable new countries to adhere to it. The preparation and outcome of the forthcoming Experts and Diplomatic Conferences cannot fail to affect the problem of design protection in this country.

#### NEIGHBORING RIGHTS

The past year was an interval of diminished activity in the movement to develop an international agreement on the rights, neighboring on or related to copyright, of performing artists, record producers, and broadcasters. The executive heads of the International Labor Office, UNESCO, and the Berne Union had worked out a proposal for UNESCO and Berne to collaborate in developing an international agreement regarding the property rights of performing artists, record producers, and broadcasters, and to have the ILO thereafter develop a separate labor convention regarding the employment relations between performing artists and the record producers and broadcasters employing them. The Intergovernmental Copyright Committee at its meeting in Geneva, and the Permanent Committee of the Berne Copyright Union at a concurrent meeting, adopted resolutions favoring this proposal. Subsequently, however, the ILO decided to renegotiate with the other two organizations with a view to having all three work together in preparing a single inter-

national instrument, but on the basis of a modification of its earlier position as to the composition of the experts committee entrusted with the task.

#### *Activities of the Staff*

Officers of the Copyright Office participated in a wide variety of conferences and discussions with legal, literary, publishing, and other professional groups, in addition to attending the international meetings discussed in an earlier section of this report.

Staff members took part in the Practising Law Institute Annual Summer Session, the American Library Association Annual Conference, the American Bar Association Copyright Symposium, and the Federal Bar Association-Bureau of National Affairs Briefing Conference, and attended meetings of the American Book Publishers' Council, the Copyright Luncheon Circle, the National Committee for Effective Design Legislation, the Publishers' Lunch Club, and the Special Libraries Association. Seminars on operational problems of organization were held with book publishers and music publishers in the New York area, and the Copyright Office was represented at a forum sponsored by the Copyrights and Designs Committee of the New York Patent Law Association, and at a meeting of the Neighboring Rights Panel of the Association of the Bar of the City of New York. The Panel of Consultants on General Revision met, and discussions were held with representatives of book publishers and network broadcasters.

In addition, an interview dealing with the Copyright Office was recorded for a Voice of America broadcast, and members of the staff were appointed to committees of the various professional associations and served as Trustees of the Copyright Society of the U.S.A.



## Registration by Subject Matter Classes for the Fiscal Years 1955-59

Class	Subject matter of copyright	1955	1956	1957	1958	1959
A	Books:					
	(a) Printed in the United States: Books, pamphlets, leaflets, etc.....	49, 142	49, 373	48, 811	53, 275	51, 835
	Contributions to newspapers and periodicals.....	3, 746	3, 490	3, 214	3, 355	3, 042
	Total.....	52, 888	52, 863	52, 025	56, 630	54, 877
	(b) Printed abroad in a foreign language.....	3, 694	3, 115	2, 915	2, 937	3, 549
C	(c) English books registered for ad interim copyright.....	1, 578	1, 454	1, 777	1, 030	583
	Total.....	58, 160	57, 432	56, 717	60, 597	59, 009
B	Periodicals (numbers).....	59, 448	58, 576	59, 724	60, 691	62, 246
C	Lectures, sermons, addresses.....	813	771	1, 003	852	829
D	Dramatic or dramatico-musical compositions.....	3, 493	3, 329	2, 764	2, 754	2, 669
E	Musical compositions.....	57, 527	58, 330	59, 614	66, 515	70, 707
F	Maps.....	2, 013	2, 242	2, 084	1, 614	1, 865
G	Works of art, models or designs.....	3, 456	4, 168	4, 557	5, 019	4, 593
H	Reproductions of works of art.....	900	785	914	1, 044	1, 184
I	Drawings or plastic works of a scientific or technical character.....	1, 350	1, 132	699	683	663
J	Photographs.....	1, 105	1, 408	964	1, 037	741
K	Prints and pictorial illustrations.....	3, 793	3, 306	3, 409	3, 413	3, 186
	(KK) Commercial prints and labels.....	10, 505	9, 491	8, 687	8, 924	8, 786
L	Motion-picture photoplays.....	1, 216	1, 659	1, 967	2, 451	2, 757
M	Motion pictures not photoplays.....	1, 434	1, 353	1, 231	748	967
R	Renewals of all classes.....	19, 519	20, 926	21, 473	22, 593	21, 533
	Total.....	224, 732	224, 908	225, 807	238, 935	241, 735

## Statement of Gross Cash Receipts, Yearly Fees, Number of Registrations, etc., for the Fiscal Years 1955-59

Fiscal year	Gross receipts	Yearly fees applied	Number of registrations	Increases in registrations
1955.....	\$941, 365. 75	\$881, 017. 00	224, 732	2, 067
1956.....	930, 351. 82	881, 612. 50	224, 908	176
1957.....	938, 408. 70	892, 612. 50	225, 807	899
1958.....	992, 865. 59	945, 231. 50	238, 935	13, 128
1959.....	1, 030, 099. 70	979, 941. 50	241, 734	2, 800
Total.....	4, 833, 091. 56	4, 580, 415. 00	1, 156, 117	.....

*Number of Articles Deposited During the Fiscal Years 1955-59*

Class	Subject matter of copyright	1955	1956	1957	1958	1959
A	Books:					
	(a) Printed in the United States: Books, pamphlets, leaflets, etc.....	98, 284	98, 746	97, 622	106, 550	103, 670
	Contributions to newspapers and periodicals.....	3, 746	3, 490	3, 214	3, 355	3, 042
	Total.....	102, 030	102, 236	100, 836	109, 905	106, 712
	(b) Printed abroad in a foreign lan- guage.....	6, 846	5, 823	5, 326	5, 404	6, 262
A	(c) English books registered for ad- interim copyright.....	2, 697	2, 504	3, 028	1, 689	822
	Total.....	111, 573	110, 563	109, 190	116, 998	113, 796
B	Periodicals.....	118, 838	117, 122	119, 390	121, 362	124, 426
C	Lectures, sermons, etc.....	813	771	1, 003	852	829
D	Dramatic or dramatico-musical composi- tions.....	4, 020	3, 862	3, 260	3, 212	3, 125
E	Musical compositions.....	74, 907	75, 815	76, 825	84, 445	88, 833
F	Maps.....	4, 026	4, 484	4, 167	3, 228	3, 728
G	Works of art, models or designs.....	5, 172	6, 664	7, 520	8, 861	7, 775
H	Reproductions of works of art.....	1, 774	1, 554	1, 814	2, 076	2, 258
I	Drawings or plastic works of a scientific or technical character.....	2, 043	1, 779	1, 111	1, 099	946
J	Photographs.....	1, 850	2, 387	1, 647	1, 547	1, 183
K	Prints, labels and pictorial illustrations....	28, 581	25, 590	24, 188	24, 667	23, 939
L	Motion-picture photoplays.....	2, 382	3, 293	3, 933	4, 897	5, 502
M	Motion pictures not photoplays.....	2, 707	2, 518	2, 215	1, 364	1, 657
	Total.....	358, 686	356, 402	356, 263	374, 608	377, 997

## REPORT OF THE REGISTER OF COPYRIGHTS, 1959

## SUMMARY OF COPYRIGHT BUSINESS, FISCAL YEAR 1959

Balance on hand, July 1, 1958 . . . . .		\$222,032.07
Gross receipts, July 1, 1958, to June 30, 1959 . . . . .		1,030,099.70
Total to be accounted for . . . . .		<u>1,252,131.77</u>
Refunded . . . . .	\$43,353.11	
Checks returned unpaid . . . . .	1,097.00	
Deposited as earned fees . . . . .	977,361.50	
Balance carried over to July 1, 1959:		
Fees earned in June 1959 but not deposited until July 1959 . . . . .	\$88,222.50	
Unfinished business balance . . . . .	20,644.62	
Deposit accounts balance . . . . .	<u>121,453.04</u>	
	230,320.16	
		<u>1,252,131.77</u>
Registrations for prints and labels . . . . .	8,782	\$52,692.00
Registrations for published works . . . . .	143,699	574,796.00
Registrations for unpublished works . . . . .	57,043	228,172.00
Registrations for renewals . . . . .	21,533	<u>43,066.00</u>
Total number of registrations . . . . .	<sup>1</sup> 231,057	
Fees for registrations . . . . .		898,726.00
Fees for recording assignments . . . . .	\$29,456.50	
Fees for indexing transfers of proprietorship . . . . .	24,757.50	
Fees for notices of user recorded . . . . .	9,728.50	
Fees for certified documents . . . . .	2,525.00	
Fees for searches made . . . . .	<u>14,748.00</u>	
		<u>81,215.50</u>
Total fees earned . . . . .		<u>\$979,941.50</u>

<sup>1</sup> Excludes 10,678 registrations made under Public Law 84.

Respectfully submitted,

ARTHUR FISHER  
Register of Copyrights

WASHINGTON, D.C.,  
October 19, 1959

## PUBLICATIONS OF THE COPYRIGHT OFFICE

*Copyright Law of the United States of America* (Title 17, United States Code) (Bulletin 14). 1960 edition. 68 p. Paper. 25 cents.

Orders for the above publication may be addressed and remittances made payable either to the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., or to the Register of Copyrights, Library of Congress, Washington 25, D.C.

Orders for the following publications should be addressed and remittances made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

*Decisions of the United States Courts Involving Copyright.* A series containing substantially all copyright cases, as well as many cases involving related subjects in the field of literary property, decided during the years 1909-1958 by the Federal Courts, including some decisions of the State Courts of the United States. Cloth.

1909-14 (Bulletin 17)	\$1.75
1914-17 (Bulletin 18)	\$2.50
1918-24 (Bulletin 19)	\$2.50
1924-35 (Bulletin 20)	\$3.75
1935-37 (Bulletin 21)	\$0.75
1938-39 (Bulletin 22)	\$2.00
1939-40 (Bulletin 23)	\$2.25
1941-43 (Bulletin 24)	\$2.75
1944-46 (Bulletin 25)	\$1.50
1947-48 (Bulletin 26)	\$1.75
1949-50 (Bulletin 27)	\$2.00
1951-52 (Bulletin 28)	\$2.50
1953-54 (Bulletin 29)	\$2.25
1955-56 (Bulletin 30)	\$2.75
1957-58 (Bulletin 31)	\$2.75

Cumulative Index, 1909-1954  
(Bulletins 17-29) \$1.75

Complete Set, Including Index, \$35.50

Prices Subject to Change

*Catalog of Copyright Entries.* Each part of the *Catalog* is published in semiannual numbers covering, respectively, the periods January-June and July-December. These catalogs contain the claims of copyright registered during the particular periods for which they are issued.

The prices given below are for the year.

Part 1—Books and Pamphlets Including  
Serials and Contributions to Periodicals.  
\$5.00.

Part 2—Periodicals. \$2.00.

Parts 3-4—Dramas and Works Prepared  
for Oral Delivery. \$2.00.

Part 5—Music. \$7.00.

Part 6—Maps and Atlases. \$1.00.

Parts 7-11A—Works of Art, Reproductions  
of Works of Art, Scientific and  
Technical Drawings, Photographic  
Works, Prints and Pictorial Illustrations.  
\$2.00.

Part 11B—Commercial Prints and Labels.  
\$2.00.

Parts 12-13—Motion Pictures and Film-  
strips. \$1.00.

Annual Subscription Price, all parts. \$20.00.

*Motion Pictures:*

1894-1912, Identified from the Records of  
the United States Copyright Office by  
Howard Lamarr Walls. 1953. 92 p.  
Buckram. \$2.00.

1912-1939, a Cumulative Catalog listing  
works registered in the Copyright Office  
in Classes L and M between August 24,  
1912 and December 31, 1939. Copy-  
right Office Cumulative Series. 1951.  
1,256 p. Buckram. \$18.00.

1940-1949, a Cumulative Catalog listing  
works registered in the Copyright Office  
in Classes L and M between January 1,  
1940 and December 31, 1949. Copy-  
right Office Cumulative Series. 1953.  
598 p. Buckram. \$10.00.

1950-1959, a Cumulative Catalog listing  
works registered in the Copyright Office  
in Classes L and M between January 1,  
1950 and December 31, 1959. Copy-  
right Office Cumulative Series. (In  
process.)

*Dramatic Compositions Copyrighted in the  
United States, 1870-1916.* Over 60,000 titles  
alphabetically arranged, with complete index to  
authors, translators, proprietors, etc. 2 vols.  
1918. 3,547 p. Cloth. \$4.00.

*Copyright in Congress, 1789-1904.* A bibli-  
ographical and chronological record of all pro-  
ceedings in Congress in relation to copyright.  
(Bulletin 8.) 1905. 468 p. Cloth. 65  
cents.

Orders for the following publications should be addressed to the Register of Copyrights, Library of Congress, Washington 25, D.C.

*General Information on Copyright.* (Cir. 35.) 7 p. Free.

*Regulations of the Copyright Office.* (Code of Federal Regulations, Title 37, Chap. II) (Cir. 96). 15 p. Free.

*Related Code Provisions.* A list of some provisions in the United States Code and the Code of Federal Regulations dealing with or related to copyright (exclusive of 17 U.S.C. and 37 C.F.R. ch. II) (Cir. 86). 1958. 17 p. Free.

*Copyright Bibliography;* by Henriette Mertz. A bibliography for checking purposes divided into two sections, English and Foreign. Items are listed alphabetically by author or title and no attempt has been made toward a subject approach. 1950. 213 p. Paper. Free.

*The Copyright Office of the United States of America.* A general description of the organization and functions of the Copyright Office. 30 p. Free.

Informational circulars dealing with various specific subjects such as Television Programs, Transfer of Copyrights, Renewal, Ad Interim Copyright, International Copyright Relations, etc., are available upon request stating specific need. Free.

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

*A Compilation of the Regulations Concerning Copyright 1874-1956.* The regulations of the Copyright Office from 1874 to 1956. (Microfilm.) \$6.50.