

TABLE OF CONTENTS

	Page
Summary Statement.....	11
Legal and Operational Problems.....	1
Organization and Personnel.....	6
General Revision and Legal.....	11
Judicial Department.....	13
Statistics.....	24
Appendices.....	

ANNUAL REPORT
OF THE
EXAMINING DIVISION, COPYRIGHT OFFICE
FOR THE
FISCAL YEAR 1965

SUMMARY STATEMENT

ANNUAL REPORT OF THE EXAMINING DIVISION, COPYRIGHT OFFICE

At a time when the principal planning and development activities of the Copyright Office centered around the program for general revision of the copyright law, the Examining Division was faced with its most serious work-load problems in many years.

TABLE OF CONTENTS

	<u>Page</u>
Summary Statement.....	ii
Legal and Operational Problems.....	1
Organization and Personnel.....	6
General Revision and Legal Research.....	11
Judicial Developments.....	13
Statistics.....	24

Appendices

That some years ago, revision, and the plan for shifting the indexing of assignments and related documents to the Cataloging Division was put into effect during the year. Division personnel contributed directly to the redrafting of the general revision bill, the preparation of the Register's Supplementary Report on General Revision, and the defense of two judicial actions against the Register in which the practices and policies of the Division have been challenged.

Registrations rose by nearly 15,000, hitting a new high of almost 254,000. The largest gains were in the largest classes, with music increasing 7-1/2%, books 7%, and periodicals 5-1/2%. Foreign registrations and "design" entries showed some declines. The total number of applications mailed rose to over 315,000 cases, and the Division sent nearly 45,000 pieces of correspondence.

SUMMARY STATEMENT

ANNUAL REPORT OF THE EXAMINING DIVISION, COPYRIGHT OFFICE

At a time when the principal planning and development activities of the Copyright Office centered around the program for general revision of the copyright law, the Examining Division was faced with its most serious workload problems in many years. As in the past, the Division contributed substantially to the revision program, but fiscal 1965 was dominated by a massive increase in workload (more than 5% over 1964 and more than 30% since 1956). The efforts to maintain something close to currency in the operations of the Division demonstrated the versatility, ingenuity, and generous cooperation of a dedicated staff.

Legal problems continued to arise with respect to copyright registration for computer programs, and the Division began to confront new problems involving works created, at least in part, by computers. Six more application forms underwent revision, and the plan for shifting the indexing of assignments and related documents to the Cataloging Division was put into effect during the year. Division personnel contributed directly to the redrafting of the general revision bill, the preparation of the Register's Supplementary Report on General Revision, and the defense of two judicial actions against the Register in which the practices and policies of the Division have been challenged.

Registrations rose by nearly 15,000, hitting a new high of almost 294,000. The largest gains were in the largest classes, with music increasing 7-1/2%, books 7%, and periodicals 4-1/2%. Foreign registrations and "design" entries showed some declines. The total number of applications handled rose to over 316,000 cases, and the Division sent nearly 43,000 pieces of correspondence.

ANNUAL REPORT OF THE EXAMINING DIVISION,
COPYRIGHT OFFICE, TO THE LIBRARIAN OF CONGRESS
FOR THE FISCAL YEAR ENDING JUNE 30, 1965

LEGAL AND OPERATIONAL PROBLEMS

Workload, Currency, and Rotation of Personnel.

Unhappily, for the first time in some years, workload and efforts to maintain currency in operations dominated fiscal 1965 in all four sections of the Examining Division. The detailed statistics for the year will be analyzed later in this report, but the following table graphically illustrates the cause of our problems:

<u>Year</u>	<u>Registrations</u>	<u>Cumulative Increase</u>	<u>Budgeted Positions</u>	<u>Cumulative Increase</u>
1956	225,000	----	58	----
1957	226,000	1/2%	58	----
1958	239,000	6%	58	----
1959	242,000	7-1/2%	62	7%
1960	244,000	8-1/2%	62	7%
1961	247,000	10%	62	7%
1962	255,000	13-1/2%	62	7%
1963	265,000	18%	62	7%
1964	279,000	24%	66	14%
1965	294,000	30-1/2%	63	8-1/2%

As these figures show, the Division has had to absorb a 30-1/2% increase in workload in ten years with only an 8-1/2% increase in budgeted positions.

As things stood when the year ended, individual examiners were doing almost 20% more work than they were ten years earlier: in effect, an extra day's work a week. This is all the more striking when one realizes that, during this same decade, the principal planning and development activities of the Copyright Office have necessarily centered around the revision program rather than the daily work of the Office itself.

The efforts to maintain something close to currency in the operations of the Division, in the face of this massive increase in workload, were prodigious. A number of approaches were taken, some more successful than others, but our success in eliminating huge backlogs and in maintaining reasonable currency throughout most of the year was the result of constant effort, trial and error, and the generous cooperation of the staff. Thanks to the versatility of our personnel we were able to shift more than 25 staff members, ranging from Assistant Section Heads to correspondence clerks, from one section to another as the workload demanded.

By a variety of short range measures we managed to keep from becoming completely overwhelmed by work. There is little question, however, that the resulting sacrifices in training, administrative planning, research, and staff development are beginning to take their toll in morale and the quality of the work. The staff deserves the highest commendation for its efforts to meet this challenge, but they cannot be asked to go on indefinitely working in an atmosphere of pressure and constant emergencies. The future of the Examining Division demands a substantial increase in the number of its positions.

Computer programs as copyrightable works.

It has now been a little over a year since the Copyright Office announced the registrability of computer programs. When the announcement was made we did not know what the volume of such applications might be, nor were we quite certain of the type of deposit that would be most common. After a year there are still many unanswered questions, but we know more than we did a year ago. Our experience in registering claims in computer programs has been similar to past experience in other new areas of copyright protection.

It takes some time for an industry to become aware of the possibilities of protection and to adopt routine procedures for taking advantage of it.

Only sixteen claims in computer programs were registered during fiscal 1965, and twelve of the registrations were made in the last three months of the year. In thirteen of the registrations the deposit copies consisted of a print-out only, indicating that that was the form of first publication. In two cases punched cards constituted the form of first publication.

In only one instance was magnetic tape deposited. Since the program on magnetic tape could not be perceived visually or read, it was necessary that a print-out be deposited also. The deposit of magnetic tape presented additional difficulties in view of the size of the particular program. We were advised by the applicant that a print-out of the entire program would be approximately twelve feet high. The problem was resolved by accompanying the reels of tape with selected portions of the print-out, namely, the beginning of the work including the title and the copyright notice, a portion from the center, and the end.

During the year we received several inquiries asking if there is any possibility of the Library returning deposits that are on magnetic tape. Before another year passes it probably would be advisable for the Library to consider the matter and formulate a definite policy on it.

Authorship by computer.

As computer technology develops and becomes more sophisticated, difficult problems of authorship are emerging to confront the Examining Division. We have in past years received an application for registration of a musical composition created by computer. This year copyright was claimed in an

abstract drawing, and in compilations of various kinds, which were the "work" of computers.

It is not unreasonable to expect that the number of works proximately produced or "written" by computers will increase. In many cases the application may not reflect the true nature of the authorship, and registrations will be made that would not be if the actual facts had been known by the Examining Division. The problem is complicated by the fact that we cannot take the categorical position that registration will be denied merely because a computer may have been used in some manner in creating the work. After all, a typewriter is a machine that is used in the creation of a manuscript but this does not result in the manuscript being uncopyrightable. The crucial question is whether the work is one of human authorship with the computer merely being the instrument, or whether the creation is conceived and executed not by man but by a machine.

Motion picture problems.

In accordance with the recommendation of the ad hoc committee appointed in 1964 by the Librarian to study the problems that have arisen under the motion picture agreement, some 240 letters were sent out over the Librarian's signature to copyright owners requesting that they submit prints in accordance with the terms of the agreement. The Exchange and Gift Division reported there had been compliance in about 54% of the cases. At the end of fiscal 1965, 42 motion picture agreements had been cancelled as a result of non-compliance, and we are gratified to see this action taken.

In order to safeguard the motion picture deposits and equipment used in examining the film a wire enclosure was constructed around the examining area.

International copyright relations and the U.C.C.

At the end of the fiscal year there were 124 sovereign nations in the world, not including the United States. The United States has copyright relations with 63 of them, 49 by virtue of the Universal Copyright Convention and 14 others either through a bilateral treaty or by their being a party to the Buenos Aires Convention. There are 17 nations with whom it is clear the United States has no copyright relations at all. The remaining 44 nations fall into an unclear category, largely because they are newly-formed countries created from former dependencies of countries with whom the United States has copyright relations. For the last several years the Examining Division has been holding in abeyance applications from these newly-independent countries, anticipating the establishment of copyright relations with them. The volume of these cases is growing steadily and furnishes eloquent testimony of the need for action with respect to these nations.

When Zambia deposited its instrument of accession to the Universal Copyright Convention with the Director-General of Unesco on March 1, 1965, it became the fiftieth country to do so. Zambia's adherence to the Universal Copyright Convention became effective on June 1. Earlier in the year the Convention had come into force with respect to Guatemala and New Zealand.

Application forms.

The Examining Division continued its close observation of the application forms in use by the Copyright Office, with improvements and clarifications being suggested as reprinting became necessary. Forms D, E, J, and L-M were revised and reprinted during the year, and Forms C, G, and K were in

the process of revision as the year ended. The most important changes were in the music application, Form E, the most commonly-used form produced by the Copyright Office, and it will be interesting to see how successful they prove.

Method of keeping statistics.

As noted in last year's annual report, a major change in the method of keeping weekly, monthly, and annual statistics was inaugurated in fiscal 1964 in an effort to improve the accuracy of the figures reflecting the Examining Division's work. The tables at the end of this report represent the results of the first full year of statistic-keeping under the new method, and I am gratified to report that they are by far the most accurate and meaningful that we have ever been able to present. Out of a total of over 300,000 registrations, the difference between the Division's figures and the total official registration figures for the year is 113.

ORGANIZATION AND PERSONNEL

Personnel.

Fiscal 1965 was an active year in personnel matters. Officially from December 1, 1964 until January 25, 1965, and unofficially for some time thereafter, Miss Ringer was attached to the Register's staff to enable her to devote her full time to the revision bill and the supplementary report. During her absence Mr. Glasgow was Acting Chief of the Examining Division.

The position of Secretary to the Assistant Register of Copyrights for Examining was reclassified to a GS-7 and the Secretary to the Assistant Chief of the Examining Division was reclassified to a GS-6. Neither of these positions had been reviewed during the general classification survey of the Examining Division which was held three years ago.

James Stafford, Herbert O. Roberts, and Dorothy M. Schrader were promoted to reviser positions. Later in the year Mr. Stafford was appointed the Assistant Head of the Arts Section. Eight examiners were promoted to journeyman examiner positions. Our ability to promote examiners to GS-9 has substantially reduced the turn-over in examiner personnel, as was evidenced by the resignation of only two examiners during the year. There were, however, a considerable number of changes at the secretarial level. Glee Ann Karoly resigned as Secretary to the Assistant Chief of the Division and was succeeded by Frances H. Wells. The Secretary positions in three of the four Sections also changed incumbents. The Renewal and Assignment Section experienced two secretarial resignations as Aline Shaffer was succeeded by Clyde Waite, and when Mr. Waite undertook full-time studies at Howard University, Mattie Dupree was appointed his successor. In the Book Section, Barbara Owens was appointed Secretary to the Head. Dorothy Knepley was succeeded as Secretary to the Head of the Arts Section by Shirley Chescavage.

Donald F. Reines was given a meritorious service award and a cash award for his work in reorganizing the work flow in the Book Section, and for improving the system of handling post registration referrals from the Cataloging Division. Robert W. Seichrest was awarded a 40-year service pin by the Librarian.

During November and December, 1964, Suresh Chandra Shukla, Deputy Registrar of Copyrights of India was in the United States for two months of study. Various personnel in the Division spent a considerable amount of time with Mr. Shukla. Later in the year, Onuara Nzekwu, editor of Nigeria Magazine,

Lagos, Nigeria, and Augustine Jallah, Director of the Bureau of Archives, Patents, Trademarks and Copyrights, Department of State, Liberia, visited the Copyright Office on fellowships sponsored by Unesco, and we were appreciative of the opportunity to explain the operations of the Examining Division to them. Arthur Levine was designated by the Register to serve with Mr. Cary and Mr. Moore on a committee to discuss with Mr. Nzekwu and Mr. Jallah some of the questions and problems involved in drafting copyright legislation.

Training.

Early in fiscal 1965 twelve persons from the Examining Division successfully completed the course in copyright law taught by the Assistant Register of Copyrights for Examining and the Chief of the Reference Division. Six members of the clerical staff attended a training course on Clerical Practices offered by the Library, and thirteen correspondence clerks took advantage of the training program in Telephone Techniques. Frances H. Wells was given training in the Preparation and Processing of Official Travel Documents. In May eight new staff members attended the four sessions constituting a Library-wide Basic Orientation Program.

Processing of assignments and related documents.

In order to aid in expediting the processing of assignments and other documents, the plan for shifting the indexing of the documents to the Cataloging Division was put into effect early in 1965. Eventually three positions were permanently moved to the Cataloging Division to perform these functions, and at the outset of the transfer all of the personnel in the Renewal and Assignment Section who had been engaged in the operation assisted the

Cataloging Division for a temporary period. In this connection, special commendation is to be accorded Kenneth Plinke, without whose assistance the transition would have been much more difficult.

Merger of Renewal and Assignment position descriptions.

The examination of renewals and assignments have come within the jurisdiction of a single Section for many years, and until the last two years the handling of renewals and assignments had been done entirely separately, by separate examiners. While this practice had some advantages, they are outweighed by the flexibility and efficiency resulting from the examiners being able to examine either renewals or assignments as the need arises. Consequently, the renewal position description and the assignment position description were combined and a renewal-assignment examiner position was created.

Change in name of Miscellaneous Section.

Since the organization of the Examining Division in 1947 the Section charged with the examination of claims to copyright in works of the fine and graphic arts (maps, paintings, technical drawings, prints, etc.) has been known as the Miscellaneous Section. This year, however, in an attempt to give the Section a name which more accurately identifies the type of material it deals with, it was renamed the "Arts Section." Since the Head of that Section is named Arthur Levine a plague of punsters immediately descended upon the Division.

Professional activities.

In July the Assistant Register of Copyrights for Examining was one of twelve copyright specialists who participated in the Practising Law Institute's seminar in New York City on practical problems in copyright law. Miss Ringer's

talk was directed particularly to the application of the copyright statute to some of the new media of expression, such as video tape recordings, electronic music, and computer programs.

The following month Miss Ringer was again in New York City attending meetings of the American Bar Association's Committee on the Program for Revision of the Copyright Law and a two-day meeting of the Revision Panel. Dorothy Schrader, Charlotte Brady, Lynn Allan, Arthur Levine, and Noel Gillespie also attended the meetings of the Revision Panel, which immediately preceded the annual American Bar Association convention.

In December before the Copyright Office Lawyers Association, Dorothy Schrader and Richard Glasgow together with Mrs. Kelsey M. Mott, Attorney Adviser, and Abe A. Goldman, General Counsel, comprised a panel to discuss the facts and issues involved in the action that had been instituted against the Register by the Armstrong Cork Co.

In April the Assistant Register of Copyrights for Examining gave two talks on the general revision bill. The first was addressed to members of the staff of the National Library of Medicine, and later in the month she spoke to Professor John M. Kernochan's seminar on copyright law at Columbia University Law School. The following month Miss Ringer discussed the highlights of the revision bill with members of the Copyright Office Lawyers Association (COLA). In addition, she again taught a course in copyright law at Georgetown University Law Center and was designated to represent the Copyright Office on the Library's Committee on Automation. During the latter part of November Miss Ringer participated in a panel discussion at the National Lawyers Club on "The Advantages of Government Service to a Young

Lawyer." An article written by Miss Ringer comparing and contrasting copyright and patent protection, with special attention to the relationship and overlapping between the two, was published in the Encyclopedia of Patent Practice and Management, and a second article by Miss Ringer and Mrs. Mott on the protection afforded designs under the patent law appeared in the same publication. A second edition of the monograph on "Copyrights" by Ringer and Gitlin was prepared by Miss Ringer and published by the Practising Law Institute near the end of the year.

Seven attorneys in the Examining Division are serving on copyright or allied committees of the American Bar Association. Seven attorneys in the Division are also members of the Federal Bar Association.

GENERAL REVISION AND LEGAL RESEARCH

The fiscal year was not three weeks old when, on July 20, 1964, the Librarian sent to Congress a comprehensive bill to revise the United States copyright law. The bill was introduced in the House of Representatives by Congressman Emanuel Celler as H.R. 11947. A duplicate bill was introduced by Congressman William St. Onge as H.R. 12354. In the Senate the bill was introduced by Senator John L. McClellan as S. 3008. The bill, which was the result of 9 years work by the Copyright Office, was introduced for purposes of study and comment. No hearings were contemplated and none were held during the 88th Congress.

In the light of the discussions and comments on the 1964 bill, a new bill was introduced in the 89th Congress on February 4, 1965. Four duplicate bills were introduced in the House of Representatives; H.R. 4347 by Congressman

Emanuel Celler, H.R. 5680 by Congressman William St. Onge, H.R. 6831 by Congressman Henry Helstoski, and H.R. 6835 by Congressman John S. Monogan Senator John L. McClellan introduced the bill in the Senate as S. 1006.

Just before the beginning of hearings in the House on May 26, 1965, a Supplementary Report was issued by the Copyright Office as Part 6 in the Copyright Law Revision series. A substantial amount of the time of the Assistant Register of Copyrights for Examining from February until June was spent working on the Supplementary Report. In addition to explaining the thinking that went into the 1965 bill and illuminating some of its language, the Report contained comparative tables showing the language of the present law, the 1965 and 1964 bills, and the preliminary draft of 1963. Hearings were continuing in the House as the fiscal year came to a close, and hearings in the Senate were expected to begin before fall.

In spite of an extremely heavy workload legal research assignments continued to be worked on by Examining Division personnel. Herbert O. Roberts completed a study on the perplexing question whether an ad interim copyright can be extended to full term when the United States edition has been produced by a process other than one of those specified in section 16 of the statute. James Stafford explored the effect of a federal statute banning the importation or interstate shipment of prizefight films on the registration of an unpublished fight film that was made while the statute was in force. The registration was apparently made on the basis of clippings from the film that had entered the country illegally. Dorothy Schrader produced a monumental memorandum on the ad interim problem involved in the mandamus action filed against the Register by Mason Hoffenberg. This study will prove of inestimable value,

not only as the case proceeds, but in our future encounters with this problem.

As the hearings on the general revision bill proceed, statements are made from time to time that may call for research and future explanation or rebuttal. Arthur Levine is currently conducting a research assignment dealing with the explosive problem of copying by teachers or nonprofit educational institutions.

JUDICIAL DEVELOPMENTS

Actions pending against the Register of Copyrights.

There were no further developments during fiscal 1965 in Public Affairs Associates, Inc. v. Rickover in which the Register of Copyrights and the Librarian of Congress are both defendants. The action in Armstrong Cork Co. v. Kaminstein, which was brought to compel registration for the design of Armstrong's "Montina" flooring, was dismissed with prejudice on May 25, 1965.

The new action of Hoffenberg v. Kaminstein grew out of the decision in G. P. Putnam's Sons v. Lancer Books, Inc., 144 U.S.P.Q. 530 (S.D.N.Y. 1965) involving the rights to the novel "Candy." The controversial novel, written by Terry Southern and Mason Hoffenberg, was originally published in 1958 in Paris in the English language bearing a copyright notice in the name of Olympia Press. No application for ad interim copyright was filed within six months of first publication, as specified in section 22 of the statute, nor was a United States edition published within five years in accordance with section 23. On May 12, 1964, G. P. Putnam's Sons published a revised hard cover version in the United States and registered a claim to copyright on

Form A with a "new matter" statement reading "Editorial revisions throughout." In the District Court in New York, Putnam's sought to enjoin Lancer from publishing an edition of the original Paris version. Judge McLean denied the injunction, pointing out that the plaintiff was not entitled to an injunction against copying the original 1958 Paris edition because no copyright claim in that edition had ever been registered. The 1964 registration was held to apply only to the revisions, not to the text of the Paris edition.

Faced with this decision, Messrs. Southern and Hoffenberg submitted an application on Form A-B Ad Interim for the original 1958 version and an application on Form A (without a "new matter" statement) to cover the entire text of the work as published in the United States. Upon denial of these registrations an action was filed against the Register of Copyrights in the District Court for the District of Columbia on May 3, 1965. The answer for the Register, filed by the Department of Justice, raised the primary issue of the failure to comply with the time limits prescribed in sections 22 and 23 of Title 17, U.S.C. Subject matter and scope of copyright protection.

Several cases during the year involved the nature of "new versions" of previous works and their status as independently copyrightable creations. One of the most interesting of these, Davis v. E. I. du Pont de Nemours & Co., 145 U.S.P.Q. 258 (S.D.N.Y. 1965), stemmed from a 1960 telecast of a dramatization of Edith Wharton's famous novel "Ethan Frome," Involving an extremely complicated fact situation, the case is important on several legal issues, notably infringement and notice of copyright; on the question of copyrightability the court ruled that the plaintiff's dramatization was clearly original "in view of the very minimal standards of originality established by the courts." It

held that "there may be several different dramatizations of the same work, each capable of being copyrighted," and that the "significant new matter protected by the Davis play is the original Davis manner of expressing the story of Ethan Frome in the form of a dramatization." Similarly, in a different field, the Second Circuit Court of Appeals in Nom Music, Inc. v. Kaslin, 145 U.S.P.Q. 237 (1965), held that copyright in a piano arrangement is separate and distinct from copyright in the lyrics and melody line of a composition entitled "A Thousand Miles Away," and upheld the District Court's ruling that the arrangement was sufficiently original to constitute a new work.

In the "Candy" case mentioned earlier (G. P. Putnam's Sons v. Lancer Books, Inc., 144 U.S.P.Q. 530 (S.D.N.Y. 1965)), the court characterized the "revisions" on which registration for the American edition had been based as "changes in the wording of certain passages, . . . which in no way altered the sense." Noting that "when revisions or additions are made to a work which lies within the public domain, the copyright protection. . . extends only to the revisions and additions, i.e., to the work which was original with the author who seeks the copyright," Judge McLean raised a question as to whether plaintiffs have protection even in the revised edition. Since, "in order to copyright revisions or changes made in a work in the public domain, the revisions must not be 'trivial,'" he felt it "at least arguable that the revisions made in 'Candy' were so slight as not to meet even this lenient standard." This question did not demand an answer, however, because defendant had not copied any of the revisions.

The perennial problems of copyright in trade catalogs arose again in two cases, International Biotical Corp. v. Associated Mills, Inc., 144 U.S.P.Q.

577 (N.D. Ill. 1964), and Flick-Reedy Corp. v. Hydro-Line Manufacturing Co., 144 U.S.P.Q. 566 (N.D. Ill. 1964). The International Biotical case involved a catalog of massage equipment, and one of the questions was whether it constituted infringement to copy "three photographic poses showing the application of a unit to the head, leg, and back of the body," a list of "various ailments for which the device is allegedly helpful," and "a photograph of the switch on the back of the unit with the descriptive designations 'Hi' and 'Lo' thereon." The court ruled for the defendant on several grounds: one was that only isolated portions had been copied from the catalog "which must be considered as a whole," and another was that a list of ailments or the use of the words "Hi" and "Lo" cannot support a copyright. Most important, the court ruled that, since the defendant's photographs were made independently and were not reproductions of the actual photographs in the catalog, they were not infringements even though they adopted the same poses: "Plaintiff's copyrights cannot monopolize the various poses used in these photographs since its copyrights can protect only plaintiff's particular photographic expression of these poses and not the underlying ideas therefor." Defendant also prevailed in the Flick-Reedy case, partly on the ground that a copyright "cannot be construed as dominating the ideas or mathematical relations expressed" in the work.

An intriguing issue underlying the decision in Life Music, Inc. v. Wonderland Music Co., 145 U.S.P.Q. 603 (S.D.N.Y. 1965) was whether a single word, if wholly original and sufficiently long, is capable of sustaining a copyright. Plaintiff alleged that his copyright in a song entitled "Supercalafajalistick-espeealadojus" had been infringed by a song from the movie "Mary Poppins" entitled "Supercalifragilisticespialidocious." The court held that the only

similarity between the songs was in the use of "the word"; the decision suggests that, "even if defendants copied only 'the word,' they conceivably might still be liable for infringement." However, although plaintiff claimed to have coined the word and introduced it to the public in his song, the court held that, in view of evidence that the word had been known earlier, plaintiff had failed to establish that defendants were guilty of copying from his work.

The uncopyrightability of phonograph records, even when published together with a copyrighted instruction manual, was confirmed in Neal v. Thomas Organ Co., 145 U.S.P.Q. 315 (S.D. Cal. 1965).

In one of the few design cases of the year, the court in Uneeda Doll Co. v. P & M Doll Co., 145 U.S.P.Q. 326 (S.D.N.Y. 1965), held that the "idea of a doll on a pole in a display box" is not subject to copyright protection and that, even though buyers were likely to confuse the two products in question, defendant's copying was not an infringement because it was "limited to the abstract idea of a doll in a display box and did not extend to Uneeda's tangible expression of that idea."

Publication.

The unusually large number of decisions during the year that involved the concept of publication reflect not only its crucial importance in individual cases but also the doubts and confusion that continue to surround it. In Flick-Reedy Corp. v. Hydro-Line Manufacturing Co., 144 U.S.P.Q. 566 (N.D. Ill. 1964) the court held that the distribution of an "information sheet" to salesmen for use with customers, apparently without instructions to withhold the sheet from the public generally, constituted a "general publication without restriction as to persons or purpose," especially when coupled with evidence of distribution of copies to "members of the public at a trade show." In a case involving Mad Magazine's use of the familiar "cartoon of a grinning boy" named Alfred E. Neuman, the Second Circuit Court of Appeals held that copyright

in the work had been abandoned and the caricature "dedicated by the public" because the copyright owner "had been most derelict in preventing others from infringing his copyright" and had "authorized or acquiesced in the wide circulation of the copies without notice."

The "Joan Baez" case (Baez v. Fantasy Records, Inc., 144 U.S.P.Q. 537 (Cal. Super. Ct. 1964)) holds that, since the plaintiff's acts in making a tape recording for audition purposes "did not constitute a publication of her musical interpretations, renditions and performances thereon," the unauthorized release of records made from the tape did not destroy her common law copyright. Similarly, in the "Beatles" case (Lennon v. Pulsebeat News, Inc., 143 U.S.P.Q. 309 (N.Y. Sup. Ct., Spec. Term, 1964)), the court held that "oral delivery, even before vast audiences, is not of itself a dedication to the public," and that therefore the granting by celebrities of taped interviews which were released on records without authorization did not constitute publication.

The tortured field of protection for architectural plans and designs produced two decisions -- Shanahan v. Macco Construction Co., 36 Cal. Rptr. 584 (Dist. Ct. App., 1964) and New York World's Fair 1964-1965 Corp. v. Colourpicture Publishers, Inc., 142 U.S.P.Q. 237 (N.Y. Sup. Ct., App. Div. 1964) -- which offer an interesting contrast. In the Shanahan case the plaintiffs, who had built some 1,400 "tract homes" in accordance with plans they had developed, alleged that defendants had obtained their plans and built homes that were identical with those in plaintiffs' subdivisions. The court held that a general publication of architects' plans has taken place "where such plans have found expression or exemplification in the construction of 'model

homes' and hundreds of tract houses which the public have been invited to inspect and purchase, to which invitation they have responded by the thousands. . . ." In the World's Fair case the Appellate Division of the New York Supreme Court upheld an injunction against the unauthorized publication of postcards of buildings at the New York World's Fair. The majority of the court ruled that "a photograph of a unique building, structure, or object situated within the World's Fair grounds, to which an admission fee is charged, is a photograph of a show in which plaintiff has a property right;" two justices dissented on the ground that "a photograph of a building cannot be deemed the equivalent of a reproduction of a 'performance' or 'show' in which a party may have a legally recognized property right."

One of the questions in the "Candy" case, G. P. Putnam's Sons v. Lancer Books, Inc., 144 U.S.P.Q. 530 (S.D.N.Y. 1965), was whether publication of a work entirely outside the United States has any effect upon copyright protection in the United States. The court rejected the plaintiff's arguments that "a book in the English language by American authors which was published only in a foreign country is not in the public domain, within the meaning of the United States copyright laws," and that, "at any time that the authors apply for registration of a United States copyright on that book as revised, they secure United States copyright protection for the entire book, not merely for the revisions." The effect of foreign publication on U.S. copyright protection was also an issue in Ross Products, Inc. v. New York Merchandise Co., 146 U.S.P.Q. 107 (S.D.N.Y. 1965). The court, in denying motions for summary judgment, ruled that, "while there may be some room for argument that the Japanese exhibition and sale did not constitute sufficient publication to

divest copyright, there can be no doubt that it was sufficient to invest copyright;" thus, since the application for registration had failed to mention any earlier publication, a factual issue of good faith was presented. Notice of copyright.

Only two cases decided in fiscal 1965 dealt with the specific requirements with respect to notice of copyright, and both of them reflect the liberal or "substantial compliance" trend in judicial thinking on the subject. In Nom Music, Inc. v. Kaslin, 145 U.S.P.Q. 237 (2d Cir. 1965) the lower court had upheld a copyright notice in the name of an assignee on the ground that the requirements of section 32 (invalidating notice in the name of an assignee on a work published before the assignment is recorded) do not apply where registration for the work in unpublished form had been made in the assignor's name, but where there had been no previous publication. The Court of Appeals affirmed the decision, but on a different ground: since a piano arrangement had been added to the published version, it constituted a "new work" which permitted the notice to contain only the name of the owner of the "new work." Chief Judge Lumbard observed that, "since the published version of 'A Thousand Miles Away' is in part protected by two different copyrights, . . . it might appear that the copyright notice should give the date and proprietor of each." He noted, however, that this interpretation has not been adopted by the courts, which have "held that the notice need give only the date and owner of the copyright in the derivative work, leaving the reader to his own devices in ferreting out this information as to the original."

The "Ethan Frome" case, Davis v. E. I. du Pont de Nemours & Co., 145 U.S.P.Q. 258 (S.D.N.Y. 1965), involved two separate notice questions. The

first was the validity of a 1935 notice on the published version of a work registered for copyright in unpublished form on December 5, 1934. Since the published version contained new matter the court might have followed the Nom decision just discussed. Instead, Judge Feinberg held, "consistent with the liberal philosophy in recent cases" that "in the absence of any suggestion of prejudicial reliance, the variance of twenty-seven days. . . does not invalidate plaintiff's copyright." In doing so he relied on the Copyright Office regulations and on the Office's study on notice in the Revision series.

In the same case the name in the notice (Charles Scribners' Sons) was also challenged by the defendant on the ground that Scribner's was either a mere licensee or that, even if it were an assignee, the work had been published before the assignment was recorded, as required by section 32. The court held Scribner's a proper proprietor under a contract authorizing it to secure copyright in the published work, but ruled that section 32 did not invalidate the copyright, partly on the ground that the assignors' names also appeared in conjunction with the notice and also, apparently, for the reasons adopted by the lower court in the Nom case.

Copyright registration.

The familiar principle, that "when plaintiff proved her ownership of the validly issued copyright and defendants' copying of the works, she established a prima facie case of infringement under the statute," was reaffirmed in Stuff v. E. C. Publications, Inc., 144 U.S.P.Q. 560 (2d Cir. 1965). Much more unusual, however, was the fact that allegations of misrepresentations to the Copyright Office in applications for registration were made in no less

than four cases: G. P. Putnam's Sons v. Lancer Books, Inc., 144 U.S.P.Q. 530 (S.D.N.Y. 1965); Ross Products, Inc. v. New York Merchandise Co., 146 U.S.P.Q. 107 (S.D.N.Y. 1965); Flick-Reedy Corp. v. Hydro-Line Manufacturing Co., 144 U.S.P.Q. 566 (N.D. Ill. 1964); and International Biotical Corp. v. Associated Mills, Inc., 144 U.S.P.Q. 577 (N.D. Ill. 1964).

While not forming the basis for its decision, the court in the Putnam's case observed: "The answer to question No. 6 of the application that 'the present work as revised throughout, has never been published abroad,' while literally true, may be thought to be something less than candid. It is hard to reconcile this statement with the announcement on the jacket of the Putnam edition that the book contains 'the complete text' of the novel published in Paris." On the other hand, the Ross Products decision turned on the court's conclusion that a factual issue had been presented as to whether plaintiff acted in good faith when it failed to indicate on the application that a previous publication had taken place in Japan. Judge Feinberg noted that, "while there are recent indications that the courts are quite lenient in overlooking factual misstatements in copyright applications, nevertheless, the opinions emphasize that the errors involved were honest, innocent, and not intended to be misleading."

The court in the Flick-Reedy case ruled a copyright registration "invalid and unenforceable in so far as it purports to cover" certain material, on the ground that "plaintiff did not inform the Copyright Office and has not informed the public that pages 20 and 22 of its bulletin incorporate prior publications identically and are, in fact, revised versions of the prior publications." A few months later the same court, in International Biotical, held the copyright

in question "unenforceable due to plaintiff's unclean hands and inequitable conduct in connection therewith." It found that plaintiff had made misrepresentations to the Copyright Office because, by leaving the "new matter" line of its applications blank, it "did not inform the Copyright Office of its earlier publications" of a "substantial portion" of the material.

Renewals, assignments, and ownership of copyright.

Gordon v. Vincent Youmans, Inc., 145 U.S.P.Q. 681 (S.D.N.Y. 1965) involved renewal rights in the old standard song, "Time on Your Hands." Both the fact situation and the decision in the case are confusing but the opinion suggests that a renewal registration made on behalf of an author by a publisher who had acquired none of that author's rights may be invalid even if the author is the proper renewal claimant. However, if the publisher had validly acquired the rights of another co-author and also registered a renewal claim in his name, an effective renewal for the entire work is secured and the publisher holds "the renewal copyright as constructive trustee on behalf of the other co-owners." Although the point is not discussed, the decision also suggests that, where two authors wrote the words and a third wrote the music of a song, the renewal rights are to be divided into three equal shares.

The fact situation in the "Ethan Frome" case, Davis v. E. I. du Pont de Nemours & Co., 145 U.S.P.Q. 258 (S.D.N.Y. 1965), was even more confusing. The court considered it "settled that an author's renewal right to his copyrighted work is a mere expectancy and that an assignee of the copyright and the renewal rights retains no interest beyond the initial period of copyright if the author is not alive at the beginning of the renewal period." Thus, although Edith Wharton's death before the renewal year of "Ethan Frome" cut off any rights the plaintiff-dramatist may have had in the novel, the court held that the

dramatization was a "new work," covering "all new matter therein contained, independently of the ownership of the original or renewal copyrights on the novel upon which it is based." Even though plaintiff presumably might have been an infringer of copyright in the novel had he used his own dramatization without a renewal license, this did not prevent him from defending his rights in the new matter in his play against an infringer. Significantly, Judge Feinberg observed that "defendants do not contend that Mrs. Wharton has an interest in the Davis play as a 'joint author' under the standard set forth in *Shapiro, Bernstein & Co. v. Jerry Vogel Music Co.*"

STATISTICS

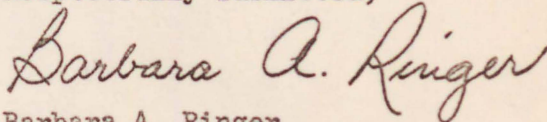
Those of us who lived through fiscal 1965 tend to think of the increase in workload in terms of huge bundles of material piled on trucks, shelves, desks, chairs, and often the floor. However, the increase is impressive on paper too. That the year was a record-breaker almost goes without saying, but that it represents an increase of more than 5% over last year's 5% increase is worthy of some reflection.

Registrations hit a total of almost 294,000, an increase of 14,630 or 5.24%. The largest gains were in the largest classes: nearly 7,000 (7%) in books, more than 5,600 (7-1/2%) in music, approximately 3,200 (4-1/2%) in periodicals, and close to 1,000 (4%) in renewals. The increases were mostly in the domestic categories, foreign registrations showing declines totalling nearly 4%. There was a remarkable increase of 300 (or 67%) in map entries, and a surprising gain of about 500 (7%) in the generally declining category of commercial prints and labels. On the other hand, the so-called "design" registrations, notably in textiles and jewelry, showed sharp declines

totalling over 11%. The figures for assignments and notices of use also dipped somewhat.

The Examining Division handled over 316,000 cases 86% of them without correspondence. Rejections amounted to roughly 2-3/4% of the total and the remaining 11-1/4% of the cases involved one or more letters but led to registration. The Division sent nearly 43,000 pieces of correspondence, 14% of which were rejections and 47% of which were printed form letters. Detailed statistics will be found in the attached appendices.

Respectfully submitted,

A handwritten signature in dark ink, reading "Barbara A. Ringer". The script is cursive and elegant, with the first letters of each name being capitalized and prominent.

Barbara A. Ringer
Assistant Register of Copyrights
for Examining

APPENDICES

APPENDIX A

REGISTRATIONS OF COPYRIGHT CLAIMS

TABLE I

TOTAL DOMESTIC, FOREIGN AND AD INTERIM REGISTRATIONS

CLASS OF MATERIAL	1965	1964	Increase	Decrease
A - Books	76,586	71,618	4,968 (6.93%)	
B - Periodicals	77,819	74,611	3,208 (4.30%)	
BB- Contributions to Periodicals	2,095	2,529		434 (17.16%)
C - Lectures	848	1,112		264 (23.74%)
D - Dramas	3,343	3,039	304 (10%)	
E - Music	80,881	75,256	5,625 (7.47%)	
F - Maps	3,262	1,955	1,307 (66.85%)	
G - Works of Art	5,735	5,915		180 (3.04%)
H - Reproductions	3,241	4,045		804 (19.88%)
I - Scientific Drawings	1,239	893	346 (38.75%)	
J - Photographs	860	995		135 (13.57%)
K - Prints	2,927	3,325		398 (11.97%)
KK- Commercial Prints & Labels	7,509	7,013	496 (7.07%)	
LM- Motion Pictures	3,752	4,107		355 (8.64%)
R - Renewals	23,520	22,574	946 (4.19%)	
GRAND TOTALS	293,617	278,987	14,630 (5.24%)	

APPENDIX A - TABLE II

DOMESTIC REGISTRATIONS

CLASS OF MATERIAL	1965	1964	Increase	Decrease
A - Books	71,396	66,789	4,607 (6.90%)	
B - Periodicals	77,346	73,995	3,351 (4.53%)	
BB- Contributions to Periodicals	2,095	2,529		434 (17.16%)
C - Lectures	848	1,112		264 (23.74%)
D - Dramas (Total)	3,198	2,879	319 (11.08%)	
(Published Dramas)	(393)	(284)	109 (38.38%)	
(Unpublished Dramas)	(2,805)	(2,595)	210 (8.09%)	
E - Music (Total)	73,036	66,745	6,291 (9.42%)	
(Published Music)	(14,829)	(12,461)	2,368 (19%)	
(Unpublished Music)	(58,207)	(54,284)	3,923 (7.23%)	
F - Maps	3,252	1,941	1,311 (67.54%)	
G - Works of Art (Total)	5,691	5,835		144 (2.47%)
(Published Works of Art)	(4,461)	(4,452)	9 (.20%)	
(Unpublished Works of Art)	(1,230)	(1,383)		153 (11.06%)
H - Reproductions	3,211	4,010		799 (19.92%)
I - Scientific Drawings (Total)	1,239	893	346 (38.74%)	
(Published Drawings)	(686)	(454)	232 (51.10%)	
(Unpublished Drawings)	(553)	(439)	114 (25.97%)	
J - Photographs (Total)	859	982		123 (12.53%)
(Published Photographs)	(599)	(586)	13 (.02%)	
(Unpublished Photographs)	(260)	(396)		136 (34.34%)
K - Prints	2,925	3,321		396 (11.92%)
KK- Commercial Prints & Labels	7,508	7,009	499 (7.12%)	
LM- Motion Pictures (Total)	3,751	4,107		356 (8.67%)
(Published Class L)	(2,497)	(2,996)		499 (16.65%)
(Unpublished Class L)	(38)	(52)		14 (26.92%)
(Published Class M)	(1,040)	(960)	80 (8.33%)	
(Unpublished Class M)	(176)	(129)	47 (36.43%)	
R - Renewals	23,520	22,574	946 (4.19%)	
TOTAL DOMESTIC REGISTRATIONS	279,875	264,721	15,154 (5.72%)	

APPENDIX A - TABLE III

FOREIGN AND AD INTERIM REGISTRATIONS

CLASS OF MATERIAL	1965	1964	Increase	Decrease
A - Books (Total)	4,702	4,829		127 (2.63%)
(Foreign)	(4,120)	(4,079)	41 (1.00%)	
(Ad Interim)	(582)	(750)		168 (22.40%)
B - Periodicals (Total)	961	616	345 (56.01%)	
(Foreign)	(473)	(477)		4 (.01%)
(Ad Interim)	(488)	(139)	349 (251.01%)	
D - Dramas	145	160		15 (9.37%)
E - Music	7,845	8,511		666 (7.82%)
F - Maps	10	14		4 (28.57%)
G - Works of Art	44	80		36 (45.00%)
H - Reproductions	30	35		5 (14.28%)
I - Scientific Drawings	--	--		--
J - Photographs	1	13		12 (92.31%)
K - Prints	2	4		2 (50.00%)
LM- Motion Pictures	1	--	1 (100.00%)	
KK- Commercial Prints & Labels	1	4		3 (75.00%)
TOTAL FOREIGN AND AD INTERIM REGISTRATIONS	13,742	14,266		524 (3.67%)

APPENDIX A - TABLE IV

REGISTRATIONS BY EXAMINING DIVISION SECTIONS

SECTIONS	1965	1964	Increase	Decrease
Book Section	154,405	146,229	8,176 (5.59%)	
(Books)	(76,586)	(71,618)	(4,968) (6.94%)	
(Periodicals)	(77,819)	(74,611)	(3,208) (4.30%)	
Music Section	80,881	75,256	5,625 (7.47%)	
Arts Section	34,811	34,928		117 (.33%)
Renewal & Assignment Section				
(Renewal reg'ns only)	23,520	22,574	946 (4.19%)	
TOTALS	293,617	278,987	14,630 (5.24%)	

TABLE V

PERCENTAGES OF TOTAL REGISTRATIONS HANDLED BY EACH SECTION	
Book Section	52.59%
(Books).	(26.09%)
(Periodicals).	(26.50%)
Music Section.	27.55%
Arts Section	11.85%
Renewal Section	
(Renewal Reg'ns only).	8.01%
	<u>100.00%</u>

TABLE VI

EXAMINING DIVISION RECORDATION FUNCTIONS

TYPE OF MATERIAL	1965	1964	Increase	Decrease
Assignments	8,539	8,973		434 (4.84%)
Assignment Title Cards	49,429	45,363	4,066 (8.96%)	
Notices of Use	5,913	6,044		131 (2.17%)
Notices of Use Titles	21,769	19,419	2,350 (12.10%)	

APPENDIX B

DISPOSITION OF APPLICATIONS AND OTHER MATERIALS RECEIVED

TABLE I

APPLICATIONS AND OTHER MATERIALS ENTERED WITHOUT CORRESPONDENCE,
REJECTED, AND REQUIRING CORRESPONDENCE (By Class)

CLASS OF MATERIAL	Entered without Correspondence	Rejected	Entered after Correspondence	TOTALS
A - Books	63,815 (83.62%)	2,672 (3.50%)	9,832 (12.88%)	76,319
A-B Ad Interim	381 (79.54%)	45 (9.40%)	53 (11.06%)	479
A-B Foreign	4,288 (85.55%)	74 (1.48%)	650 (12.97%)	5,012
B - Periodicals	73,605 (95.90%)	302 (.39%)	2,849 (3.71%)	76,756
BB- Contributions	1,891 (82.11%)	100 (4.34%)	312 (13.55%)	2,303
C - Lectures	671 (68.82%)	61 (6.26%)	243 (24.92%)	975
D - Dramas	2,438 (71.79%)	89 (2.62%)	869 (25.59%)	3,396
E - Music	68,524 (84.55%)	1,149 (1.42%)	11,369 (14.03%)	81,042
(Unpublished Music)	(49,110) (84.94%)	(787) (1.36%)	(7,923) (13.70%)	(57,820)
(Published Music)	(12,096) (80.47%)	(328) (2.18%)	(2,607) (17.35%)	(15,031)
(Foreign Music)	(7,318) (89.34%)	(34) (.42%)	(839) (10.24%)	(8,191)
F - Maps	2,602 (84.02%)	57 (1.84%)	438 (14.14%)	3,097
G - Works of Art	4,522 (65.34%)	1,123 (16.22%)	1,276 (18.44%)	6,921
H - Reproductions	2,864 (83.11%)	142 (4.12%)	440 (12.77%)	3,446
I - Scientific Drawings	1,006 (67.34%)	261 (17.47%)	227 (15.19%)	1,494
J - Photographs	675 (69.66%)	95 (9.80%)	199 (20.54%)	969
K - Prints	2,229 (69.81%)	260 (8.14%)	704 (22.05%)	3,193
KK- Commercial Prints & Labels	5,672 (69.38%)	692 (8.46%)	1,812 (22.16%)	8,176
LM- Motion Pictures	3,547 (89.39%)	67 (1.69%)	354 (8.92%)	3,968
R - Renewals	<u>20,818</u> (86.00%)	<u>1,104</u> (4.56%)	<u>2,286</u> (9.44%)	<u>24,208</u>
TOTAL APPLICATIONS	259,548 (86.01%)	8,293 (2.75%)	33,913 (11.24%)	301,754
Notice of Use	5,307 (88.98%)	8 (.14%)	649 (10.88%)	5,964
Assignments	<u>7,505</u> (86.50%)	<u>137</u> (1.58%)	<u>1,034</u> (11.92%)	<u>8,676</u>
GRAND TOTALS	272,360 (86.08%)	8,438 (2.67%)	35,596 (11.25%)	316,394

APPENDIX B - TABLE II

APPLICATIONS AND OTHER MATERIALS ENTERED WITHOUT CORRESPONDENCE,
REJECTED, AND REQUIRING CORRESPONDENCE (By Section)

SECTION	Entered without Correspondence	Rejected	Entered after Correspondence	TOTALS
Book Section	142,089 (89.61%)	3,093 (1.95%)	13,384 (8.44%)	158,566
(Books)	(67,502)(83.57%)	(2,789)(3.45%)	(10,480)(12.98%)	(80,771)
(Periodicals)	(74,587)(95.88%)	(304)(.39%)	(2,904)(3.73%)	(77,795)
Music Section (in- cluding Notices of Use)	73,831 (84.80%)	1,157 (1.33%)	12,081 (13.87%)	87,069
Arts Section	28,117 (74.11%)	2,947 (7.77%)	6,874 (18.12%)	37,938
Renewal & Ass't Sec.	28,323 (86.13%)	1,241 (3.77%)	3,320 (10.10%)	32,884
(Renewals)	(20,818)(86.00%)	(1,104)(4.56%)	(2,286)(9.44%)	(24,208)
(Assignments)	(7,505)(86.50%)	(137)(1.58%)	(1,034)(11.92%)	(8,676)
TOTALS	272,360 (86.06%)	8,438 (2.67%)	35,659 (11.27%)	316,457

TABLE III

TOTAL APPLICATIONS AND OTHER
MATERIALS RECEIVED (By Section)

<u>Section</u>	<u>Number</u>	<u>Percent</u>
Book Section	158,566	50.11%
(Books)	(80,771)	(25.53%)
(Periodicals)	(77,795)	(24.58%)
Music Section	87,069	27.51%
Arts Section	37,938	11.99%
Renewal & Ass't Section	32,884	10.39%
(Renewals)	(24,208)	(7.65%)
(Assignments)	(8,676)	(2.74%)
TOTALS	316,457	100.00%

APPENDIX C

EXAMINING DIVISION CORRESPONDENCE

TABLE I
CORRESPONDENCE BY SECTION

<u>Section</u>	<u>Number</u>	<u>Percent</u>
Book Section	17,684	41.47%
(Books)	(14,513)	(34.03%)
(Periodicals)	(3,171)	(7.44%)
Music Section	11,878	27.85%
Arts Section	9,429	22.11%
Renewal & Ass't Section	3,656	8.57%
TOTALS	42,647	100.00%

<u>Section</u>	<u>Rejections</u>	<u>Appeals</u>	<u>Further Information</u>	<u>Warning</u>	<u>Inquiries</u>	<u>TOTALS</u>
Book	2,626 (14.85%)	57 (.32%)	13,912 (78.67%)	782 (4.42%)	307 (1.74%)	17,684 (100%)
(Books)	(2,362)(16.28%)	(56)(.38%)	(11,236)(77.42%)	(594)(4.09%)	(265)(1.83%)	(14,513)(100%)
(Period.)	(264)(8.33%)	(1)(.03%)	(2,676)(84.39%)	(188)(5.93%)	(42)(1.32%)	(3,171)(100%)
Music	724 (6.09%)	4 (.03%)	10,761 (90.60%)	64 (.59%)	325 (2.74%)	11,878 (100%)
Arts	1,925 (20.42%)	120 (1.27%)	6,737 (71.45%)	192 (2.04%)	455 (4.82%)	9,429 (100%)
Renewal & Ass't	827 (22.62%)	1 (.03%)	2,576 (70.46%)	6 (.16%)	246 (6.73%)	3,656 (100%)

TABLE II

CORRESPONDENCE BY CATEGORY

<u>Category</u>	<u>Number</u>	<u>Percent</u>
Rejections	6,102	14.31%
Appeals	182	.43%
Further Information	33,986	79.69%
Warning	1,044	2.45%
Inquiries	1,333	3.12%
TOTALS	42,647	100.00%

<u>Section</u>	<u>Rejections</u>	<u>Appeals</u>	<u>Further Information</u>	<u>Warning</u>	<u>Inquiries</u>
Book Section	2,626 (43.04%)	57 (31.32%)	13,912 (40.93%)	782 (74.90%)	307 (23.03%)
(Books)	(2,362) (38.71%)	(56) (30.77%)	(11,236) (33.06%)	(594) (56.89%)	(265) (19.88%)
(Periodicals)	(264) (4.33%)	(1) (.55%)	(2,676) (7.87%)	(188) (18.01%)	(42) (3.15%)
Music Section	724 (11.86%)	4 (2.20%)	10,761 (31.67%)	64 (6.13%)	325 (24.38%)
Arts Section	1,925 (31.55%)	120 (65.93%)	6,737 (19.82%)	192 (18.39%)	455 (34.13%)
Renewal & Ass't Sec.	827 (13.55%)	1 (.55%)	2,576 (7.58%)	6 (.58%)	246 (18.46%)
TOTALS	6,102 (100%)	182 (100%)	33,986 (100%)	1,044 (100%)	1,333 (100%)

TABLE III

CORRESPONDENCE BY TYPED LETTER AND PRINTED FORM LETTER

<u>Section</u>	<u>Typed Letters</u>		<u>Printed Form Letters</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Book Section	8,061	45.58%	9,623	54.42%
(Books)	(6,732)	(46.39%)	(7,781)	(53.61%)
(Periodicals)	(1,329)	(41.91%)	(1,842)	(58.09%)
Music Section	6,295	53.00%	5,583	47.00%
Arts Section	5,800	61.51%	3,629	38.49%
Renewal & Assignment Section	2,487	68.03%	1,169	31.97%
TOTALS	22,643	53.09%	20,004	46.91%

APPENDIX D

COPYRIGHT REGISTRATIONS FOR
"ORNAMENTAL DESIGNS OF USEFUL ARTICLES"

Registrations in Class G ("works of art"),
Class H ("reproductions of works of art") and
Class K ("prints and pictorial illustrations")
for pictorial, graphic, and sculptural works
embodied in or applied to useful articles.

TABLE I

TYPES OF "DESIGNS" REGISTERED FOR COPYRIGHT DURING FISCAL 1964 and 1965

<u>Type of "Design"</u>	<u>1965</u>	<u>1964</u>	<u>Increase</u>	<u>Decrease</u>
Jewelry	1,448	1,693		245 (14.47%)
Textiles	3,311	4,233		922 (21.78%)
Lace	432	341	91 (26.69%)	
Toys, games, banks, etc.	581	472	109 (23.09%)	
Place mats, paper tablecloths, etc.	200	194	6 (3.09%)	
Dinnerware, jugs, glassware	109	78	31 (39.74%)	
Small household articles and decorator items (vases, clocks, lamps, etc.)	200	180	20 (11.11%)	
Wallpaper	49	5	44 (80.00%)	
Shoe ornaments	13	12	1 (8.33%)	
Silver flatware	5	2	3 (50.00%)	
Miscellaneous items	<u>198</u>	<u>154</u>	44 (28.57%)	
TOTALS	6,546	7,364		1,088 (11.11%)

APPENDIX D - TABLE II

"DESIGN" REGISTRATIONS COMPARED WITH TOTAL "ART" REGISTRATIONS
(CLASSES G, H, AND K) DURING THE LAST FIVE FISCAL YEARS

<u>Fiscal Year</u>	<u>Total "Art" Registrations</u>	<u>"Design" Registrations</u>
1961	11,767	6,314 (54%)
1962	12,658	7,039 (56%)
1963	12,859	7,727 (60.09%)
1964	13,295	7,364 (55.39%)
1965	11,903	6,546 (54.99%)