

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR  
THE FISCAL YEAR 1924-25

WASHINGTON, D. C., July 6, 1925.

SIR: The copyright business and the work of the copyright office for the fiscal year July 1, 1924, to June 30, 1925, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$173,971.95. *Fees, etc.*  
A balance of \$14,788.91, representing trust funds and unfinished business, was on hand July 1, 1924, making a total sum of \$188,760.86 to be accounted for. Of this amount the sum of \$5,887.57, received by the copyright office, was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$182,873.29. The balance carried over to July 1, 1925, was \$15,963.74 (representing trust funds, \$13,458.80, and total unfinished business since July 1, 1897—28 years—\$2,504.94), leaving fees applied during the fiscal year 1924-25 and paid into the Treasury \$166,909.55.

This is the largest year's business in the history of the office.

The annual applied fees since July 1, 1897, are:

1897-98.....	\$55, 926. 50	1912-13.....	\$114, 980. 60
1898-99.....	58, 267. 00	1913-14.....	120, 219. 25
1899-1900.....	65, 206. 00	1914-15.....	111, 922. 75
1900-1901.....	63, 687. 50	1915-16.....	112, 986. 85
1901-2.....	64, 687. 00	1916-17.....	110, 077. 40
1902-3.....	68, 874. 50	1917-18.....	106, 352. 40
1903-4.....	72, 629. 00	1918-19.....	113, 118. 00
1904-5.....	78, 058. 00	1919-20.....	126, 492. 25
1905-6.....	80, 198. 00	1920-21.....	134, 516. 15
1906-7.....	84, 685. 00	1921-22.....	138, 516. 15
1907-8.....	82, 387. 50	1922-23.....	149, 297. 00
1908-9.....	83, 816. 75	1923-24.....	162, 544. 90
1909-10.....	104, 644. 95	1924-25.....	166, 909. 55
1910-11.....	109, 913. 95		
1911-12.....	116, 688. 05	Total.....	2, 857, 599. 95

## EXPENDITURES

- Salaries.* The appropriation made by Congress for salaries in the copyright office for the fiscal year ending June 30, 1925, was \$147,320. The total expenditures for salaries was \$147,255.41, or \$19,654.14 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditures for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,063.98, leaving a balance for the year of \$18,590.16 to the credit of the office.
- Stationery and sundries.*
- Copyright receipts and fees.* During the 28 fiscal years since the reorganization of the copyright office (from July 1, 1897, to June 30, 1925) the copyright fees applied and paid into the Treasury have amounted to \$2,857,599.95, the articles deposited number 5,710,510, and the total copyright registrations number 3,260,673.
- Excess of fees over salaries.* The fees earned (\$2,857,599.95) were larger than the appropriations for salaries used during the same period (\$2,396,687.45) by \$460,921.50.
- Value of copyright deposits.* In addition to this direct profit the large number of over five and a half million books, maps, musical works, periodicals, prints, and other articles deposited during the 28 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the copyright office effected a large saving to the purchase fund of the Library equal in amount to their price.

## COPYRIGHT ENTRIES AND FEES

- Entries and fees.* The registrations for the fiscal year numbered 165,848. Of these, 157,371 were registrations at \$1 each, including a certificate, and 5,168 were registrations of photographs without certificates, at 50 cents each. There were also 3,309 registrations of renewals, at 50 cents each. The fees for these registrations amounted to a total of \$161,609.50.

The number of registrations in each class from July 1, 1919, to June 30, 1925, is shown in Exhibit D.

## COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which have been registered, stamped, indexed, and catalogued during the fiscal year is 278,361. The number of these articles in each class for the fiscal years July 1, 1921, to June 30, 1925, with the grand total for 1897 to 1925, is shown in Exhibit E.

It is not possible to determine exactly how completely the works which claim copyright are deposited; but as title cards are printed and supplied upon request to other libraries for all books received bearing United States notice of copyright, the demand for such cards for works not received furnishes some indication of possible percentage of failure to deposit.

In response to inquiries received during the year from the card division, the accessions division, law division, and the reading room in regard to 759 books supposed to have been copyrighted but not discovered in the Library, it was found that 77 of these works had been received and were actually in the Library, 18 books had been deposited and were still in the copyright office, 98 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 305 works no answers to our letters of inquiry had been received up to June 30, 1925. Copies were received of 261 works in all in response to requests made by the copyright office during the period of 12 months for works published in recent years.

The total copyright deposits for the year included 20,129 printed volumes, 55,820 pamphlets and leaflets, 81,297 newspapers and magazines (separate numbers), 4,477 dramas, 36,862 pieces of music, 4,408 maps, 13,436 photographs, 16,202 prints, 9,400 motion pictures, 24,179 contributions to periodicals, 5,359 works of art and drawings, and 265 lectures. These were all produced in the United States. From abroad there were received 5,572 books in foreign languages and 955 books in English.

Our copyright laws have required the deposit of copies for the use of the Library of Congress. The act of 1909, which expressly provided for such deposit in order to

secure the registration of the work, still insisted upon a deposit of two copies (except of foreign books) for the benefit of the Library; but to check the useless accumulation of such copies in the copyright office it is provided that the Librarian of Congress shall determine (1) what books or other articles shall be transferred to the permanent collections of the Library of Congress, including the law library; (2) what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange; and (3) or be transferred to other Government libraries in the District of Columbia for use therein. The law further provides (4) that articles remaining undisposed of may, upon specified conditions, be returned to the authors or copyright proprietors.

*Transferred to Library.* During the fiscal year a total of 96,056 articles deposited have been transferred to the Library of Congress. This number included 23,674 books, 55,891 periodicals, 10,081 pieces of music, 3,435 maps, and 2,975 photographs and engravings.

Out of the total number of articles deposited in the copyright office during the period from July 1, 1909, to June 30, 1925 (3,556,591), there have been transferred to the Library of Congress a total of 1,472,265 (books, maps, prints, periodicals, etc.) during 16 years.

*Transfers to other libraries.* Under authority of section 59 of the act of March 4, 1909, there were transferred during the fiscal year to other governmental libraries in the District of Columbia "for use therein" 7,643 books. Under this transfer, up to June 30, 1925, the following libraries have received books as indicated below:

Bureau of Education, 14,205; Bureau of Standards, 2,094; Department of Agriculture, 3,378; Department of Commerce, 8,731; Engineer School, Corps of Engineers, 3,153; Federal Trade Commission, 7,803; Surgeon General's Office, 4,825; Navy Department, 1,769; Public Library of the District of Columbia, 36,548; Soldiers' Home, 1,311; Interstate Commerce Commission, 689; Treasury Department 1,495; Patent Office, 858; Bureau of Mines, 370; Walter Reed Hospital, 987; to 16 other libraries a total of 9,341 volumes, making a grand total of 97,557.

Under the provisions of the act of March 4, 1909, authority is granted also for the return to the claimants of copyright of such copyright deposits as are not needed by the Library of Congress or the copyright office. The notice required by section 60 has been printed for all classes of works deposited and registered during the years July 1, 1909, to June 30, 1919. In response to special requests 8,680 motion-picture films and 50,854 other deposits have been returned to the copyright claimants, making a total of 59,534 articles for the fiscal year. Since the act went into effect (July 1, 1909) to June 30, 1925, a total of 607,580 articles have been returned to the claimants of copyright in them.

Thus since the present copyright act went into effect (July 1, 1909) to the close of the last fiscal year (June 30, 1925) the total copyright deposits forwarded from the copyright office files number as follows: (1) To the Library of Congress, 1,472,265; (2) to other libraries, 97,557; (3) to copyright claimants, 607,580; making a grand total for the period of 2,177,402.

#### INDEX AND CATALOGUE OF COPYRIGHT ENTRIES

The copyright act of March 4, 1909, provides "that the register of copyrights shall fully index all copyright registrations and assignments," and it further provides that the register of copyrights "shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes . . ."

Strenuous efforts are made in the copyright office to carry out these provisions of law and to keep the index of copyright entries sharply up to date, in order to be able to promptly and accurately answer the daily inquiries in relation to any copyright entry actually made, received by mail or telegraph, or on personal application. Moreover, this catalogue constitutes the only complete and adequate current record published of the literary, musical, dramatic, and artistic productions of the United States, including also a record of similar foreign productions, to the extent to which foreign books, music,

dramas, and works of art are deposited and registered in the copyright office.

Complete record of copyright entries.

The preparation and publication of the catalogue has been planned with great care and with a desire to make it, what the law clearly contemplates, a complete record, and to make sure that the printed parts of the catalogue are so regularly and promptly distributed as to satisfactorily serve the needs, not only of the Government officials in whose behalf it is primarily provided to enable them to protect the interests of copyright claimants against importation of pirated copies, but to serve the needs of all libraries, and of the larger publishers of American copyright material, and of paid subscribers to the catalogue.

From year to year the catalogue has been prepared and has been printed with commendable promptness and regularity, and this has been greatly appreciated. The value of the catalogue to regular users is directly proportionate to the promptness and regularity with which it is available for use. The discussions on the copyright bill brought out clearly the importance attached to the immediate availability of knowledge of copyright registrations, especially by motion-picture producers, phonograph-record makers, and broadcasters.

Delay in printing.

The lack of sufficient printing funds occasions, at times, a delay in the publication of certain of the numbers of the catalogue. This is apt to occur, especially at the end of the fiscal year. However, it is hoped that as a result of representations the necessary appropriation may be made to provide for the prompt issuance of the numbers.

#### SUMMARY OF COPYRIGHT BUSINESS

Summary of copyright business.

Balance on hand July 1, 1924.....	\$14, 788. 91	
Gross receipts July 1, 1924, to June 30, 1925.....	173, 971. 95	
	<hr/>	
Total to be accounted for.....	188, 760. 86	
Refunded.....	5, 887. 57	
	<hr/>	
Balance to be accounted for.....		\$182, 873. 29
Applied as earned fees.....	166, 909. 55	

Balance carried over to July 1, 1925:		
Trust funds.....	\$13, 458. 80	
Unfinished business July 1, 1897, to June 30, 1925, 28 years.....	2, 504. 94	
	<u>\$15, 963. 74</u>	\$182, 873. 29
Total fees earned and paid into Treasury during the 28 years from July 1, 1897, to June 30, 1925.....		2, 857, 599. 95
Total unfinished business for 28 years.....		2, 504. 94

FEEES FOR FISCAL YEAR

Fees for registrations, including cer- tificates, at \$1 each.....	\$157, 371. 00		<i>Fees.</i>
Fees for registration of photographs without certificates, at 50 cents each..	2, 584. 00		
Fees for registration of renewals, at 50 cents each.....	1, 654. 50		
	<u>161, 609. 50</u>		
Total fees for registrations recorded.....		161, 609. 50	
Fees for certified copies of record, at 50 cents each.....	\$1, 098. 50		
Fees for recording assignments.....	3, 149. 00		
Searches made and charged for at the rate of 50 cents for each hour of time consumed.....	396. 50		
Notices of user recorded (music).....	239. 75		
Indexing transfers of proprietorship....	416. 30		
	<u>5, 300. 05</u>		
Total fees for the fiscal year 1924-25.....		166, 909. 55	

ENTRIES

Number of registrations.....	162, 539	<i>Entries.</i>
Number of renewals recorded.....	3, 309	
	<u>165, 848</u>	
Number of certified copies of record...	2, 197	
Number of assignments recorded or copied.....	2, 554	

The greater part of the business of the copyright office is done by correspondence. The total letters and parcels received during the fiscal year numbered 188,179, while the letters, parcels, etc., dispatched numbered 182,027. During the last 28 fiscal years the money orders received numbered 793,317.

*Correspondence.*

## COPYRIGHT OFFICE PUBLICATIONS

- Bulletins.* The "United States copyright laws in force" and the "Rules and regulations for the registration of claims to copyright," Bulletins 14 and 15, respectively, were reprinted during the year without changes.
- Copyright bill.* "A draft of a bill to amend and consolidate the acts respecting copyright," prepared by the register of copyrights at the request of the Authors' League of America, was printed.

## CONDITION OF COPYRIGHT OFFICE WORK

- Condition of current work.* On July 6, 1925, the remittances received up to the third mail of the day had been recorded. The account books of the bookkeeping division were balanced for June, the financial statements were prepared for the Treasury Department, and all earned fees to June 30 had been paid into the Treasury.

## COPYRIGHT LAW REVISION

- United States and the International Copyright Union.* In my report for last year reference was made to the introduction by Hon. Frederick W. Dallinger of the bill H. R. 9137, and the public hearings on this bill by the House Committee on Patents in April and May, 1924. The full text of the bill was printed in report for 1924, pp. 204-236. Later in the year the Council of the Authors' League of America passed a formal resolution that the register of copyrights be requested to draft a bill for the general revision of the copyright laws and to permit the United States to enter the International Copyright Union. The draft for this proposed bill was completed and printed on December 1, 1924. It was promptly submitted to the Authors' League, was indorsed by that association without change, and presented to Congress. It was introduced in the House of Representatives by Hon. Randolph Perkins of New Jersey, on January 2, 1925, and printed as Bill H. R. 11258,<sup>1</sup> and was presented

<sup>1</sup> 1925 (Jan. 2). A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Introduced by Mr. Perkins. H. R. 11258, 68th Cong., 2d sess. 40 pp. 4°. Referred to the Committee on Patents.



to the Senate by Hon. Richard P. Ernst, of Kentucky, on February 20, 1925, and printed as Bill S. 4355.<sup>2</sup>

*Bill S. 4355.*

Public hearings were held by the House Committee on Patents on H. R. 11258 on January 22, and February 3, 10, and 24, 1925; but the bill was not reported.<sup>3</sup> On February 24, 1925, upon a motion by the Hon. Sol Bloom of the committee, a subcommittee was appointed to consider the bill during the recess, consisting of Hon. Florian Lampert, of Wisconsin, Sol Bloom, of New York, Randolph Perkins, of New Jersey, Frank R. Reid, of Illinois, and Fritz G. Lanham, of Texas. Mr. Bloom called informal meetings for discussion at New York, April 22, and May 8, 1925. The text of this bill is printed as an addendum to this report, pp. 198-223.

*Hearings.*

#### INTERNATIONAL COPYRIGHT

The Perkins bill makes careful provisions (secs. 68-72) for the entry of the United States into the International Copyright Union, and authorizes the President to effect and proclaim the adhesion of the United States to the convention creating the International Copyright Union. Under all the circumstances this bill supersedes the previous bills presented to Congress to effect entry of the United States into this Union.

*International Copyright Union.*

Two new presidential proclamations under section 1 (e) of the act of 1909, for copyright controlling the mechanical reproduction of music, were issued during the fiscal year: (1) In behalf of the citizens of Switzerland, on November 22, 1924, and (2) in behalf of citizens of Austria on March 11, 1925. These proclamations, with the Swiss decree of September 26, 1924, are printed on pages 239-245 of this report.

*Presidential proclamations.*

*Switzerland, Nov. 22, 1924.*

*Austria, Mar. 11, 1925.*

<sup>2</sup> 1925 (Feb. 20, legislative day Feb. 17). A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Introduced by Mr. Ernst. S. 4355, 68th Cong., 2d sess. 40 pp. 4°. Referred to the Committee on Patents.

<sup>3</sup> Copyrights. Hearings held before the Committee on Patents, House of Representatives, 68th Congress, 2d sess. on H. R. 11258, a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. [Part 1.] Jan. 22, 1925. Washington, Government Printing Office, 1925. 1 p.l., 144 pp. 8°.

— Part 2. Feb. 3, 1925. 1 p.l., pp. 145-314.

— Part 3. Feb. 10, 1925. 1 p.l., pp. 315-415.

— Part 4. Feb. 24, 1925. 1 p.l., pp. 417-548.

## COPYRIGHT FOR DESIGNS

*Design copy-  
right bills, hear-  
ings, and report.*

My last year's report (p. 194) mentioned the resumption of interest since the war in the movement to secure more adequate protection for designs than is afforded under existing legislation, and the introduction of two bills for that purpose. On the opening of the second session of the Sixty-eighth Congress a new bill, H. R. 10351, was introduced by Hon. Albert H. Vestal, December 5, 1924,<sup>4</sup> on which hearings were held January 13, 14, and 27, 1925.<sup>5</sup> On February 16<sup>6</sup> Mr. Vestal presented a substitute bill, H. R. 12306, which was favorably reported on February 19, 1925,<sup>7</sup> but no further action was taken before the close of the Sixty-eighth Congress. The bill and report are printed on pages 224-238 of this report.

## REVISED STATUTES

*Revision of the  
laws.*

The joint resolution to provide for the appointment of a commission to consolidate, codify, revise, and reenact the general and permanent laws of the United States, mentioned in my report for last year (1923-24, p. 195), passed the Senate on February 16, 1925, and was reported to the House on February 24,<sup>8</sup> but it failed of passage in the House before the close of the Sixty-eighth Congress. On March 18, 1925, in the special session of the Senate (69th Cong.) the Senate Select Committee on Revision of the Laws—Hon. Richard P. Ernst, of Kentucky, chairman; Hon. George W. Pepper,

<sup>4</sup> 1924 (Dec. 5). A bill providing for copyright registration of designs. Introduced by Mr. Vestal. H. R. 10351, 68th Cong., 2d sess. 11 pp. 4°. Referred to the Committee on Patents.

<sup>5</sup> Registration of designs. Hearings held before the Committee on Patents, House of Representatives, 68th Cong., 2d sess., on H. R. 10351, a bill providing for copyright registration of designs. [Part 1.] Jan. 13 and 14, 1925. Washington, Government Printing Office, 1925. 1 p. l., 48 pp. 8°.

— Part 2. Jan. 27, 1925. 1 p. l., pp. 49-80. 8°.

<sup>6</sup> 1925 (Feb. 16). A bill for copyright registration of designs. Introduced by Mr. Vestal. H. R. 12306, 68th Cong., 2d sess. 15 pp. 4°. Referred to the Committee on Patents.

<sup>7</sup> 1925 (Feb. 19). A bill for copyright registration of designs. Bill H. R. 12306 (Rept. No. 1521), 68th Cong., 2d sess. 15 pp. 4°. Committed to the Committee of the Whole House on the state of the Union.

1925 (Feb. 19). Copyright registration of designs. Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 12306). H. R. Rept. No. 1521, 68th Cong., 2d sess. 4 pp. 8°.

<sup>8</sup> 1925 (Feb. 24). Revision of the laws. Mr. Fitzgerald, from the Committee on Revision of the Laws, submitted the following report (to accompany S. J. Res. 141). H. R. Rept. No. 1573, 68th Cong., 1st sess. 3 pp. 8°.

of Pennsylvania, and Hon. William Cabell Bruce, of Maryland—were authorized "to hold hearings and to employ clerical and other assistance." This revision will necessarily include the copyright statutes.

## PHILIPPINE ISLANDS

Inquiry is frequently made of the copyright office concerning copyright protection in the island possessions of the United States. As of interest to such inquirers we print as Addendum III to this report the Philippine Islands copyright law passed by the Sixth Philippine Legislature, second session, and approved on March 6, 1924 (pp. 246-254).

Respectfully submitted.

THORVALD SOLBERG,  
Register of Copyrights.

HERBERT PUTNAM,  
Librarian of Congress.

EXHIBIT A.—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1925

Month	Gross receipts	Refunds	Net receipts	Fees applied
1924				
July.....	\$12,559.15	\$326.35	\$12,232.80	\$13,391.25
August.....	11,748.32	268.30	11,480.02	12,182.70
September.....	13,617.65	247.20	13,370.45	13,664.70
October.....	13,918.13	551.63	13,366.50	14,311.20
November.....	14,310.91	393.07	13,917.84	13,157.90
December.....	15,778.09	326.43	15,451.66	14,376.00
1925				
January.....	19,693.68	520.63	19,173.05	15,079.15
February.....	13,412.55	683.72	12,728.83	13,925.15
March.....	15,996.41	770.46	15,225.95	14,815.96
April.....	14,165.52	763.83	13,401.69	14,292.85
May.....	14,440.97	431.36	14,009.61	13,656.00
June.....	14,340.33	604.39	13,735.94	14,056.20
Total.....	173,971.95	5,887.57	168,084.38	166,909.55

Balance brought forward from June 30, 1924.....	\$14,788.91
Net receipts July 1, 1924, to June 30, 1925:	
Gross receipts.....	\$173,971.95
Less amount refunded.....	5,887.57
	168,084.38
Total to be accounted for.....	182,873.29
Copyright fees applied July 1, 1924, to June 30, 1925.....	166,909.55
Balance carried forward to July 1, 1925:	
Trust funds.....	13,458.80
Unfinished business.....	2,504.94
	15,963.74
	182,873.29

## EXHIBIT B

Month	Registrations, including certificates		Registration of photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$1	Number	Fees at \$0.50	Number	Fees at \$0.50		
<b>1924</b>								
July.....	12,612	\$12,612.00	280	\$140.00	366	\$183.00	13,258	\$12,935.00
August.....	11,381	11,381.00	447	223.50	43	21.50	11,871	11,626.00
September....	12,932	12,932.00	375	187.50	82	41.00	13,389	13,160.50
October.....	13,540	13,540.00	530	265.00	262	131.00	14,332	13,946.00
November....	12,174	12,174.00	857	428.50	250	125.00	13,281	12,727.50
December....	13,665	13,665.00	378	189.00	269	134.50	14,312	13,988.50
<b>1925</b>								
January.....	14,202	14,202.00	331	165.50	549	274.50	15,082	14,642.00
February....	12,937	12,937.00	697	348.50	440	220.00	14,074	13,505.50
March.....	14,051	14,051.00	286	143.00	291	145.50	14,628	14,339.50
April.....	13,454	13,454.00	324	162.00	344	172.00	14,122	13,788.00
May.....	12,911	12,911.00	322	161.00	212	106.00	13,445	13,183.00
June.....	13,512	13,512.00	331	165.50	152	76.00	13,995	13,753.50
Total...	157,371	157,371.00	5,168	2,584.00	3,309	1,654.50	165,848	161,609.50

  

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of users		Search fees	Total fees applied
	Number	Fees at \$0.50	Number	Fees	Number	Fees at \$0.10	Number	Fees		
<b>1924</b>										
July.....	109	\$54.50	237	\$236.00	950	\$95.00	79	\$27.25	\$14.50	\$12,391.25
August.....	159	79.50	196	272.00	1,577	157.70	45	14.50	33.00	12,182.70
September....	625	312.50	114	151.00	122	12.20	49	17.00	11.50	13,664.70
October.....	133	66.50	184	236.00	87	8.70	21	7.00	47.00	14,311.20
November....	264	132.00	167	211.00	153	15.30	99	24.50	47.50	13,157.80
December....	104	52.00	205	248.00	221	22.10	75	31.50	24.50	14,376.60
<b>1925</b>										
January.....	175	87.50	256	301.00	94	9.40	44	15.75	23.50	15,079.15
February....	108	51.50	219	266.00	249	24.90	73	23.25	49.50	13,925.15
March.....	200	100.00	243	304.00	177	17.70	63	17.25	37.50	14,815.95
April.....	115	57.50	308	364.00	181	18.10	55	20.25	45.00	14,292.85
May.....	118	59.00	255	322.00	240	24.00	79	24.50	43.50	13,656.00
June.....	92	46.00	170	209.00	112	11.20	65	17.00	19.50	14,056.20
Total...	2,197	1,098.50	2,554	3,149.00	4,163	416.30	747	239.75	396.50	165,909.55

EXHIBIT C.—Statement of gross cash receipts, yearly fees, number of registrations, etc., for 28 fiscal years

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98	\$61,099.56	\$65,926.50	75,545		
1898-99	64,185.65	58,267.00	80,968	5,423	
1899-1900	71,072.33	65,208.00	94,798	13,830	
1900-1901	69,525.25	63,687.50	92,351		2,447
1901-2	68,405.08	64,687.00	92,978	627	
1902-3	71,533.91	68,874.50	97,979	5,001	
1903-4	75,302.83	72,620.00	103,130	5,151	
1904-5	80,440.56	78,058.00	113,374	10,244	
1905-6	82,610.92	80,198.00	117,704	4,330	
1906-7	87,394.31	84,685.00	123,520	6,125	
1907-8	85,042.03	82,357.50	119,742		4,067
1908-9	87,085.53	83,816.75	120,131	389	
1909-10	113,662.83	104,644.95	109,074		11,067
1910-11	113,661.52	109,912.95	115,198	6,124	
1911-12	120,149.51	116,685.05	120,931	5,733	
1912-13	118,068.26	114,980.00	119,496		1,436
1913-14	122,636.92	120,219.25	123,154	3,659	
1914-15	115,594.55	111,922.75	115,193		7,961
1915-16	115,663.42	112,986.85	115,967	774	
1916-17	113,808.51	110,077.40*	111,438		4,529
1917-18	109,106.87	106,352.40	106,728		4,710
1918-19	117,518.96	113,118.00	113,003	6,275	
1919-20	132,371.37	128,492.25	126,562	13,560	
1920-21	141,199.33	134,516.15	135,280	8,718	
1921-22	145,396.26	138,516.15	138,633	3,353	
1922-23	153,923.62	149,297.00	148,946	10,313	
1923-24	167,705.98	162,544.90	162,694	13,748	
1924-25	173,971.95	166,909.55	165,848	3,154	
Total	2,979,023.82	2,857,599.95	3,260,673		

NOTE.—Detailed statement for 18 fiscal years, 1897-98, etc., to 1914-15, by months, may be found in Annual Report of Register of Copyrights for year 1914-15 (pp. 177-178, Report of the Librarian of Congress for 1914-15). For subsequent years see the respective annual reports.

EXHIBIT D.—Table of registrations made during fiscal years 1919-20 to 1924-25, inclusive, arranged by classes<sup>1</sup>

	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25
<b>Class A. Books (including pamphlets, leaflets, and contributions to periodicals):</b>						
(a) Printed in the United States.....	37,710	39,864	44,626	52,034	58,729	61,440
(b) Printed abroad in a foreign language.....	989	1,134	1,309	2,886	2,306	3,266
(c) English books registered for ad interim copyright.....	441	247	372	641	947	964
<b>Total.....</b>	<b>39,090</b>	<b>41,245</b>	<b>46,307</b>	<b>55,561</b>	<b>61,982</b>	<b>65,670</b>
<b>Class B. Periodicals (numbers).....</b>	<b>28,935</b>	<b>34,074</b>	<b>35,471</b>	<b>37,104</b>	<b>39,806</b>	<b>40,880</b>
<b>Class C. Lectures, sermons, addresses.....</b>	<b>216</b>	<b>198</b>	<b>374</b>	<b>276</b>	<b>281</b>	<b>263</b>
<b>Class D. Dramatic or dramatico-musical compositions.....</b>	<b>2,906</b>	<b>3,217</b>	<b>3,418</b>	<b>3,778</b>	<b>3,409</b>	<b>4,015</b>
<b>Class E. Musical compositions.....</b>	<b>29,151</b>	<b>31,054</b>	<b>27,381</b>	<b>24,900</b>	<b>26,734</b>	<b>25,548</b>
<b>Class F. Maps.....</b>	<b>1,498</b>	<b>1,647</b>	<b>1,930</b>	<b>2,042</b>	<b>2,265</b>	<b>2,222</b>
<b>Class G. Works of art; models or designs.....</b>	<b>2,115</b>	<b>2,762</b>	<b>2,954</b>	<b>2,790</b>	<b>2,873</b>	<b>2,950</b>
<b>Class H. Reproductions of works of art.....</b>	<b>11</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>4</b>
<b>Class I. Drawings or plastic works of a scientific or technical character.....</b>	<b>914</b>	<b>739</b>	<b>800</b>	<b>1,254</b>	<b>1,342</b>	<b>1,414</b>
<b>Class J. Photographs.....</b>	<b>6,955</b>	<b>7,043</b>	<b>6,645</b>	<b>6,875</b>	<b>7,922</b>	<b>6,981</b>
<b>Class K. Prints and pictorial illustrations.....</b>	<b>10,945</b>	<b>9,362</b>	<b>9,139</b>	<b>10,400</b>	<b>11,170</b>	<b>10,827</b>
<b>Class L. Motion-picture photoplays.....</b>	<b>1,418</b>	<b>1,391</b>	<b>1,307</b>	<b>1,145</b>	<b>1,181</b>	<b>1,272</b>
<b>Class M. Motion pictures not photoplays.....</b>	<b>296</b>	<b>330</b>	<b>180</b>	<b>132</b>	<b>292</b>	<b>493</b>
<b>Renewals.....</b>	<b>2,112</b>	<b>2,206</b>	<b>2,726</b>	<b>2,689</b>	<b>3,453</b>	<b>3,309</b>
<b>Total.....</b>	<b>126,562</b>	<b>135,280</b>	<b>138,633</b>	<b>148,946</b>	<b>162,694</b>	<b>165,848</b>

<sup>1</sup> For detailed statement of registrations made for fiscal years from 1901-2 to 1914-15 see Annual Report of Register of Copyrights for 1914-15, pp. 180-183. For subsequent years see the respective annual reports.

EXHIBIT E.—Table of articles deposited during 1921-22, 1922-23, 1923-24, and 1924-25, with totals of articles deposited for years 1897-98 to 1924-25

	1921-22	1922-23	1923-24	1924-25	Total 1897-1925
<b>1. Books:</b>					
(a) Printed in the United States:					
Volumes.....	20,074	20,658	20,120	20,129	-----
Pamphlets, leaflets, etc....	41,414	49,397	55,120	55,820	-----
Contributions to newspapers and periodicals.....	16,566	18,827	22,300	24,179	-----
Total.....	78,054	88,882	97,540	100,128	-----
(b) Printed abroad in a foreign language.....	2,901	5,092	4,376	5,572	-----
English works registered for ad interim copyright.....	372	641	979	955	-----
Total.....	81,327	94,615	102,896	106,655	1,598,177
2. Periodicals.....	70,006	73,989	78,756	81,297	1,382,170
3. Lectures, sermons, etc.....	371	276	280	265	3,036
4. Dramatic or dramatic-musical compositions.....	3,676	4,074	3,709	4,477	89,690
5. Musical compositions.....	41,916	36,783	37,950	36,862	1,207,717
6. Maps.....	3,718	4,124	4,427	4,408	99,302
7. Works of art; models or designs.....	2,960	2,792	2,875	2,965	80,632
8. Reproductions of works of art.....	2	0	2	6	2,004
8a. Chromes and lithographs.....		0	0	0	48,712
9. Drawings or plastic works of a scientific or technical character.....	1,304	2,233	2,147	2,388	16,975
10. Photographs.....	12,772	13,468	14,768	13,436	694,266
11. Prints and pictorial illustrations.....	14,551	16,327	17,038	16,202	481,601
12. Motion-picture photoplays.....	8,301	7,350	8,134	8,701	97,245
13. Motion pictures not photoplays.....	368	248	464	699	5,478
14. Miscellaneous (unclassified articles) .....					778
15. Foreign books received under act of Mar. 3, 1906.....					2,827
Total.....	241,262	256,229	273,445	278,361	5,710,510

NOTE.—For detailed statement of articles deposited during fiscal years 1897-98 to 1914-15 see Annual Report of Register of Copyrights for 1914-15, pp. 183-186. For subsequent years see the respective annual reports.

The classification "Chromes and lithographs" is not given in the law after July 1, 1906.

## ADDENDUM I

(85th Cong., 2nd sess. H. R. 11258. In the House of Representatives. January 2, 1926)

Mr. Perkins introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

A BILL To amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union

WHO MAY SECURE COPYRIGHT AS FIRST OWNER OF THE WORK

*Copyright to vest in author upon creation of his work.* *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That copyright is secured by this act for all the writings of authors from the time of the making of their works, whether unpublished or published, for the term of copyright protection hereinafter provided. Such copyright shall vest in the author of any such work immediately upon the making of the work and shall not depend upon the accomplishment of any conditions or formalities whatever: *Provided, however,* That for the purposes of preserving evidence and facilitating transfers of copyright and rights thereunder, any author or his executors, administrators, or assigns may obtain registration for such work upon complying with the provisions of this act, and the certificate of such registration, under seal of the copyright office, shall be admitted in any court as prima facie evidence of the facts stated therein.

*Foreign author may obtain copyright.* SEC. 2. The copyright secured by this act shall extend to the work of an author who is a citizen or subject of a foreign state or nation:

*Resident alien.* (a) When an alien author shall be domiciled or a bona fide resident within the United States during the whole or any substantial part of the time of the making of his work, or at the time of the first publication or first public performance of his work; or



(b) When such author is a citizen or subject of any country within the International Copyright Union, or has first published his work in some country which is a member of the said union, in accordance with the provisions of this act; or

*Citizen of country of International Copyright Union.*

(c) When a foreign state or nation of which an author is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or

*Reciprocal protection is granted.*

(d) When a foreign author is a citizen or subject of any country which is a party to an international agreement which provides for reciprocity in the granting of copyright, when the United States shall have become a party thereto.

*United States party to international agreement on copyright.*

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

*President's proclamation.*

SEC. 3. The author of any compilation, abridgment, adaptation, arrangement, dramatization, translation, or other version of a work in the public domain, or of a copyright work when made with the consent of the owner of the copyright in such work, shall be the first owner of the copyright in such compilation, abridgment, adaptation, arrangement, dramatization, translation, or other version, subject to the rights of the owner of the copyright in the original work.

*Author of compilation, abridgment, adaptation, etc.*

SEC. 4. Where any work subject matter of copyright under this act has been made by an author entitled to copyright in the United States under the terms of a contract with any person or corporation and during the course of his employment for hire by any such person or corporation, such employer shall be the first owner of the copyright in such work, subject to the terms of the agreement between the author and his employer.

*Author employed for hire.*

SEC. 5. The owner of the manuscript of an author's work acquired under the author's will shall be presumed to be the owner of the copyright in such work provided the work has not been published nor performed or delivered in public.

*Owner of author's unpublished manuscript.*

Publisher  
newspaper  
periodical.

of  
or  
SEC. 6. The publisher of a newspaper or other periodical shall be the first owner of the general copyright therein: *Provided, however,* That in the case of any literary or other contribution therein the author thereof shall be the owner of the copyright, and in the absence of agreement to the contrary he shall be deemed only to have licensed the publisher to print and publish the said contribution.

Maker of mo-  
tion pictures, mu-  
sical records, etc.

SEC. 7. Where any person, association, firm, or corporation, after this act goes into effect, shall manufacture a motion picture, or shall make and sell a phonographic record or a perforated roll or other contrivance which shall mechanically reproduce any literary, dramatic, musical, or dramatico-musical work, such person, association, firm, or corporation shall be the first owner of the copyright in such motion picture or in such phonographic record, perforated roll, or other contrivance:

Proviso: Pro-  
tection of work  
used.

*Provided, however,* That where such motion picture, or such phonographic record or perforated roll or other contrivance, is based in whole or in part upon a work in which copyright subsists, then, during the term of copyright in such work, the copyright in such motion picture shall include only the exclusive right to make, copy, vend, and exhibit it, and the copyright in such phonographic record, roll or other contrivance shall include only the exclusive right to make, copy, and vend it: *And provided further,* That the copyright in such motion picture, or such phonographic record, roll, or other contrivance, shall be held subject to all the rights of the owner of the copyright in any work upon which such motion picture, or such phonographic record, roll, or other contrivance, is based.

Author's re-  
served rights con-  
firmed.

SEC. 8. In the case of any copyright registered prior to the time when this act goes into effect by a proprietor under a contract, express or implied, by which some of the rights included in the copyright were reserved to the author, the ownership of the said rights is hereby confirmed to the author or his assigns, who shall be entitled to dispose of them or to bring an action in case of their infringement as fully as the author could do under this act had copyright been originally obtained by him.

## WORKS PROTECTED

SEC. 9. The works for which copyright is secured <sup>All writings of author protected.</sup> under this act shall include all the writings of authors, whether unpublished or published, and the classes of works enumerated below are expressly recognized as subject matter of copyright; but the following specifications shall not be held to limit the subject matter of copyright nor shall any error in classification invalidate or impair the copyright protection secured under this act:

- (a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;
- (b) Periodicals, including newspapers;
- (c) Lectures, sermons, addresses (prepared for oral delivery);
- (d) Dramatic compositions and dramatico-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art (drawings, paintings, and sculpture);
- (h) Reproductions of a work of art including engravings, lithographs, photo-engravings, photogravures, casts, plastic works, or copies by other recognized methods of reproduction;
- (i) Drawings and plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations, including prints or labels for articles of manufacture heretofore registrable in the Patent Office under the act approved June 18, 1874;
- (l) Motion-picture photoplays;
- (m) Motion pictures other than photoplays;
- (n) Scenarios for motion pictures;
- (o) Works of architecture, models, or designs for <sup>Works of architecture.</sup> architectural works;
- (p) Choreographic works and pantomimes, the scenic <sup>Choreographic works and pantomimes.</sup> arrangement or acting form of which is fixed in writing or otherwise;
- (q) Phonographic records, perforated rolls, and other <sup>Phonograph records.</sup> contrivances by means of which sounds may be mechanically reproduced.

*Compilations,  
abridgments, etc.*

SEC. 10. Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyright works when used with the consent of the owner of the copyright in such works, as well as motion pictures and phonographic records, rolls, or other contrivances made from such works, shall be regarded as new works subject to copyright under the provisions of this act; but the making or publication of any such compilations, abridgments, adaptations, arrangements, dramatizations, translations, motion pictures, or phonographic records, rolls, or other contrivances shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

*Such use not to  
affect original  
copyright.*

*Works in the  
public domain.*

SEC. 11. No copyright shall subsist in the original text of any work which is in the public domain, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,*

*Government  
publications.*

That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright owner.

#### EXCLUSIVE RIGHTS SECURED

*Exclusive rights  
secured.*

SEC. 12. It is expressly recognized and declared that the copyright hereby granted secures to authors of works of literature, music, the drama, and the fine arts, and to the administrators, executors, or assigns of such authors, the exclusive right to produce, perform, or distribute their works by any means whatsoever, and, subject to the provisions of this act, any person entitled thereto shall have the exclusive right:

*To copy, print,  
and vend, etc.*

(a) To copy, print, reprint, publish, produce, reproduce, or transmit the copyright work in any form; and to vend or otherwise dispose of such work and to authorize its public use in any manner or by any means whatsoever;

- (b) To translate said work into other languages or dialects, or to make any other version thereof; To translate.
- (c) To reproduce said work in the form of a motion picture and to exhibit the same; To make a motion picture.
- (d) To make, copy, and vend any phonographic record, or any perforated roll, or other contrivance by means of which, in whole or in part, the copyright work may be mechanically reproduced; To make records.
- (e) To dramatize the copyright work if it be a nondramatic work, and to convert it into a novel or other nondramatic work if it be a drama; To dramatize.
- (f) To convert a copyright motion-picture photoplay which is not based upon a work in which copyright is subsisting into a story or dramatic composition; To convert a motion picture into a story or drama.
- (g) To arrange or adapt the copyright work if it be a musical work; To arrange music.
- (h) To complete, execute, and finish said work if it be a model or design for a work of art; To finish a work of art.
- (i) To deliver or authorize the delivery of said work in public if it be a lecture, sermon, or address, prepared for oral delivery; To deliver in public.
- (j) To communicate the copyright work to the public by means of radio broadcasting, telephoning, telegraphing, or any other method for transmitting sounds or pictures; To broadcast.
- (k) To perform or represent said work publicly in whole or in part, if it be a dramatic or dramatico-musical work, and if such work is unpublished, to vend any manuscript or any record whatsoever thereof; to make or to procure the making, in whole or in part, of any transcription or record thereof or of any other contrivance by or from which it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; To perform or represent.
- (l) To perform said work publicly if it be a musical composition; and for the purpose of public performance and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody To control mechanical production of music.

of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches or public schools, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

*Copyright in composite works or periodicals.*

SEC. 13. The copyright provided by this act shall protect in the case of composite works or periodicals all the copyrightable component parts of the work copyrighted, and all matters therein in which copyright is already subsisting: *Provided, however,* That the publisher of a newspaper or other periodical shall, in the absence of an agreement with the author to the contrary, secure only a license to print and publish in such newspaper or other periodical such author's literary or other contribution contained therein.

*Copyright in work of architecture.*

SEC. 14. The copyright of a work of architecture shall cover only its artistic character and its design and shall not extend to processes or methods of construction nor shall it prevent the making or publishing of photographs, paintings, or other illustrations thereof which are not in the nature of architectural drawings or plans, and the owner of the copyright shall not be entitled to obtain an injunction restraining the construction, substantially begun, of an infringing building, or an order for its demolition or seizure.

#### ASSIGNMENT OF COPYRIGHT, ETC.

*Assignment, grant, or mortgage of copyright.*

SEC. 15. Copyright under this or previous acts of the United States may be assigned, granted, or mortgaged, or may be bequeathed by will. In order to be valid such assignment, grant, or mortgage shall be in writing signed by the author or other owner of the copyright. Such owner of the copyright in any work

*License of any copyright interest.*

may assign, grant, or mortgage the entire copyright, either generally or subject to limitations, for the entire period of the copyright or for a limited time, or for a

specified territory; and he may so assign, grant, or mortgage any separate right or rights recited in section 12 of this act, and may grant any interest in any such right of in the entire copyright by license; but any separate right or use not collectively or specifically assigned shall remain the property of the author of the work or other owner of the copyright therein. The author or his assigns may prevent infringement of, or interference with, any or all of their respective rights by legal means and may obtain damages as provided by this act for any act or acts in violation of any such rights: *Provided, however,* That any such assignment, grant, license, or mortgage shall specify and clearly describe the rights granted under this act or previous acts of the United States which are so assigned, granted, mortgaged, or licensed.

SEC. 16. Every assignment of copyright and every copyright license executed in a foreign country shall be acknowledged by the assignor or licensor before a secretary in the diplomatic service or consular officer of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such secretary or consular officer shall be prima facie evidence of the execution of the instrument.

*Foreign assignment to be acknowledged before a consular officer.*

SEC. 17. Assignments, grants, mortgages, or licenses of copyright, or of separate rights thereunder, may be recorded in the copyright office, and no action shall be maintained for the infringement of the copyright in any work, or of any separate right thereunder, by an assignee of the copyright or of such right, until the instrument under which he claims shall have been recorded.

*Assignments, etc., may be recorded.*

*Can not sue until assignment, etc., is recorded.*

SEC. 18. The recording provided for in the preceding section may take place at any time, but if any assignee, grantee, mortgagee, or licensee shall fail to record his assignment, grant, mortgage, or license within three calendar months after its execution in the United States, or within six calendar months after its execution without the limits of the United States, such assignment, grant, mortgage, or license shall be void as against a subsequent

*Recording to take place within 3 to 6 months.*

purchaser for a valuable consideration, without notice, whose assignment has been duly recorded.

*Copyright is distinct from material object.*

SEC. 19. The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object unless expressly stipulated; but nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyright work the possession of which has been lawfully obtained.

TERM OF COPYRIGHT PROTECTION

*Term of copyright.*

SEC. 20. The copyright secured by this act, except as otherwise expressly provided, shall endure for the life of the author of the work and for a period of fifty years after his death. In the case of a work by joint authors, the copyright shall terminate at the expiration of fifty years from the date of the death of the author who dies first, unless a joint author is living at the end of said fifty years, in which event the copyright shall terminate upon the death of the last surviving joint author.

*Posthumous work, or work by an employee for hire, etc.*

SEC. 21. In the case of any posthumous work, or of any work the copyright of which is first owned by an employer for hire; or any composite or cyclopedic work; or any compilation, abridgment, adaptation, or arrangement, the copyright shall endure for a period of fifty years from the date of the first publication of the work.

*Newspaper or periodical.*

SEC. 22. The general copyright secured under this act by the publisher of a newspaper or other periodical shall endure for a period of fifty years from first publication: *Provided, however,* That unless there is a specific agreement to the contrary, the right of periodical publication in any literary or other contribution published in such newspaper or periodical under the provisions of section 13 of this act shall, after such publication, revert to the author thereof and shall continue during his life and for fifty years after his death.



SEC. 23. Copyright shall subsist in motion pictures and in phonographic records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced for a period of fifty years from the date when such motion picture is first sold or exhibited, or such phonographic record, roll, or other contrivance is first sold, offered for sale, or otherwise publicly distributed.

*Motion pictures, records or perforated rolls.*

SEC. 24. The copyright subsisting in any work when this act goes into effect shall be continued at the end of the subsisting term until the expiration of fifty years beyond the author's death, and such continuation of the copyright shall vest in the author, if still living, or, if the author be not living, in the widow, widower, or children of the author, or if such author, widow, widower, or children be not living, then if the author left a will the copyright shall vest in the author's executors or in a duly appointed administrator with the will annexed, and in the absence of a will the copyright shall vest in the author's next of kin: *Provided*, That in the case of a posthumous work or of a periodical or other composite or cyclopedic work, or a work copyrighted by an employer for whom such work was made for hire, or by a corporate body (otherwise than as assignee or licensee of the individual author), the proprietor of the subsisting copyright in any such work shall have a continuing copyright in such work which shall terminate fifty years from the date of first publication.

*Extension of term for subsisting copyright.*

*Extension of term for posthumous, composite or cyclopedic work.*

SEC. 25. In the case of works by foreign authors who are citizens or subjects of any country within the International Copyright Union made or first published after the date of the President's proclamation of adhesion to the said union, the copyright protection in the United States shall begin upon such date of making or first publication; and in the case of all of their works, not previously copyrighted in the United States, in which copyright is subsisting in any country of the copyright union at the date of said proclamation, copyright protection in the United States shall begin upon such date; but the duration and termination of the copyright pro-

*Term for works by foreign authors*

*Not to extend beyond protection abroad.* protection in the United States for all works shall be governed by the provisions of this act: *Provided, however,* That the duration of copyright in the United States shall not in the case of any foreign work extend beyond the date at which such work has fallen into the public domain in the country of origin.

## INFRINGEMENT OF COPYRIGHT AND REMEDIES

*Infringement of copyright.* SEC. 26. If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

*Injunction and damages.* (a) To an injunction restraining such infringement;

(b) To pay such damages to the owner of the right infringed as he may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement; and in proving profit, the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims;

*Damages assessed by court.* (c) To pay, at the option of the owner of the right infringed, in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts hereinafter stated; but except as otherwise expressly provided in this act, such damages shall in no case exceed the sum of \$5,000 nor be less than \$250, and shall not be regarded as a penalty:

*Measure of damages: Works of art.* *First.* In the case of a painting, statue, or sculpture, \$10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

*Other works.* *Second.* In the case of any work enumerated in section 9 of this act, except a painting, statue, or sculpture, \$1 for every infringing copy made or sold or found in the possession of the infringer or his agents or employees;

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

*Dramatico-musical work, motion picture, etc.* *Fourth.* In the case of a choreographic work or pantomime, or a dramatic or dramatico-musical, or a choral or orchestral composition, or a motion picture, \$100 for

the first and \$50 for every subsequent infringing performance or exhibition;

*Fifth.* In the case of other musical compositions, \$10 Musical composition. for every infringing performance;

(d) In the case of an unauthorized newspaper reproduction of a copyrighted photograph such damages assessed, Newspaper reproduction of photograph. in lieu of actual damages and profits shall not exceed the sum of \$200 nor be less than the sum of \$50;

(e) In case of the infringement of an undramatized or nondramatic work by means of motion pictures, where Infringement by motion picture of nondramatic work. the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such statutory damages shall not exceed the sum of \$100;

(f) In case of the infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyright work and that such infringement could not reasonably have been foreseen, the entire sum of such statutory damages recoverable by the owner of the rights infringed from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of \$5,000 nor be less than \$250. Special damages.

SEC. 27. The person guilty of infringement shall further be liable:

(a) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright or any subsidiary right; Delivery of infringing articles.

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

SEC. 28. All actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the Supreme Court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of Jurisdiction.

first instance of the Philippine Islands, and any court given jurisdiction under this section may proceed in any action, suit, or proceeding instituted for violation of any provision of said laws to enter a judgment or decree enforcing the remedies provided by this act.

*Court may grant injunctions.*

SEC. 29. Any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any such injunction may be served on the parties against whom it may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any court or judge possessing jurisdiction of the defendants.

*Certified copies.*

SEC. 30. The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

*Proceedings may be united in one action.*

SEC. 31. The proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action.

*Attorney's fees.*

SEC. 32. In all actions, suits, or proceedings under this act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

*District of the defendant.*

SEC. 33. Civil actions, suits, or proceedings arising under this act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

*Suit in name of assignee.*

SEC. 34. Any civil action, suit, or proceeding involving the infringement of any exclusive right recited in section 12 of this act which has been assigned, granted, or mortgaged to another may be instituted and prosecuted by and in the name of the assignee, grantee, or mortgagee of such exclusive right in the same manner and as fully

the first copyright owner could have done had no assignment, grant, or mortgage been made: *Provided*, Assignment must be recorded. That before any such action, suit, or proceeding is begun, such assignment, grant, or mortgage shall have been recorded in the copyright office at Washington.

SEC. 35. In any action for infringement of copyright in a work for which no registration has been made, Copyright is presumed to subsist. copyright in such work shall nevertheless be presumed to subsist, and if the author's name is indicated thereon, it shall be presumed that the person so named is the author of the work until the contrary is proved. If the work is anonymous or pseudonymous, the publisher whose name appears on the work shall be entitled to protect the rights of the author.

SEC. 36. The publisher of a copyright newspaper or other periodical shall, as the first owner of the general Infringement of article in newspaper. copyright in such work, have the right to sue for infringement of the copyright, including infringement of any copyrightable component part thereof except where, under the provisions of section 13 hereof, such publisher and owner has acquired from the author only a license to print and publish his literary or other contribution.

SEC. 37. The orders, judgments, or decrees of any court mentioned in section 28 of this act arising under the Appeal: Writ of error. copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts respectively.

SEC. 38. Nothing in this act shall be construed to annul or limit the right of the author or the copyright owner of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor; nor to deprive the owner of the copyright in any work or the owner of any rights infringed of any remedy in law or equity external to the provisions of this act. Common law protection.

SEC. 39. Any person who wilfully and for profit shall Wilful infringement. infringe the copyright in any work protected under the copyright laws of the United States, or who shall knowingly and wilfully aid or abet such infringement,

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court: *Provided*, That no criminal proceeding shall be maintained under the provisions of this act unless the same is commenced within three years after the cause of action arose.

*No suit after three years.*

*Supreme Court to make rules for procedure.*

SEC. 40. The Supreme Court of the United States shall prescribe such rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement under the provisions of this act.

#### PROHIBITION OF IMPORTATION

*Piratical prints.*

*Prohibition of importation.*

*Notification to Treasurer and Postmaster.*

SEC. 41. The copyright in any work shall be deemed to be infringed by any person who knowingly imports for sale or hire or otherwise distributes in the United States copies of any piratical reprint of a work in which copyright subsists in the United States, and the importation into the United States of piratical copies of any work copyrighted in the United States, shall be and is hereby prohibited; and such prohibition of importation shall extend also to any authorized foreign reprint of an American author's work or of a work by an alien author domiciled or resident in the United States, whenever an agreement authorizing such reprint shall stipulate that copies of such reprint shall not be brought into the United States: *Provided*, That such agreement shall have been recorded in the copyright office at Washington, and that the owner of the United States copyright shall have notified in writing the Secretary of the Treasury, and the Postmaster General that the importation of copies of such work is in contravention of such agreement: *And provided further*, That, except as regards piratical copies, such prohibition of importation shall not apply to any foreign newspaper or magazine although containing matter copyrighted in the United States when such matter is printed or reprinted by authority of the owner of the United States copyright, unless such newspaper

or magazine contains also copyright matter printed or reprinted without such authorization.

SEC. 42. Any and all copies of works prohibited importation by this act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however,* That all copies of authorized editions of copyright works imported in the mails or otherwise in violation of the provisions of this act may be reexported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve wilful negligence or fraud. *Copies may be seized.*

SEC. 43. The Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright owners or injured parties, of the actual or contemplated importation of articles prohibited importation by this act which infringe the rights of such copyright owners or injured parties. *Rules for procedure: Importation.*

SEC. 44. No notice of copyright shall be required on any work subject to copyright under this act and the omission of such notice from any work shall not be taken as evidence that no copyright is claimed therein; but if desired a notice of the reservation of the copyright or of any right included in the copyright in any work may be placed on any or all copies of such work by the owner of the copyright or the assignee or licensee of any special right pertaining to the copyright in the work; *No notice of copyright required.*

*False notice.*

but any person who, with fraudulent intent, shall insert or impress any notice of copyright or words of the same purport in or upon any article in which copyright for the United States does not subsist, shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 nor more than \$1,000, and any person who shall know-

*Selling works with false notice.*

ingly issue or sell any article bearing such notice or words of the same purport when copyright in such article does not subsist in the United States shall be liable to a fine of \$100.

## DEPOSIT OF COPIES AND REGISTRATION OF COPYRIGHT

*Registration of copyright work.*

SEC. 45. The author of any work made the subject of copyright by this act, or the owner of the copyright in such work, may if he so desires obtain registration of a claim to copyright in such work upon the deposit in the copyright office at Washington of a suitable application which shall be accompanied by the registration fee provided by this act and one copy of the work in which copyright is claimed, or the identifying matter as below provided.

*Deposit of copy of work.*

SEC. 46. The copy deposited for registration may either be printed, typewritten, or be in legible handwriting if the work is a book, a dramatic, musical, or dramatico-musical composition; the scenario of a motion picture; a lecture, sermon, or address, or a choreographic work or a pantomime. For a photograph, there shall be deposited one print from the negative; for any work of the fine arts (drawing, painting, or sculpture) or for a model for a work of art, or a drawing or plastic work of a scientific or technical character, a photograph or other identifying reproduction; for a motion picture, the title, description, and synopsis of it, with as many prints from each reel as will identify it; for an architectural work, a photographic or other identifying representation of such work and such drawings as are necessary to identify it: *Provided*, That in the case of a motion picture such deposit and registration shall only be made for a completed work: *And provided*

*No deposit of cords or rolls.*

*further*, That the deposit of records, rolls, or other contrivances by means of which sounds may be me-



chanically reproduced shall not be required; but the application for registration of a claim of copyright in any such record, roll, or other contrivance shall describe the music which has been actually recorded and shall clearly differentiate and identify the particular rendition and its performer, and shall state the date when such record, roll, or other contrivance was first sold, offered for sale, or otherwise publicly distributed.

SEC. 47. The register of copyrights upon receipt of such application and such required copy or identifying matter shall make suitable record of the copyright claim and shall then return the copy or identifying matter received to the person indicated in the application, with a certificate attached, under seal of the copyright office.

*Registration to be made and copies returned.*

SEC. 48. In the case of any work in which copyright is claimed, whether published or unpublished, a copy of which by reason of its character, bulk, or fragility, or because of dangerous ingredients, can not expediently be filed, the register of copyrights may determine that there shall be deposited with the application for registration, in lieu of a copy of such work, such identifying photographs or prints, together with such written, typewritten, or printed description of the work as he shall find sufficient to identify it.

*Dangerous or bulky articles.*

SEC. 49. Whenever any literary, dramatic, musical, or artistic work has been published, it shall be obligatory, except as below provided, to make a deposit in the copyright office promptly after the date of publication of two complete copies of the best edition thereof then published; not as a condition for securing copyright but for the use of the Library of Congress. Registration for such work may be secured if such copies are accompanied by a suitable application: *Provided, however,* That no copies of a complete motion-picture film shall be required to be deposited: *And provided further,* That the deposit of copies required by this act shall not be obligatory in case of any work whose author is a citizen or subject of a foreign country which is a member of the International Copyright Union or any work which is protected by copyright in the United States under this act by reason of first publication in any country which is a member of the said

*Deposit of published work for Library of Congress.*

*No deposit required of books by foreign authors.*

union, unless and until such work, if it be a book, shall have been republished in the United States under an assignment of the copyright for the United States, or under a license to print and sell such book in the United States.

*Newspapers or periodicals.*

SEC. 50. That of newspapers or other periodicals in which copyright is claimed, one copy of each issue shall be deposited promptly after the date of publication, and may be registered upon receipt of a suitable application and the registration fee, and such deposit and registration shall suffice for all of the copyrightable component parts of the periodical and shall be held sufficient in the case of actions or proceedings for the infringement of the copyright of any of the copyrightable contents of the said periodical, as provided in section 36 of this act.

*Failure to deposit work.*

SEC. 51. Should the copies of the published work called for by section 49 of this act not be promptly deposited as herein provided, the Librarian of Congress may at any time after the date of the publication of the work, upon actual notice, require the owner of the copyright to deposit it, and after the said demand shall have been made in default of the deposit of copies of the work in the Library of Congress within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, the owner of the copyright shall be liable to a fine of \$100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work.

*Demand by the Librarian of Congress for copies.*

*Receipt for copies from postmaster.*

SEC. 52. The postmaster to whom are delivered the articles deposited as provided in this act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant.

*Date of publication.*

SEC. 53. In the interpretation and construction of this act "the date of publication" shall in the case of a work of which copies are reproduced for sale or public distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the owner of the copyright or under his authority; and the performance of a dramatic,

*What is not publication.*

musical, or dramatico-musical work, the delivery of a lecture, sermon, or address, the exhibition of a motion picture, or of a work of art, and the construction of an architectural work or the issue of photographs or other reproductions of such work, shall not be held to be publication.

SEC. 54. In the case of each work registered for copy-  
right the person recorded as the owner of the copy-  
right shall be entitled to a certificate of registration  
under the seal of the copyright office, to contain the  
name and address of said owner, the name of the country  
of which the author of the work is a citizen or subject,  
and when an alien author domiciled or residing in the  
United States at the time of the making or first publica-  
tion or first public performance of his work, then a state-  
ment of that fact, including his place of domicile or resi-  
dence; the title of the work which is registered for  
which copyright is claimed; the name of the author  
(when the records of the copyright office shall show the  
same); the date of the deposit of the copy or copies of  
such work; the date of publication or performance if the  
work has been reproduced in copies for sale or publicly  
distributed or performed, and such marks as to class  
designation and entry number as shall fully identify the  
entry. The register of copyrights shall prepare a  
printed form for the said certificate, to be filled out as  
above provided for in the case of all registrations made  
after this act goes into effect, which certificate, sealed  
with the seal of the copyright office, shall, upon payment  
of the prescribed fee, be given to any person making  
application for the same, and a similar certificate shall  
be supplied on request in the case of all previous regis-  
trations so far as the copyright office record books shall  
show such facts. In addition to such certificate the  
register of copyrights shall furnish, upon request, with-  
out additional fee, a receipt for the copy or copies of any  
work deposited under this or previous acts of the United  
States. Said certificate and receipt shall be admitted in  
any court as prima facie evidence of the facts stated  
therein.

*Certificate for each entry.*

*Printed form for certificate.*

*Index to copy-  
right entries.*

SEC. 55. The register of copyrights shall fully index all copyright registrations and all assignments, grants, licenses, or mortgages recorded, and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. Both the current catalogues and the complete and indexed catalogues for each class of copyright entries shall be furnished to all persons desiring them at reasonable prices.

*Records open to  
public inspection.*

SEC. 56. The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection, and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

*Disposal of arti-  
cles deposited.*

SEC. 57. That of the articles deposited in the copyright office under the provisions of the previous copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

*Advertisement of  
deposits.*

SEC. 58. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their dis-

cretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from January to November, inclusive, a statement of the year of receipt of such articles and a notice to permit any author, copyright owner, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work deposited prior to the date upon which this act went into effect shall be destroyed during its term of copyright without specific notice to the copyright owner of record, permitting him to claim and remove it.

## COPYRIGHT OFFICE

SEC. 59. All records and other things relating to copy-  
rights required by law to be preserved shall be kept  
and preserved in the copyright office, Library of Con-  
gress, Washington, District of Columbia, and shall be  
under the control of the register of copyrights, who shall,  
under the supervision and approval of the Librarian of  
Congress, perform all the duties relating to the regis-  
tration of copyrights and shall be authorized to make  
rules and regulations for the registration of claims to  
copyright as provided by this act and to prescribe the  
form of application for such registration.

*Records and de-  
posits.*

*Register to make  
rule.*

SEC. 60. There shall be appointed by the Libra-  
rian of Congress a register of copyrights, at a salary  
of           thousand dollars per annum, and one assistant  
register of copyrights, at a salary of           thousand  
dollars per annum, who shall have authority during the  
absence of the register of copyrights to attach the copy-  
right office seal to all papers issued from the said office  
and to sign such certificates and other papers as may be  
necessary. There shall also be appointed by the li-  
brarian such subordinate assistants to the register as  
may from time to time be authorized by law.

*Register of  
Copyrights and  
Assistant Register.*

*Deposit of copy-  
right fees.*

SEC. 61. The register of copyrights shall make daily deposits with the Treasurer of the United States of all moneys received to be applied as copyright fees, and shall make weekly transfers to the Treasurer of the United States in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters; and he shall make monthly reports to the Comptroller General of the United States and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

*Report to Comp-  
troller General.*

*Register's bond.*

SEC. 62. The register of copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

*Annual report  
of register.*

SEC. 63. The register of copyrights shall make an annual report to the Librarian of Congress of all copyright business for the previous fiscal year, which report shall be printed promptly after the close of the fiscal year and also be printed in the annual report on the Library of Congress.

*Register to make  
entry.*

SEC. 64. The register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this act, and whenever application has been made to the copyright office for registration of copyright in compliance with the provisions of this act he shall make such registration.

*Assignments,  
etc., to be recorded.*

SEC. 65. The register of copyrights shall, upon payment of the prescribed fee, record any assignment of copyright, or any grant, license, or mortgage of any right pertaining to the copyright in any work protected under this act or any previous acts of the United States, and shall return it after recordation to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this act he shall furnish to any person requesting the same a certified copy thereof under said seal.

SEC. 66. The register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright under the provisions of this act, \$1, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be 50 cents where a certificate is not demanded, and only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time. For every additional certificate of registration made, 50 cents. For recording and certifying any instrument of writing for the assignment, grant, or mortgage of copyright, or any such license specified in section 15 of this act, or for any copy of such assignment, grant, mortgage, or license, duly certified, if not over three hundred words in length, \$1; if more than three hundred and less than one thousand words in length, \$2; if more than one thousand words in length, \$1 additional for each additional one thousand words or fraction thereof over three hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, \$1. For indexing the transfer of the ownership of copyright articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, 50 cents for each full hour of time consumed in making such search.

*Copyright fees—  
General.*

*For recording  
assignments, etc.*

*For indexing  
transfer of copy-  
right.*

SEC. 67. A seal shall be provided and be used in the copyright office and be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

*Copyright office  
seal.*

#### ENTRY OF THE UNITED STATES INTO THE INTERNATIONAL COPYRIGHT UNION

SEC. 68. The President of the United States be, and is hereby, authorized to effect and proclaim the adhesion of the United States to the convention creating an international union for the protection of literary

*Entry into the  
International  
Copyright Union.*

and artistic works, known also as the International Copyright Union, signed at Berne, Switzerland, September 9, 1886, and revised at Berlin, Germany, November 13, 1908, and to the "Additional protocol" to the said convention executed at Berne, Switzerland, March 20, 1914.

*As country of first class.*

SEC. 69. It is hereby declared that the United States desires to be placed in the first class of the countries which are members of the International Copyright Union, as provided in article 23 of the said convention of 1908.

*Foreign authors in union to be protected.*

SEC. 70. On and after the date of the President's proclamation, as provided in section 68 of this act, foreign authors not domiciled in the United States who are citizens or subjects of any country (other than the United States) which is a member of the said International Copyright Union, or authors whose works are first published in and enjoy copyright protection in any country which is a member of the said union, shall have within the United States the same rights and remedies in regard to their works which citizens of the United States possess under this act and for the period of

*Acts lawfully done prior to entry.*

copyright prescribed by this act: *Provided, however,* That no right or remedy given pursuant to this act shall prejudice lawful acts done or rights in copies lawfully made or the continuance of enterprises lawfully undertaken within the United States prior to the date of said proclamation, and such foreign author shall not be entitled to restrain any person who has, prior to such date; taken any action in connection with the reproduction or performance (in a manner which at the time was not unlawful) of any work by such foreign author whereby he has incurred any substantial expenditure or liability, unless such foreign author agrees to pay to him such compensation as, failing agreement, may be determined by arbitration.

*Protection for foreign works.*

SEC. 71. In the case of works by such foreign authors made or first published after the date of the said proclamation the copyright protection in the United States shall begin upon such date of making or first publication; and in the case of all their works, not previously copyrighted in the United States, in which



copyright is subsisting in any country of the copyright union at the date of the said proclamation, the copyright protection in the United States shall begin upon such date; but the duration and termination of the copyright protection in the United States for all works shall be governed by the provisions of this act: *Provided*, <sup>Work fallen into the public domain.</sup> *however*, That the duration of copyright in the United States shall not in the case of any foreign work extend beyond the date at which such work has fallen into the public domain in the country of origin.

SEC. 72. The enjoyment and the exercise by such <sup>No formalities required.</sup> foreign authors of the rights and remedies accorded by the provisions of this act shall not be subject to the performance of any formalities: *Provided, however*, That <sup>But a foreign owner may register his copyright.</sup> notwithstanding anything in this act a citizen or subject of any country within the International Copyright Union, who is the owner of a copyright for any work in one of the countries of the said union, may if he so desires register his claim of copyright in such work for the United States by depositing a copy of the work in the copyright office at Washington together with the prescribed application for registration.

SEC. 73. The act entitled "An act to amend the law relating to patents, trade-marks, and copyrights," approved June 18, 1874, is hereby repealed, as well as all other laws or parts of laws in conflict with the provisions of this act, but nothing in this act shall affect causes for infringement of copyright heretofore committed, now pending in courts of the United States or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law. <sup>Repeal clause.</sup>

SEC. 74. That this act shall go into effect on the first <sup>Date of enforcement.</sup> day of July, 1925.

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(68 Cong. 2d sess. H. R. 12306. Report No. 1621. In the House of Representatives. February 16, 1925.)

Mr. Vestal introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

February 19, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A BILL for copyright registration of designs

Copyright  
designs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled thereto by the act approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," and the acts amendatory thereof, including any citizen or subject of a foreign state or nation with which the United States shall have established copyright relations under the provisions of the said act, who is the author of any design as hereinafter defined, or the assignee of such author, may secure copyright therein upon the registration of such design in the copyright office of the United States: *Provided, however,* That the said design shall not have been in public use or on sale in this country by or with the consent of the author or proprietor for more than four months prior to the filing of the application for such registration.

SEC. 2. The term "design" as used in this act means any original conception in relation to a manufactured product, either as to pattern, shape, or form, in its actual application to or embodiment in such manufactured product for the purpose of ornamentation or surface or other decoration, or dies, molds, or devices for adapting such manufactured product for use in producing an artistic or ornamental effect; but shall not extend to any shape or form which has merely a functional or mechanical purpose.

SEC. 3. An application for registration under this act by any author or his assignee entitled thereto who has previously regularly filed an application for registration of a design in a foreign country shall secure registration for such design, provided such application is filed in the copyright office at Washington within four months from the earliest date on which such foreign application was filed, and no person otherwise entitled thereto shall be debarred from registering his design, nor shall any registration of a design under this act be declared invalid by

reason of its having been first registered by the author or proprietor in a foreign country, unless the application for the registration in such foreign country was filed more than four months prior to the filing of the application in this country, in which case no registration shall be made in this country.

SEC. 4. Any person entitled thereto, upon complying with the provisions of this act, shall have within all territory which is under the jurisdiction and control of the United States, the exclusive right to reproduce the said copyrighted design and sell and use reproductions thereof embodied in or applied to the manufactured product described in the application registered or products of similar character substantially as specified in the certificate of registration: *Provided, however,* That nothing in this act shall be construed to affect or lessen the present legal right of anyone to make, use, or sell manufactured articles protected under this act, or parts thereof, when such articles or parts are made, used, or sold as repair parts: *And provided further,* That no registration under this act shall be construed to deprive any person of any otherwise lawful right to illustrate fashions by pictorial reproductions.

SEC. 5. Every copyright for a design registered under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright claimant of record or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under such copyright for the whole or any part of the United States. Such assignment, grant, or conveyance shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment, grant, or conveyance has been duly recorded and who purchased prior to the recording of the prior assignment, grant, or conveyance. If any such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any clerk or commissioner of any

United States district court, or before a secretary in the Diplomatic Service or consular officer of the United States authorized by law to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country whose authority shall be proved by the certificate of a secretary in the Diplomatic Service or consular officer of the United States, the certificate of such acknowledgment or the record thereof in the copyright office, when made, shall be prima facie evidence of the execution of such assignment, grant, or conveyance. Every such assignment executed abroad shall be acknowledged by the assignor as before provided before it is recorded in the copyright office.

SEC. 6. During the term of protection for which any certificate of registration shall be issued hereunder it shall be unlawful for any person other than the owner of the copyright, without license from such owner, to copy the registered design or any characteristic original feature thereof, or to make any obvious or fraudulent imitation of said design or of any characteristic original feature thereof in the class of manufactured product named in the certificate or any product of similar character for the purpose of sale or public distribution or to sell or expose for sale or publicly distribute any manufactured product of similar character to which such design or such copy or imitation shall, without the license of the owner, have been applied: *Provided, however,* That such sale or public distribution or exposure for sale and public distribution by other than the manufacturer shall be unlawful only as to goods sold or publicly distributed after notice or knowledge of the registration of the design.

SEC. 7. The rights secured under the registration provided in section 1 of this act shall endure for a term of two years from the date when such registration shall have been completed. At any time before the expiration of the two-year term an extension of the copyright may be registered for a further period of eighteen years to secure a total period of protection of twenty years upon filing

an application for such extension and paying the fees prescribed in section 11 of this act.

SEC. 8. The register of copyrights shall be authorized to determine and designate the different classes of manufactured products under which registrations may be made, and subject to approval by the Librarian of Congress, to make rules and regulations for such registrations and for the form and contents of the required certificate.

SEC. 9. In the case of each entry of a claim for copyright in any design made subject matter of copyright by this act the person recorded as the claimant of copyright shall be entitled to a certificate of registration under the seal of the copyright office, which shall be admitted in any court as prima facie evidence of the facts stated therein. A duplicate certificate under the seal of the copyright office shall be supplied to any person requesting the same upon payment of the fee prescribed.

SEC. 10. When a design actually embodied in or applied to one article of manufacture is in substantially the same form to be embodied in or applied to a set of articles of the same general character ordinarily on sale together or intended to be used together, a single application for registration and one certificate of registration shall be sufficient to secure protection.

SEC. 11. The register of copyrights shall receive, and the persons to whom the services designated in this act are rendered shall pay, the following fees:

- (1) For the registration of any design deposited under the provisions of this act for the first term of two years, \$2.
- (2) For the registration of the extension of the period of protection to twenty years, as provided herein, \$20, and the payment of the said fees shall include, in each case, the certificate provided for in this act.
- (3) For a duplicate certificate of any registration made, \$1.
- (4) For recording any document in the copyright office, as provided in section 4 of this act, or for furnishing certified copies of any such document, \$1 for the first three hundred words or fraction thereof, and \$1 addi-

tional for each subsequent one thousand words or fraction thereof.

(5) For copies of any registration made, or of drawings or photographs, or other identifying reproductions filed in relation to any design registered, and for comparing such copies with the originals before certification, a reasonable fee, and 50 cents additional for certification of each such copy under seal of the copyright office.

SEC. 12. All designs registered for the first term of two years shall be listed in the Catalogue of Copyright Entries, prepared and printed under the provisions of the act of March 4, 1909, and each extension registration shall be described in said catalogue and shall be further identified by a reproduction of the design. The periodic issues of said catalogue may be subscribed for as provided in said act. The Catalogue of Copyright Entries for designs shall be admitted in any court as prima facie evidence of the facts therein stated as regards any copyright registration for a design made under the provisions of this act.

SEC. 13. When registration has been made in the copyright office for any design as provided in this act, written, printed, or photographic copies of any papers, drawings, or photographs relating to such design preserved in the copyright office shall be given to any person making application therefor and paying the fees required by this act, and such copies when authenticated by the seal of the copyright office shall be evidence in all cases where the originals could be evidence and of the same force and effect.

SEC. 14. It shall be the duty of the author or proprietor of a design registered under this act, and all persons making or vending the manufactured product bearing the design, to give notice to the public that the design is registered by affixing to the manufactured article the mark "Design registered U. S." with the number of the registration entry. When the nature of the product will not permit the affixing of this mark in full it shall be sufficient to use the abbreviation "D. Rgd.," and the number of the registration. When the product itself will not permit the affixing of any of these marks it

shall be sufficient to attach a label or tag to the article or to the package or cover containing the article in which the design is embodied or to which it is applied. In any action or suit for infringement by a party failing so to mark the manufactured product no recovery shall be adjudged the plaintiff except on proof that the defendant was notified of the registration and of his infringement thereof and that he continued after such notice to make or vend the product bearing the registered design, or that failure to mark was merely occasional and inadvertent, in no wise affecting the general notice intended by the accustomed marking. Any person who, with fraudulent intent, falsely marks such an article for the purpose of deceiving the public shall be liable for every such offense to a penalty of \$100 with costs.

SEC. 15. The district and territorial courts of the United States and its insular possessions, including the courts of first instance of the Philippine Islands and the Supreme Court of the District of Columbia, shall have original jurisdiction, and the circuit court of appeals of the United States, the Court of Appeals of the District of Columbia, and the Supreme Court of the Philippine Islands shall have appellate jurisdiction of all suits at law or in equity respecting designs registered in accordance with the provisions of this act.

SEC. 16. Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided in the Judicial Code as amended by the act of September 6, 1916.

SEC. 17. The several courts vested with jurisdiction of cases arising under this act shall have power to grant injunctions, according to the course and principles of equity, to prevent the infringement of rights secured by registration under this act, on such terms as the court may deem reasonable, and upon a decree being rendered in any such case for wrongful use of a design, the complainant shall be entitled to recover the profits to be accounted for by the defendant and the damages to be assessed by the court or under the direction of the court.

The courts shall have power within their discretion to increase the damages to treble the amount assessed, and in cases where the plaintiff may so request, or where from the record it is apparent to the court that an accounting would not find damages or profits to exceed \$100, the court may dispense with an accounting and may hold the defendant liable to pay to the plaintiff not less than \$100 nor more than \$250, or if upon proof the copying complained of be shown to be without knowledge or notice of the copyright the courts may dispense with any recovery of profits and damages. In any suit or action brought for the infringement of any copyright registered hereunder there shall be no recovery of profits or damages or other relief granted for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action.

SEC. 18. In any action or suit for infringement of copyright in a design registered under this act, upon judgment for complainant, the court may order all infringing articles, products, or parts disposed of in a manner which shall be just as between the parties, and all dies, models, and devices useful only in producing the infringing article, and all labels, prints, or advertising matter relating to the infringing article, to be delivered up and destroyed or otherwise disposed of.

SEC. 19. After adjudication and the entry of a final decree by any court in any action brought under this act any of the parties thereto may upon payment of the legal fees, have the clerk of the court prepare a certified copy or copies of such decree, or of the record, or any part thereof, and forward the same to any of the designated courts of the United States, and any such court to which such copy or copies may be forwarded under the provisions of this section shall forthwith make the same a part of its record; and any such record, judgment, or decree may thereafter be made, as far as applicable, the basis of an application to that court for injunction or other relief by any court in which such copies shall have been recorded; and in the preparation of such copies the printed copies of the record of either party on file with



the clerk may be used without charge other than for the certificate. When the necessary printed copies are not on file with the clerk either party may file copies which shall be used for the purpose, and in such cases the clerk shall be entitled to charge a reasonable fee for comparing such copies with the original record before certification and for certifying the same.

SEC. 20. Any person who shall register a design under this act knowing that the design is not an original work of authorship of the person, named as author in the application, or who shall bring an action or suit under a certificate of registration procured for a design known by the registrant or by the plaintiff to be not such an original work of authorship, of the person named as author in the application, shall, when party to a suit or action under such registration, and upon due showing of such knowledge, be liable to the sum of \$500, or such part thereof as the court may determine, to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

SEC. 21. In any action or suit for the infringement of a design registered under this act the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial that the plaintiff's claim is invalid.

SEC. 22. Any registration made for the extension of the term of copyright in any design under the provisions of section 7 of this act shall be held to be invalid and all injunctions thereunder shall automatically cease if the owner or all those acting for him and in his behalf shall for any period of two years after the beginning of such extension term fail to sell or otherwise dispose of articles embodying or containing the registered design.

SEC. 23. In an action or suit for infringement of copyright in a design registered under this act there shall be a presumption of originality in the registered design and a presumption of copying from substantial resemblance to the registered design in defendant's design.

SEC. 24. After the registration of a design shall have been adjudged invalid and a judgment or decree shall have been entered for the defendant the clerk shall forward a

certified copy of such judgment or decree to the register of copyrights, who shall forthwith make the same a part of the records of the copyright office.

SEC. 25. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 26. The following sections of the United States Revised Statutes are hereby repealed: Section 4929, as amended by the act of May 9, 1902; sections 4930 and 4931; and in section 4934, as amended by the act of February 18, 1922, the following words: "In design cases: For three years and six months, \$10; for seven years, \$15; for fourteen years, \$30": *Provided, however,* That notwithstanding the four months limitation in the proviso to section 1 of this act, an applicant who has duly filed in the Patent Office an application for a design patent and whose application has not become abandoned when this act goes into effect shall within six months after this act goes into effect elect to demand a design patent which may be granted him as if the sections herein repealed were still in effect; or, to file an application for registration of said design under this act, or two or more applications in different classes, if the design as disclosed in said application is entitled to registration in such different classes, as a continuation of and substitute for said application for a design patent, and to obtain copyright protection therefor under the provisions of this act: *And provided further,* That each registration pursuant to this section shall have the same force and effect as if the application therefor had been filed on the day of the filing of the application for design patent. Except as above provided in this section no copyright registration of a design under the provisions of this act shall be valid if the certificate of registration shall have been issued to an author or proprietor to whom or to whose assignee shall have been previously issued a design patent in this country for the same design.

SEC. 27. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical service, office equipment, stationery and supplies, for carrying into effect this act, for the fiscal

year ending June 30, 1926, \$50,000, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 28. The Librarian of Congress shall annually submit estimates in detail for all expenses of carrying this act into effect, and he is hereby authorized to appoint such subordinate assistants to the register of copyrights as shall be necessary for the prompt and efficient execution of the work involved.

SEC. 29. This act shall go into effect on July 1, 1925.

(68th Cong., 2d sess. House of Representatives. Report No. 1521.)

*H. R. Report  
No. 1521: Copy-  
right in designs.*

COPYRIGHT REGISTRATION OF DESIGNS

February 19, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 12306).

The Committee on Patents, to which was referred the bill (H. R. 12306) to authorize copyright registration of designs, having had the same under consideration, reports the bill to the House without amendment, and recommends that the same do pass.

The purpose of this bill is to encourage and promote the production of artistic designs in the United States by furnishing adequate protection against piracy for artistic articles of manufacture. The design patents act has long been admittedly insufficient for these purposes; first, because of the cumbersome provisions which it contains for search and examination as to novelty and invention; second, because of the narrow scope of the protection when secured. The essential need of the designers and manufacturers in this field is prompt protection because the life of an artistic design is often very brief. It takes months to obtain a patent and the commercial value of the design may be destroyed by means of cheap imitations before the patent is issued. The result has been that the design

patents act has become discredited and largely disused. It is the purpose of the present bill to replace that act.

The subject is one which has been before Congress in previous sessions with the result that it has received a considerable amount of public notice. Several hearings have been held on this bill and it does not appear that there is any objection to the substance of the bill at the present time on the part of anyone.

The bill repeals the existing laws relating to design patents and transfers the registration of designs of all kinds to the copyright office. It assimilates the protection granted to that secured under the copyright laws now in force and the procedure for securing registration to that of the present practice of the copyright office.

What is demanded is prompt registration of the design for a short term at small expense. This is possible under the application of the principles of copyright. The originator of a design is not an inventor but an author. The design is the result of work of authorship, not of invention.

It is not essential that the design shall be new, but only that it shall be original in its actual application to or embodiment in some manufactured article. Mr. Henry D. Williams, representing the Patent Law Association of New York, and having 40 years' familiarity with the administration of our patent law, pointed out, in his testimony in support of the legislation proposed at the public hearings on the bill, that to obtain a design patent, the applicant must have a new thing, and the Patent Office must make a careful search to determine that his design is new, but—

The copyright law is wholly different. \* \* \* In the copyright law we are really not concerned with the question of novelty. If the work is an original work of authorship, that is enough. It must not have been plagiarized; it must not have been copied. It must be an original work of authorship. But if somebody back in the centuries wrote the same thing it don't make any difference, because the right granted is the right to prevent others from copying this work. \* \* \* In a suit for infringement of copyright the defendant may justify by showing that his work is an independent act of authorship. In a suit for infringement of copyright the plaintiff must prove to the satisfaction of the

court that the defendant has copied the work of the plaintiff or of the plaintiff's author. There can be no innocent infringement of a copyright \* \* \*.

Section 2 of the bill defines the term "design" to mean an original conception in relation to a manufactured product as to pattern, shape, or form applied to or embodied in such product for the purpose of ornamentation or decoration. There are thus four important elements in a design which is subject to protection by this bill: (a) Originality, (b) relationship to a manufactured product, (c) application to or embodiment in such product, and (d) a purpose of ornamentation, decoration, etc. To this definition is added "dies, molds, or devices for adapting the product for use in producing an artistic or ornamental effect," which extends the definition to cover designs for articles, such as type faces, not in themselves ornamental but used in the production of ornamental results. As a limitation, it is provided that the term "design" shall not include any merely functional shape or form. Such things if new may be the subject of mechanical patent, but not of copyright.

Under claim of copyright, registration can be made upon a simple application filed by the author of the design or his assignee claiming that the design as applied to the article described in the application is original and otherwise complies with the law. No examination as to novelty or originality is required so that the procedure would be simple and expeditious.

The application must be filed within four months after the design has been in public use in this country or within four months from the earliest date on which any application for its registration was filed in any foreign country.

Section 1 of the bill states what persons are entitled to secure the privileges granted. They are citizens of the United States and citizens or subjects of foreign states or nations which have reciprocal copyright arrangements with the United States under the general copyright act of 1909. Such persons if authors of designs as defined in the act, or the assignees of such authors, may obtain

copyright for their designs upon registration in the copyright office.

The protection secured is the exclusive right to reproduce the copyrighted design and to sell and use reproductions thereof embodied in or applied to the manufactured product described in the application registered or products of similar character.

The right secured shall not be construed to lessen the present legal right of any one to make, use, or sell manufactured articles protected, or parts thereof when made, used, or sold as repair parts, nor to deprive anyone of the right to illustrate fashions by pictorial reproductions.

Every copyright for a design may be assigned, and such assignment may be recorded in the copyright office. The acknowledgment of such assignment before the suitable officer in the Diplomatic Service abroad or by clerks or commissioners of United States courts in this country, and the record of such acknowledgment in the copyright office when made, shall be prima facie evidence of the execution of such assignment.

It shall be unlawful during the term of the protection for any person other than the owner of the copyright without license from such owner to copy the registered design or any characteristic original feature thereof, or to make any obvious or fraudulent imitation thereof, for the purpose of sale or public distribution or to sell or expose for sale or publicly distribute copies so made.

But in order to protect reasonably the innocent purchaser of pirated goods it is provided that such sale or distribution by any other than the manufacturer "shall be unlawful only as to goods sold or publicly distributed after notice or knowledge of the registration of the design."

The protection is for a first term of 2 years at a registration fee of \$2, with right of extension for 18 years at a cost of \$20.

The register of copyrights is authorized to determine and designate the classes of manufactured products under which registrations may be made and to make rules and regulations for such registrations, and \$50,000 is appropriated for clerical service, office equipment and supplies for carrying into effect the act for the fiscal year 1926;

while the Librarian of Congress is authorized to appoint clerks for carrying on the work.

The registrations made are to be included in the Catalogue of Copyright Entries, and this catalogue shall be admitted in any court as prima facie evidence of the facts therein stated.

All articles manufactured to which a copyright design has been applied shall bear a notice including the number of the registration with the mark "D. Rgd." or "Design registered U. S.," and falsely marking such articles with fraudulent intent to deceive the public incurs a penalty of \$100.

The Federal courts are given jurisdiction of cases arising under the provisions of the act, and the remedies in case of infringement and the provisions for their enforcement agree in principle, and to a considerable extent in phraseology, with the provisions of existing laws for the protection of intellectual and industrial property.

Fraudulent registration is made punishable by a penalty of \$500 to be charged against the plaintiff in any case where a suit is brought on such a registration, which should prove an effective deterrent of dishonest and careless registrations.

If the owner of the design or the manufacturer of the article fails during any period of two years to sell or otherwise dispose of articles embodying or containing the registered design the registration shall be held invalid and all injunctions thereunder shall automatically cease.

Notwithstanding the repeal of the design patent laws, opportunity is given any person who has an application for a design patent pending, to elect within six months after this act goes into effect, either to demand that a design patent be granted him, or to file an application for copyright registration of his design "as a continuation of and substitute for said application for a design patent, and to obtain copyright protection therefor under the provisions of this act."

It is provided that no registration of a design under this act "shall be valid if the certificate of registration shall have been issued to an author or proprietor to whom or to

whose assignee shall have been previously issued a design patent in this country for the same design."

It is impossible to foresee how many applications for registration may be filed during the first year of the operation of this act. It is believed that registrations will be very freely made for the two-year term of protection at the fee of \$2. But it is probable that only a certain proportion of the registrations so made will be extended for the 18 years' further protection provided by the act, including only such designs as have proven popular when used or sold during the two-year period of protection. Under these circumstances an appropriation of \$50,000 is proposed for the first fiscal year for clerical service, office equipment, and supplies, in order to try the matter out. If a large number of registrations are demanded, a larger appropriation will be required.



## ADDENDUM II

### COPYRIGHT—SWITZERLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Whereas it is provided by the act of Congress approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the copyright secured by the act, except the benefits under section 1 (e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto:

And whereas it is provided by section 1 (e) of the said act of Congress, approved March 4, 1909, that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes

into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights”;

And whereas the President is authorized by the said section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require;

And whereas satisfactory official assurances have been received that the Swiss Federal Council has issued a decree dated September 26, 1924, declaring that citizens of the United States may obtain and since July 1, 1923, have been entitled to obtain copyright for their works in Switzerland which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (e) of the copyright act of the United States, approved March 4, 1909.

Now, therefore, I, Calvin Coolidge, President of the United States of America, do declare and proclaim

*Effective July 1,  
1923.*

That on and after July 1, 1923, the conditions specified in sections 8 (b) and 1 (e) of the act of March 4, 1909, existed and were fulfilled in respect to the citizens of Switzerland and that citizens of Switzerland are and since July 1, 1923, have been entitled to all the benefits of the act of March 4, 1909, including section 1 (e) thereof and the acts amendatory of the said act.

*Provided* that the enjoyment by any work of the rights and benefits conferred by the act of March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

*And provided further* that the provisions of section 1 (e) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to November

22, 1924, on any contrivance by means of which the work may be mechanically performed.

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

Done at the city of Washington this 22d day of November in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-ninth.

[SEAL.]

CALVIN COOLIDGE.

By the President:

JOSEPH C. GREW,  
*Acting Secretary of State.*

SWITZERLAND

*Decree of the Federal Council*

Determining the conditions of reciprocity between Switzerland and the United States of America in the matter of protection of literary and artistic works, September 26, 1924. *Translation.*

*The Swiss Federal Council*

By virtue of section 6, paragraph 2, of the Federal law of December 7, 1922, concerning copyright in literary and artistic works: *Swiss decree  
Sept. 26, 1924.*

In view of the fact that the United States of America, with the exception of the restrictions stated hereinbelow, grant to Swiss nationals for their literary, artistic, and photographic works, published for the first time in Switzerland, a protection similar to that of the Federal law of December 7, 1922, above referred to;

On the motion of its Department of Justice and Police, decree:

1. The Federal law of December 7, 1922, concerning the copyright of literary and artistic works is applicable from the day of its going into effect—that is to say, from and including July 1, 1923—to works published for the first time in the United States of America by nationals *Effective July 1,  
1923.*

of that country, but under the following restrictions which correspond to the reciprocity granted by the United States of America:

(a) Works of applied art of nationals of the United States of America published for the first time in that country are excluded from the application of the Federal law above mentioned;

(b) The provisions of the above-mentioned Federal law concerning copyright with respect to the adaptation to mechanical instruments (sec. 13, par. 1, clause 2, and par. 2; secs. 17 to 21 and sec. 58, par. 3) apply to all musical works of nationals of the United States of America published after July 1, 1909, which have not been used in Switzerland on mechanical instruments before the date of the declaration of reciprocity to be proclaimed by the President of the United States of America by virtue of this decree. With respect to other musical works of nationals of the United States of America, section 66 of the Federal law above mentioned is applicable by analogy.

2. By virtue of section 17, paragraph 4, of the Federal law of December 7, 1922, it is decided that the requirement in the first paragraph of that section which is to the effect that only the person owning an industrial plant in Switzerland may apply for a license for the adaptation of musical works to mechanical instruments, is not applicable to nationals of the United States of America; moreover, it is decreed that mechanical instruments to which musical works have been adapted under a Swiss license may be exported to the United States of America if the exporter enjoys there the right of adaptation and to such extent as that right has been granted to him.

Berne, September 26, 1924.

In the name of the Swiss Federal Council:

*The President of the Confederation:*

CHOUARD.

*The Chancellor of the Confederation:*

STEIGER.

Translated from "Le Droit D'Auteur." 38<sup>e</sup> année, 1925, 4<sup>o</sup>. Berne, No. 1, 15 Janvier 1925, pp. 9-10.

COPYRIGHT—AUSTRIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress approved March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the copyright secured by the act, except the benefits under section 1 (e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the said act, to wit:

*Proclamation  
dated Mar. 11.  
1925.*

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto:

And whereas it is provided by section 1 (e) of the said act of Congress, approved March 4, 1909, that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement or law, to citizens of the United States similar rights";

And whereas the President is authorized by the said section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require:

And whereas the President by proclamation dated April 9, 1910, did declare and proclaim that one of the alternative conditions specified in section 8 of the act of March 4, 1909, was then and from July 1, 1909, had been fulfilled in respect to the subjects of Austria and that the subjects of Austria were and since July 1, 1909, had been entitled to all the benefits of the said act other than the benefits of section 1 (e) thereof.

And whereas satisfactory official assurances have been received that in Austria protection of copyright, which is similar to the protection afforded by section 1 (e) of the act of March 4, 1909, is and since August 1, 1920, has been available to citizens of the United States.

Now, therefore, I, Calvin Coolidge, President of the United States of America do declare and proclaim

*Effective Aug. 1,  
1920.*

That on and after August 1, 1920, the conditions specified in section 1 (e) of the act of March 4, 1909, existed and were fulfilled in respect to the citizens of Austria and that citizens of Austria are and since August 1, 1920, have been entitled to all the benefits of section 1 (e) of the act of Congress approved March 4, 1909, including copyright controlling the parts of instruments serving to reproduce mechanically musical works.

*Provided*, That the enjoyment by any work of the rights and benefits conferred by section 1 (e) of the act of March 4, 1909, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

*And provided further*, That the provisions of section 1 (e) of the act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after August 1, 1920, and registered for copyright in the United States which have not been reproduced within the United States prior to the date of this proclamation on any contrivance by means of which the work may be mechanically performed.

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

Done at the city of Washington this eleventh day of March in the year of our Lord one thousand nine hundred and twenty-five, and of the independence of the United States of America the one hundred and forty-ninth.

[SEAL]

CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,

*Secretary of State.*

NOTE.—The Austrian Kundmachung des Bundeskanzleramtes for June 17, 1925, explains that the President of the United States of America has made known through a new proclamation dated March 11, 1925, that beginning August 1, 1920, the day on which the Austrian copyright law of July 13, 1920, went into effect, the reciprocity required in section 1 (e) of the United States copyright act of 1909, has been established, and that consequently the American provisions for the protection of mechanical musical rights will apply also to Austrian musical compositions published after August 1, 1920, and registered for copyright in the United States, provided that they have not been mechanically reproduced prior to March 11, 1925.

### ADDENDUM III

PHILIPPINE ISLANDS—COPYRIGHT LAW, MARCH 6, 1924

No. 3134.—An act to protect intellectual property

*Title of act.* *Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:*

SECTION 1. This act shall be called the copyright law of the Philippine Islands.

SEC. 2. Copyright may be secured by any citizen of the Philippine Islands or of the United States for any work falling within the following classes of works:

- Classification of copyright works*
- (a) Books, including composite and cyclopedic works, manuscripts, directories, gazetteers, and other compilations;
  - (b) Periodicals, including pamphlets;
  - (c) Lectures, sermons, addresses, dissertations prepared for oral delivery;
  - (d) Dramatic or dramatico-musical compositions;
  - (e) Musical compositions with or without words;
  - (f) Maps, plans, sketches, charts, drawings, designs;
  - (g) Works of art; models or designs for works of art;
  - (h) Reproductions of a work of art;
  - (i) Drawings or plastic works of a scientific or technical character;
  - (j) Photographs, engravings, lithographs, lantern slides, cinematographic pictures;
  - (k) Prints and pictorial illustrations;
  - (l) Dramatizations, translations, adaptations, collections, compilations, abridgments, arrangements, commentaries, critical studies, abstracts, versifications;
  - (m) Other articles and writings.

*Provided, nevertheless,* That any error in classification shall not invalidate or impair the copyright protection secured under this act.



SEC. 3. The proprietor of a copyright or his heirs or assigns shall have the exclusive right: *Exclusive rights*

(a) To print, reprint, publish, copy, distribute, multiply, sell, and make photographs, photo-engravings, and pictorial illustrations of the copyrighted work;

(b) To make any translation or other version or extracts or arrangements or adaptations thereof; to dramatize it if it be a nondramatic work; to convert it into a nondramatic work if it be a drama; to complete or execute it if it be a model or design;

(c) To exhibit, perform, represent, produce, or reproduce the copyrighted work in any manner or by any method whatever for profit or otherwise; if not reproduced in copies for sale, to sell any manuscripts or any record whatsoever thereof;

(d) To make any other use or disposition of the copyrighted work consistent with the laws of the land.

SEC. 4. For the purpose of this act articles and other writings published without the names of the authors or under pseudonyms are considered as the property of the publishers. *Anonymous and pseudonymous works.*

SEC. 5. Lines, passages, or paragraphs in a book or other copyrighted works may be quoted or cited or reproduced for comment, dissertation, or criticism. *Extracts.*

News items, editorial paragraphs, and articles in periodicals may also be reproduced unless they contain a notice that their publication is reserved or a notice of copyright, but the source of the reproduction or original reproduced shall be cited. In case of musical works, parts of little extent may also be reproduced. *News items.*

SEC. 6. The copyright provided for by this act shall protect all the copyrightable component parts of the work copyrighted and all matter therein but without extending or diminishing the duration or scope of such copyright. The copyright upon composite works shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this act, but if the component parts or matters therein have already been copyrighted, then the copyright secured for the former is subservient to the latter. *Composite works.*

*Compilations,  
abridgements, etc.*

SEC. 7. Collections, compilations, abridgements, adaptations, commentaries, critical studies, abstracts, versifications, arrangements, dramatizations, translations, and other versions of copyrighted works when produced with the consent of the proprietor thereof or of works enumerated in the next section, or works republished or reproduced with new matter and editions with corrections or alterations shall be regarded as new works subject to copyright under the provisions of this act; but the publication of any of such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

*Works in public  
domain, Govern-  
ment publications,  
etc.*

SEC. 8. No copyright shall subsist in the original of any work which is in the public domain, or in any publication and official document of the Philippine government, or any reprint, in whole or in part, thereof, and in speeches, lectures, sermons, addresses, and dissertations pronounced or read in courts of justice, before administrative tribunals, in deliberative assemblies, and in meetings of public character.

*Copyright not  
subject to levy.*

SEC. 9. Copyright secured is not subject to levy and attachment.

*Persons entitled  
to copyright.*

SEC. 10. The provisions of this act shall extend to the work of a proprietor, who is not a citizen of the Philippine Islands or of the United States, only:

(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act; or

*International  
agreement.*

(c) When such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright and that the United States or the Philippine Islands may become a party thereto.

SEC. 11. Copyright for a work may be secured by the registration of the claim to such copyright in accordance with the provisions of this act and by publication thereof with the required notice of copyright upon the front part or title-page of each copy thereof published or offered for sale by authority of the copyright proprietor and by depositing with the director of the Philippine Library and Museum by personal delivery or by registered mail two complete copies of the copyrighted work or one copy of the issue or issues containing the work if it be a contribution to a periodical. No copyright in any work is considered as existing until the provisions of this act with respect to the deposit of copies and registration of claim to copyright shall have been complied with.

*Registration claim.*

*Publication with notice.*

*Deposit of copies.*

SEC. 12. Copyright may also be secured for a work not having copies reproduced by the deposit, with claim of copyright, of one complete copy of such work or of a photographic print or of a photograph or other identifying reproduction thereof which, in the opinion of the director of the Philippine Library and Museum, is best for the protection of the public. But as soon as the work is reproduced in copies the provisions of section eleven shall apply.

*Copyright protection of unpublished works.*

*Deposit of copies after publication.*

SEC. 13. No immoral or unchaste work shall be copyrighted. If it shall be discovered after a work has been copyrighted that the said work is, in the opinion of the attorney general, of the nature indicated, the copyright secured shall become null and void, and the proprietor shall also be subject to criminal prosecution. Copies of the work deposited and instruments of writing in relation thereto filed with the Philippine Library and Museum shall be destroyed by the director of the Philippine Library and Museum if so ordered by the department head.

*Immoral or unchaste works.*

SEC. 14. For the purposes of this act in case of works in series or having several volumes or component parts registered at intervals each series or volume or component part shall be considered as a distinct and separate work subject to copyright.

*Work published in parts.*

SEC. 15. Copies deposited with the director of the Philippine Library and Museum in accordance with the provisions of sections eleven and twelve must be accompanied

*Affidavit.*

by an affidavit, under the official seal of any officer authorized to administer oaths within the Philippine Islands, stating where and in what establishments the work was made or performed and the date of the completion of the work or the date of publication and other requisites which the director of the Philippine Library and Museum will hereafter determine subject to the approval of the secretary of justice. Any person making a false statement in his affidavit shall be deemed guilty of a crime punishable by a fine of not more than two thousand pesos, and all of his rights and privileges under said copyright shall thereafter be forfeited.

*Notice of copy-  
right.*

SEC. 16. The notice of copyright required by section eleven of this act shall consist of the word "copyright" accompanied by the name of the copyright proprietor and the year in which the copyright was registered.

*Omission of  
notice.*

SEC. 17. The omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement thereof, against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

*Duration of  
copyright: 30  
years.*

SEC. 18. The copyright secured by this act shall endure for thirty years from the date it is registered. The proprietor of such copyright or his assigns or heirs

*Renewal term,  
30 years.*

shall be entitled to a renewal of the copyright for the further term of thirty years when application for such renewal shall have been made to the Philippine Library and Museum and duly filed therein within one year prior to the expiration of the original term of copyright. In default of the filing of such application for renewal the copyright in any work shall expire at the end of thirty years from the date it is registered. But in case of works in series or having several volumes or component parts registered at intervals the copyright shall endure for

forty years from the time the copyright for the first series or volume or component part has been registered and may be renewed for the same period.

SEC. 19. Any person infringing the copyright in any work protected under the provisions of this act shall be liable:

- (a) To an injunction restraining such infringement;
- (b) To pay to the copyright proprietor or his assigns or heirs such damages as he may have suffered due to the infringement, as well as all the profits the infringer may have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages which to the court shall appear to be just and which shall not exceed the sum of ten thousand pesos nor be less than the sum of two hundred pesos, and shall not be regarded as a penalty;
- (c) To such other terms and conditions which the court may deem wise and equitable.

SEC. 20. Any person infringing any copyright secured by this act or aiding or abetting such infringement shall be deemed guilty of a crime punishable by imprisonment not exceeding one year or by fine not less than two hundred pesos nor more than two thousand pesos, or both, in the discretion of the court: *Provided, however, That nothing in this act shall be so construed as to prevent the performance of any work for strictly religious, charitable, or educational purposes and not for profit by any educational, charitable, or religious institution or society.*

SEC. 21. Any person inserting or impressing any notice of copyright required by this act, or words of the same purport in or upon any uncopyrighted work, or removing or altering the copyright notice upon any work duly copyrighted, or issuing or selling any work bearing a notice of Philippine Islands copyright which has not been copyrighted in these islands, or importing any work bearing such notice or words of the same purport, which has not been copyrighted in these islands, shall be guilty of a crime punishable by a fine not less than two hundred and not more than two thousand pesos.

*Infringement of copyright.*

*Penalty for infringement.*

*Performance for charitable or religious purposes.*

*False notice of copyright.*

Prohibition  
importation  
Philippine  
lands.

of into  
le-  
SEC. 22. The importation into the Philippine Islands of any article bearing notice of Philippine copyright which in reality does not exist in the Philippine Islands, or of any piratical copies or likeness of any work copyrighted in the Philippine Islands unless imported with the authority of the copyright proprietor concerned, is prohibited except when imported under the following circumstances:

Exceptions.

*First.* When imported, not more than one copy at one time, for strictly individual use only.

*Second.* When imported by the authority or for the use of the Philippine government or of the United States Government.

*Third.* When imported for use only and not for sale, not more than three copies of such work in any one invoice, in good faith for any religious, charitable, or educational society or institution duly incorporated or registered, or for the encouragement of the fine arts, or for any State, school, college, university, or free public library in the Philippine Islands.

*Fourth.* When such works form parts of libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided, however,* That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of Philippine copyright or annul or limit the copyright protection secured by this act, and such unlawful use shall be deemed an infringement of copyright.

Rules and regu-  
lations to prevent  
importation.

SEC. 23. The secretary of justice and the secretary of commerce and communications are hereby empowered to make rules and regulations for preventing the importation into the Philippine Islands of articles prohibited importation by this act and for seizing and condemning and disposing of the same in case they are discovered after they have been imported.

Jurisdiction  
courts.

of  
SEC. 24. All actions, suits, or proceedings arising under this act shall be originally cognizable by the courts of first instance of the Philippine Islands and shall prescribe after two years from the time the cause of action arose.

SEC. 25. The copyright is distinct from the property <sup>Copyright dis-</sup> in the material object copyrighted, and the conveyance <sup>tincl from ma-</sup> or assignment, by gift or otherwise, of the copyright <sup>terial object.</sup> shall not of itself constitute a transfer of the material object.

SEC. 26. A copy of every assignment or conveyance <sup>Assignment of</sup> of copyright or permission or license to use it or in- <sup>copyright.</sup> herited right to it shall be filed with the Philippine Library and Museum upon payment of the prescribed fee within three calendar months after its execution in the Philippine Islands or within six months after its execution without the limits of the Philippine Islands, in default of which it shall be void as against any subsequent purchaser or mortgagee or assignee for a valuable consideration, without notice, whose assignment has been duly filed.

SEC. 27. A copy of the assignment, conveyance, <sup>Copy of assign-</sup> license, permission, or statement of the inherited right <sup>ment.</sup> to a copyright filed shall be returned to the sender with a certificate of assignment attached under the seal of the copyright office.

SEC. 28. When an assignment of the copyright secured <sup>Name of assign-</sup> for a specified work has been registered the assignee may <sup>nee in notice of</sup> substitute his name for that of the assignor in the statu- <sup>copyright.</sup> tory notice of copyright prescribed by this act.

SEC. 29. Subject to the approval of the secretary of <sup>Rules for copy-</sup> justice, the director of the Philippine Library and <sup>right office.</sup> Museum shall make such rules and regulations as he may deem best for the management, supervision, and disposition of the copyright office, and everything in it, and for the registration of claims to copyright as provided by this act, and for the filing of any instrument in writing relating thereto, and shall provide and keep such record books and other office equipment in the Philippine Library and Museum as are required to carry out the provisions of this act.

SEC. 30. A person registered as the claimant of the <sup>Certificate of</sup> copyright shall be given a certificate of registration <sup>registration.</sup> under the seal of the Philippine Library and Museum whose contents, form, and design shall be determined by the director of the Philippine Library and Museum,

and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein.

*Deposits and records, property of Government.*

SEC. 31. All copies deposited and instruments in writing filed with the Philippine Library and Museum in accordance with the provisions of this act shall become the property of the government of the Philippine Islands.

*Open to public inspection.*

SEC. 32. The copyright office and everything in it shall be opened to public inspection subject to such safeguards and regulations as shall be prescribed by the director of the Philippine Library and Museum and approved by the secretary of justice.

*Fees*

SEC. 33. The director of the Philippine Library and Museum shall receive the following fees:

(a) For the registration of any work subject to copyright, three pesos;

(b) For each assignment, license, or notice, or other instrument of writing filed, two pesos;

(c) For every certified copy issued, one peso.

SEC. 34. Works on which upon the approval of this act copyrights exist may be copyrighted under the provisions of this act free from any fees.

*Date of effect.*

SEC. 35. This act shall take effect on its approval.

Approved, March 6, 1924.

[From "Public laws enacted by the Philippine Legislature." Vol. 19, 4°. Manila, Bureau of Printing, 1924, pp. 153-158.]