

SIXTY-FOURTH
ANNUAL REPORT OF THE
REGISTER OF COPYRIGHTS
FOR THE FISCAL YEAR ENDING JUNE 30, 1961



COPYRIGHT OFFICE
The Library of Congress
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Contents

	Page
Arthur Fisher.....	1
Appointments.....	1
The Year's Copyright Business.....	2
Official Publications.....	2
Copyright Contributions to the Library.....	3
Administrative Developments.....	3
Creative Period and Longevity, Chart.....	4
Legal Developments.....	5
General Revision of the Law.....	5
Legislation.....	6
Copyright Cases.....	6
International Developments.....	9
Universal Copyright Convention.....	9
Design Protection.....	9
Neighboring Rights.....	9
Registration by Subject Matter Classes.....	10
Statement of Gross Cash Receipts, Yearly Fees, Number of Registrations, etc....	10
Number of Articles Deposited.....	11
Summary of Copyright Business, Fiscal Year 1961.....	12
Publications of the Copyright Office.....	13

The Copyright Office

Report to the Librarian of Congress by the Register of Copyrights

Arthur Fisher

Arthur Fisher, the fifth Register of Copyrights, died on November 12, 1960, after a term in office of nearly 10 years. Mr. Fisher came to the Copyright Office in 1946 as Associate Register, and he was appointed Register in 1951. His years as Register represented a particularly vital era in the history of United States copyright.

Mr. Fisher's record of solid achievement in the development and administration of the copyright law has rarely been equaled. He was the principal architect of the Universal Copyright Convention, leading a long and determined drive which for the first time made the United States an adherent of a worldwide copyright agreement. He was vitally interested in international copyright relations, and he became a symbol of the new role played by the United States in this field.

After ratification of the Convention, Mr. Fisher turned his efforts almost immediately to the general revision of the United States copyright law. He recognized at the outset the need for a sound foundation on which to build the revision program, and he lived to see the completion of a series of studies covering nearly every issue presented by the revision of the law and the beginning of their publication as Committee Prints of the Senate Judiciary Committee. And, although the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law* (referred to hereafter as *Report on General*

Revision) was issued after his death, it is the direct result of Mr. Fisher's vision and of the careful groundwork he laid.

Though he knew of his illness for more than a year before his death, it was altogether characteristic of Arthur Fisher that he continued his work toward improvement of the copyright law to the very end. His courage was memorable, and his accomplishments, even in the last few months of his life, were real and lasting. A public servant in the true sense of the phrase, he was "in league with the future."

Appointments

Effective December 24, 1960, Abraham L. Kaminstein, who served as Acting Register of Copyrights following the death of Arthur Fisher, was appointed Register of Copyrights by the Librarian of Congress. Mr. Kaminstein joined the staff of the Copyright Office on July 31, 1947, as Chief of the Examining Division. For a year prior to his appointment as Register he had held, in addition, the post of Deputy Register. George D. Cary, General Counsel of the Copyright Office, was promoted to Deputy Register and became second in command. Abe A. Goldman, Chief of Research and editor-in-chief of the studies leading to the report on copyright law revision, took Mr. Cary's place as General Counsel of the Copyright Office. Barbara Ringer, Assistant Chief of the Examining Division since 1956, was promoted to Chief of that division, and Waldo H. Moore took her former position.

The Year's Copyright Business

Yearly registrations continued to climb slowly toward the quarter-million mark. For fiscal 1961, they totaled 247,014, a rise of 3,088 over 1960. There was a continuation of last year's substantial increases in the books, periodicals, and "art" categories, and a leveling-off in music. The number of registrations of commercial prints and labels continued to decline, but there were surprising increases in foreign registrations, and a 35 percent increase in motion pictures. The tables presented at the end of this copyright report give detailed figures.

The year's increase in registrations was nearly 3 percent, this was counting a 15 percent decrease in renewal registrations, the result of the corresponding decrease in original registrations 28 years previously. The recordation of assignments continued to decline somewhat, but notices of use showed an increase of over 40 percent, probably the result of the *Norbay* decision mentioned below.

The large majority of applications (86.85 percent) were registered upon receipt, but slightly over 10 percent required correspondence before registration could be completed, and 2.28 percent were rejected. Fees earned for registrations and related services during fiscal 1961 amounted to \$1,009,679.04, which represented both an increase of \$35,566.01 over fiscal 1960 and the first time the annual earned fee total passed the million-dollar mark. Counting a small balance from fiscal 1960 receipts, \$1,012,231.30 was turned over to the Treasury in 1961.

The Cataloging Division of the Copyright Office achieved a new peak of production during fiscal 1961, producing and distributing slightly more than 1½ million cards containing catalog entries for 272,201 works. More than 566,000 cards were added to the Copyright Card Catalog, some 656,000 served as copy for the printed *Catalog of Copyright Entries*, 234,000 were sent to the subscribers to the Cooperative Card Services, and roughly 70,000 were prepared for Library divisions

processing or having custody of music, maps, and motion pictures.

The number of requests received for searches indicated a greater interest in copyright facts than in any previous year. Search fees increased 47 percent as compared with fiscal 1960, reaching a new high. The Reference Search Section reported on 9,837 inquiries involving 50,081 titles, an increase of 16 percent in the number of titles searched. The number of emergency requests for reports needed in court actions continued to rise.

Some 250 special registrations were made between June 15, 1960, and June 15, 1961, under the Austrian Extension-of-Time Proclamation. This Presidential proclamation granted citizens of Austria the privilege of registering claims that would ordinarily have been registrable between March 13, 1938, and July 27, 1956—that is, between the time of Hitler's *Anschluss* and the withdrawal of all occupation troops from Austria.

The 10 millionth copyright registration, since the establishment of the Copyright Office as a separate department of the Library of Congress in 1897, was made on November 18, 1960. It took nearly 64 years to reach this figure. At the current rate, registrations should reach 20 million in just about half that time, and changes in the law could easily accelerate the rate of growth.

Official Publications

The fourth of the Copyright Office's series of cumulative catalogs of motion picture registrations, *Motion Pictures, 1950-1959*, was completed and published during the year. A record of current copyright registrations published as the *Catalog of Copyright Entries* was compiled and forwarded for printing on schedule. The third revised edition of the brochure, entitled *The Copyright Office of the United States of America, What It Is and What It Does* was ready for distribution in early June, and copy for the latest volume of *Decisions of the United States Courts Involving Copyright, 1959-1960* (Bulletin 32), was completed late in the fiscal year

for publication in the fall of 1961. The Office continued its editorial cooperation in the UNESCO-sponsored *Copyright Laws and Treaties of the World*, with the publication of the fourth *Supplement*.

Copyright Contributions to the Library

In addition to the bulk transfers in various classes from deposits of previous years, 226,347 articles deposited for copyright during fiscal 1961 were transferred to the Library for its collections or for use in exchange. This figure represents an increase of 12,330 articles over last year. As usual, these transfers consisted mainly of books, periodicals, maps, and published music.

The efforts of the Copyright Office to secure compliance with the registration and deposit requirements of the law accounted for 12,852 registrations during the year. In response to 570 requests for compliance action from the various divisions of the Library, searches were made and correspondence entered into with publishers and other copyright claimants, resulting in 675 registrations and the deposit of 1,350 copies of works.

During the year the Office received and registered its first deposit of videotape—a full-length production of the Gian Carlo Menotti opera, *The Consul*, reproduced on tape for use in a pay-TV experiment in Toronto, Canada. The copies consisted of three 12-inch reels of tape, each 2 inches wide, and weighing about 21 pounds. This work, and later videotapes registered, will become available for selection by the Library for its collections.

Administrative Developments

The promotions resulting from Mr. Fisher's death, together with several retirements, brought about an unusually large number of changes in the administrative and supervisory staff of the Copyright Office. In addition, much of the time and effort of the policy-making personnel of the Office throughout the year was devoted to completing and issuing the Register's *Report on General Revision*. The submission of the *Report alone* would have

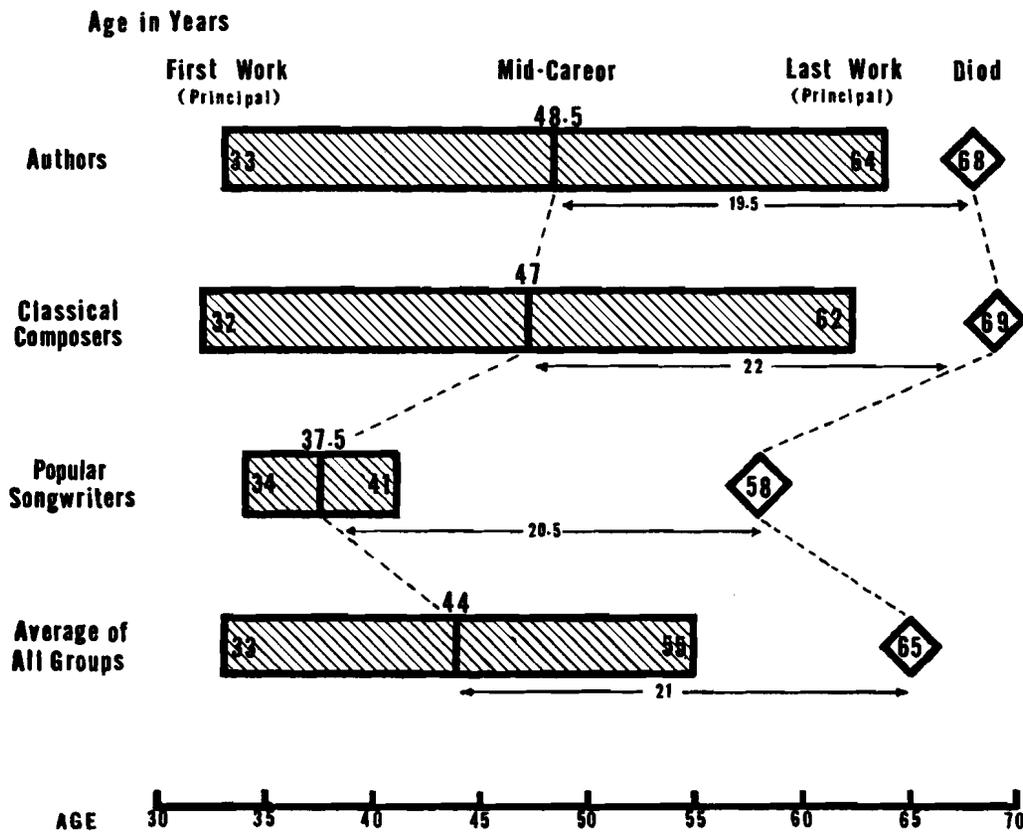
made this a memorable year for the Copyright Office. That so much more was accomplished is eloquent tribute to the work of a dedicated staff.

An important change in the organization of the Service Division involving the consolidation of four sections into three and a reassignment or combination of several units, took place during the year. The result has been a centralization of operations, increased flexibility of manpower, and improved supervision. In the Cataloging Division the focal point of administrative planning and action was a special testing program designed to measure the performance of individual catalogers and revisers and the effectiveness of current training methods. The need for a complete revision of the division's cataloging rules was also given thorough consideration, and an active program to accomplish this result was begun.

As the result of a study made in fiscal 1960, 252 reels of negative microfilm, covering records made during the period between 1870 and July 1953, were forwarded to the Library's Photoduplication Service to be copied on positive microfilm. The Office now has on positive film all assignments recorded from 1870 to date, and the program is a continuing one. Fiscal 1961 also saw the development and approval of a plan to use manifold carbon sets in the preparation of the assignment index cards and certification forms.

Separate surveys were made of authors, composers of serious music, and songwriters to obtain information upon which to base the length of the copyright term proposed in the *Report on General Revision*. The results of these surveys, which were included in the *Report*, show that songwriters die at an earlier age, have a shorter creative period, and reach the mid-point of their creativity earlier than authors and composers of serious music. Despite these differences, the number of years from the songwriters' mid-career to death is nearly the same as that for authors and serious composers—about 20 years. On the basis of this figure, it might be assumed that a copyright term of 70 years after first pub-

Chart Illustrating
The Average
Creative Period and Longevity
of
Authors, Composers, and Songwriters



Source: Copyright Office survey, June 20, 1961. AUTHORS: 673 authors who wrote in English and died between 1930 and 1955. Found in: TWENTIETH CENTURY AUTHORS, edited by Stanley J. Kunitz (1942), 1850 biographies, TWENTIETH CENTURY AUTHORS, FIRST SUPPLEMENT (1955), 700 biographies. COMPOSERS: 61 composers who died since 1930 and found in: AMERICAN COMPOSERS TODAY by David Ewen, COMPOSERS IN AMERICA by Claire Helt, and BAKER'S BIOGRAPHICAL DICTIONARY OF MUSICIANS. SONGWRITERS: 228 songwriters who contributed to the popular songs included in VARIETY MUSIC CAVALCADE by Julius Mattfeld (1952) during the period 1900 to 1950. Obituaries found in: VARIETY (1930 to 1950) and THE ASCAP BIOGRAPHICAL DICTIONARY OF COMPOSERS, AUTHORS AND PUBLISHERS.

lication would approximate, on the average, a term of 50 years after the author's death. (See chart on page 4.)

Two notable administrative problems that arose during the year involved the deposit of videotape and of artificial flowers. For some while the Office had been anticipating the deposit of material reproduced on videotape, and considerable thought and time had been given to the attendant problems of copyrightability, acquisitions, publication, and the physical difficulties of examining, handling, and storing the tape. With the policy decisions made, the applications when received were processed with a minimum of time and effort. Even though videotape deposits have now been accepted, the Office still maintains its policy of refusing registration for audiotape, phonograph disks, and other recordings consisting entirely of sound. The reasons behind this distinction were analyzed and considered in the *Report on General Revision*.

Thanks to the development of improved processes of manufacture, artificial flowers made of plastics are enjoying great popularity. Many are manufactured abroad and are imported into the United States in great quantities. Certain firms have sought to use the statutory provisions prohibiting the importation of piratical copies to prevent competing works from being imported. This has resulted, among other things, in a general defensive move in the artificial-flower industry to secure certificates of copyright registration for as many designs as possible. The number of deposits in this field has therefore increased spectacularly.

Legal Developments

GENERAL REVISION OF THE LAW

The last group of the 34 studies that were prepared under an authorization by Congress as the groundwork for a general revision of the copyright law was completed during fiscal 1961. These studies now constitute an authoritative collection for the history and interpretation of the law, and they have been hailed as a leading contri-

bution to scholarship in the copyright field.

All of the studies, together with a comprehensive subject index, have been printed by the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee in a series of 12 Committee Prints. They were circulated to Government specialists and made available to the public by the Government Printing Office. Interested persons were invited to submit comments on the issues presented in the studies.

Following completion of the studies, the Register and the staff of the Copyright Office devoted a great deal of time to an analysis of the problems involved in revision of the law and of the alternative solutions possible. This analysis, based on the studies and the comments received, was incorporated in a draft report containing the tentative recommendations of the Office for revision of the law. The draft report was circulated to an Advisory Panel of specialists for their comments. The draft was then revised, and the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law* was submitted to Congress on July 10, 1961.

The *Report* marks a milestone in the program for revision of the law. It summarizes the substance of the studies regarding the present law and the problems to be considered in writing a new law, analyzes the possible solutions for these problems, and presents recommendations. The Preface states: "This report is a summary of our analysis and preliminary conclusions. Although it represents our best thinking at the present time, it is not intended as the final word on any particular problem or on the revision program as a whole. Our purpose in issuing this report is to pinpoint the issues and to stimulate public discussion, so that the widest possible agreement can be reached on the principles to be incorporated in a revised statute."

The *Report* has been printed by the House Committee on the Judiciary and is being circulated widely for comments and suggestions. Plans are being made for a

series of meetings with copyright specialists, attorneys, industry and Government representatives, and other groups concerned. Views expressed at meetings and comments received will be considered in the drafting of a bill for a new copyright law.

LEGISLATION

Last year's annual report on the Copyright Office referred to the bills then pending in Congress for the protection of ornamental designs of useful articles and to the hearings held on two of these bills by the Subcommittee on Patents, Trademarks and Copyrights of the Senate Judiciary Committee. Mention was made of the conflict between the O'Mahoney (S. 2075) and Talmadge (S. 2852) bills as to the status of a copyrighted work of art that is later applied to a useful article. This problem received consideration and discussion at the meetings of the Patent, Trademark and Copyright Law Section of the American Bar Association at its general meeting, held in Washington in late August 1960, and it was agreed that ways should be found to reconcile the two different approaches before further bills were introduced.

The Office participated in redrafting the design bill, in cooperation with the Coordinating Committee of the National Council of Patent Law Associations, under the chairmanship of Judge Giles Rich. As a result of consultations with the proponents of both the O'Mahoney and Talmadge bills, a new bill was drafted which has apparently resolved the differences brought to light in the earlier hearings. This new draft was introduced in the form of identical bills in the House on May 3, 1961, by Representatives John James Flynt, Jr. (H.R. 6776) and Gerald R. Ford, Jr. (H.R. 6777), and in the Senate on May 16, 1961, by Senator Philip A. Hart for himself, Senator Alexander Wiley, and Senator Herman E. Talmadge (S. 1884). The concerted action by the legislators who had sponsored conflicting bills in the preceding Congress was an indication that the earlier points of view had been reconciled, thus

smoothing the way for consideration by the Congress. Shortly after the close of the fiscal year (August 15-17, 1961) hearings were held with the Register and Deputy Register testifying.

Aside from the design bills, there was relatively little legislative action in the copyright field during the year. Representative Emanuel Celler again introduced a bill to repeal the jukebox exemption now contained in section 1(e) of the law. By the close of the fiscal year no action had been taken on the Celler bill, H.R. 70, which is identical with H.R. 5921 of the 86th Congress.

Two identical bills H.R. 6354, introduced by Representative Celler on April 17, 1961, and S. 2341, introduced by Senator J. W. Fulbright on July 31, 1961, were aimed in general at combating "record piracy." These bills would impose criminal penalties for the transportation in commerce of phonograph records bearing counterfeit labels and for transporting or receiving the unauthorized sound recordings themselves. They would also enlarge the civil remedies available to the owner of the copyrighted music embodied in the recordings. No action was taken on either bill.

COPYRIGHT CASES

On March 6, 1961, the only action in the nature of mandamus still pending against the Register, *Dodge, Inc. v. Fisher* (D.D.C. Civil Action No. 1426-59), was withdrawn with prejudice by the plaintiff. The case involved the refusal by the Office to make registration for two metallic columns used as trophy bases on the ground that they did not constitute copyrightable matter.

The most publicized copyright case of the year, and probably the most important, was *Public Affairs Associates, Inc. v. Rickover*, 248 F. 2d 262 (D.C. Cir. 1960), cert. granted, 365 U.S. 841 (1961). In its decision the Circuit Court of Appeals for the District of Columbia held that works written by a Government official on his own initiative may be copyrighted even if they deal with matters of official concern, unless "they are statements called for by his

official duties or explanations as guides for official action."

In the course of its opinion, the court raised some additional questions by implying that the term "publications of the United States Government" should be defined as "publications commissioned or printed at the cost and direction of the United States." On the other main point of the case, the court held that copyright was lost by distribution of copies in the form of press releases without a copyright notice; since the group receiving the copies was not limited in any way, the publication was "general" rather than "limited." Argument on the case has been scheduled for the fall session of the Supreme Court.

Two decisions of the Second Circuit Court of Appeals dealt with the position of the copyright notice. The first, *Ideal Toy Corp. v. J-Cey Doll Co.*, 290 F. 2d 710 (1961), reached the conclusion that the copyright notice on an uncopyrightable feature of a doll will not invalidate protection for a copyrightable feature that bears its own notice. The second, *Coventry Ware, Inc. v. Reliance Picture Frame Co.*, 288 F. 2d 193 (1961), held that a notice appearing on a label permanently affixed to the back of a framed work of art complies with the requirements of the law. A petition for certiorari in the *Coventry Ware, Inc.* case was filed with the Supreme Court, 29 U.S.L. Week 3360 (May 20, 1961). The petition was denied on October 9, 1961 (30 U.S.L. Week 3112).

In the field of designs, perhaps the most significant case of the current year was *Societe Comptoir v. Alexander's Department Stores, Inc.*, 190 F. Supp. 594 (S.D.N.Y. 1961), an unfair-competition and trademark-infringement action by a group of French dress designers against a New York department store for using the name "Dior" in connection with the sale of unauthorized copies of dresses from this famous fashion house. The court stated that "defendant has an indubitable right to copy plaintiff's models and sell the copies," and held that defendant may also use plaintiff's name in connection with the

copies so long as no misrepresentation is involved.

In two related cases involving designs, *Fabrex Corp. v. Scarves by Vera, Inc.*, 129 U.S.P.Q. 392 (S.D.N.Y. 1961), and *Scarves by Vera, Inc. v. Fabrex Corp.*, 129 U.S.P.Q. 395 (S.D.N.Y. 1961), the court upheld a notice reading merely "Vera ©" on the ground that the name "Vera" had been prominently and commonly used as an abbreviation of the full name of the copyright owner, and therefore disclosed its identity. The court also remarked that clearance of a design by the Design Registration Bureau of the Textile Distributors Institute was of no significance in determining questions of copyright infringement. In *Scarves by Vera, Inc. v. American Handbags, Inc.*, 188 F. Supp. 255 (S.D.N.Y. 1960), the court held, among other things, that a manufacturer may incorporate in his handbags, without permission, plaintiff's scarves bearing copyrighted designs "so long as plaintiff is not identified with manufacture of the handbag." The decision in this case, and that in *Peter Pan Fabrics, Inc. v. Dixon Textile Corp.*, 188 F. Supp. 235 (S.D.N.Y. 1960), also lend support to the concept that notices appearing on detachable tags or labels are invalid.

Several cases during the year dealt with the nature of copyrightable matter, and the related problem of the amount of "new matter" necessary to support copyright in revised versions. In *Desclee & Cie v. Nemmers*, 190 F. Supp. 381 (E.D. Wis. 1961), an unfair-competition action involving collections of Gregorian chants, the court held that the remedies against unfair competition do not duplicate those available under the copyright law. It indicated that, although the typography of published musical works is not subject to protection, rhythmic annotations showing the manner of performance would be copyrightable, and thus, in the absence of misrepresentation, could not be protected on the theory of unfair competition. In *O'Brien v. Thall*, 283 F. 2d 741 (1960), an infringement action involving musical settings of the Gettysburg Address, the Second Circuit

Court of Appeals held not only that the text of the address was free for anyone to use, but that the "natural rhythm of the words in which its thoughts are articulated" is also in the public domain.

The Ninth Circuit Court of Appeals, in *Hayden v. Chalfont Press, Inc.*, 281 F. 2d 543 (1960), held that names given to geographical locations by a mapmaker are not protected by copyright in his map. *Noble v. D. Van Nostrand Co.*, 128 U.S.P.Q. 100 (N.J. Super. Ct., Ch. Div. 1960), involved a case in which two authors had jointly undertaken research for a book. The State Court held that the aggregate compilation of their research was subject to protection even though never reduced to manuscript form and that as coowners the authors could each use the material without the other's consent, subject to a duty to account for any profits.

In a case involving a plan for pooling bets on horse races, *Briggs v. New Hampshire Trotting and Breeding Assn., Inc.*, 191 F. Supp. 234 (D.N.H. 1960), the court upheld the principle that there is "no protection by copyright to games, or similar systems, as distinguished from publications describing them," but expressed the view that "if the copyright law can protect dramas, . . . there is no reason why it cannot protect certain forms of public presentations in the form of games or sports involving activity rather than mere words."

The important infringement decision in *Bradbury v. C.B.S.*, 287 F. 2d 478 (9th Cir. 1961), seems to go rather far in extending copyright protection to a general theme and elements of plot and character, as distinguished from their actual literary expression. A petition for certiorari was filed with the Supreme Court near the end of the fiscal year, 30 U.S.L. Week 3031 (June 26, 1961), but the case was later settled and the appeal dismissed, 368 U.S. (1961).

In *Brecht v. Bentley*, 185 F. Supp. 890 (S.D.N.Y. 1960), involving a dispute over dramatic rights in Bertold Brecht's *Mother Courage*, the court held that since a translation is a "new work" in the copy-

right sense, it need bear only the date of publication of the translation in the notice. The case also holds that the section of the copyright law stating that copyright may be bequeathed by will must be read to include intestate succession.

The perplexing renewal provision continued to be litigated. The most important decision in this field during the year, *Sweet Music, Inc. v. Melrose Music Corp.*, 189 F. Supp. 655 (S.D. Cal. 1960), involved a situation in which an assignment of renewal rights had been made by both coauthors of a song, one of whom died before the renewal year. The court held that the remaining coauthor was still bound by this assignment and that his assignee was therefore entitled to an undivided half interest in the renewal. Another case, *Ross Jungnickel, Inc. v. Joy Music, Inc.*, 129 U.S.P.Q. 373 (N.Y. Sup. Ct. 1961), attempted a further clarification of the famous *DeSylva* decision, 351 U.S. 570 (1956), by holding that although the meaning of the word "children" in the renewal clause depends on an interpretation of State law, the Federal courts have exclusive jurisdiction to decide the question.

The provisions of the statute dealing with mechanical rights in musical compositions were construed in several cases. The most important decision was that of the Second Circuit Court of Appeals in *Norbay Music, Inc. v. King Records, Inc.*, 290 F. 2d 617 (1961), holding that delay in filing a notice of use results in loss of rights with respect to infringing records made before the notice was filed, but that action is not barred as to records made after filing the notice. The same court, in *Reeve Music Co. v. Crest Records, Inc.*, 285 F. 2d 546 (1960), held that two affiliated corporations, one producing the "master stamper" and the other pressing records from it, together were engaged in the "manufacture" of infringing disks, and hence could be enjoined under the compulsory license provisions. In *A.B.C. Music Corp. v. Janov*, 186 F. Supp. 443 (S.D. Cal. 1960), the court held that triple damages may be awarded under the compulsory

license provisions, even where no "piracy" or "willfulness" is involved.

A decision of considerable interest to the copyright bar was *Sam Fox Publishing Co. v. United States*, 366 U.S. 683 (1961), in which the Supreme Court dismissed on jurisdictional grounds an appeal by three music-publisher members of American Society of Composers, Authors, and Publishers. The plaintiffs were seeking to intervene in a proceeding to modify the ASCAP Consent Decree on the ground that the proposed modifications did not go far enough in improving the position of small publishers.

The case of *United States v. Florida Magazines* (S.D. Fla. Civil Action No. 3930, Jan. 13, 1961), represents one of the relatively rare instances of refusal to comply with the demand by the Register under section 14 of the copyright law, followed by an action against a recalcitrant claimant. In that case the defendant suffered a default judgment of \$300 for failure to make the required registrations.

International Developments

UNIVERSAL COPYRIGHT CONVENTION

Two more countries, Nicaragua and Sweden, have deposited their instruments of ratification of the Universal Copyright Convention, raising to 37 the number of countries which have adhered to the Convention since its coming into force in 1955. UNESCO was notified by Belgium that the Universal Copyright Convention and Protocols apply to the Trust Territory of Ruanda-Urundi under Article XIII, of the Convention.

The four Scandinavian countries, Denmark, Finland, Norway, and Sweden, adopted entirely new copyright laws in 1960. Other countries are in the process of drafting new laws, and several revision reports have recommended adherence to the UCC.

The fifth session of the Intergovernmental Copyright Committee, established under the UCC, and the ninth session of the Permanent Committee of the Berne Copyright Union, were held jointly in London in the fall of 1960. Arpad Bogsch, Legal Advisor

of the Copyright Office, served as the United States representative to the Intergovernmental Copyright Committee.

DESIGN PROTECTION

In the design area, the most important international development of the year was the adoption, by a diplomatic conference held in November 1960, of a new, revised version of the Agreement of the Hague Concerning the International Deposit of Industrial Designs. The conference was attended by representatives of 27 countries. The United States delegation consisted of officers of the Copyright Office (Arpad Bogsch), the Patent Office (P. J. Federico), and the Department of State (Harvey Winter). The agreement follows the principles of the draft described in some detail in last year's report.

The revised agreement will enter into force after 10 countries, including at least 4 that are not participants in either of the earlier versions of the agreement, have deposited their instruments of ratification.

NEIGHBORING RIGHTS

During the year, preparatory work continued for the October 1961 diplomatic conference in Rome. The conference will be convened to draft the final text of an international treaty on the protection of performing artists, phonograph record makers, and broadcasting organizations.

The Neighboring Rights Panel, consisting of representatives of Government agencies and specialists in the various fields affected by the draft treaty, met on August 26, 1960, January 23, 1961, and June 8, 1961. A smaller working group of the panel also met three times to consider in detail the draft convention, which was prepared in May 1960 by a committee of experts, and which was described in last year's report. The meetings were helpful in serving as a forum for the exchange of ideas on the draft convention and in proposing alternative positions for government consideration.

Respectfully submitted,

ABRAHAM L. KAMINSTEIN
Register of Copyrights

November 9, 1961

Registration by Subject Matter Classes for the Fiscal Years 1957-61

Class	Subject matter of copyright	1957	1958	1959	1960	1961
A	Books:					
	(a) Manufactured in the United States: Books, pamphlets, leaflets, etc. . .	48, 811	53, 275	51, 835	55, 713	57, 794
	(b) Manufactured abroad (except those registered for ad interim copyright)	2, 915	2, 937	3, 549	3, 740	3, 819
	(c) English-language books registered for ad interim copyright	1, 777	1, 030	583	581	802
	Subtotal	53, 503	57, 242	55, 967	60, 034	62, 415
B	Periodicals (issues)	59, 724	60, 691	62, 246	64, 204	66, 251
	(BB) Contributions to newspapers and periodicals	3, 214	3, 355	3, 042	3, 306	3, 398
C	Lectures, sermons, addresses	1, 003	852	829	835	1, 029
D	Dramatic or dramatico-musical compositions	2, 764	2, 754	2, 669	2, 445	2, 762
E	Musical compositions	59, 614	66, 515	70, 707	65, 558	65, 500
F	Maps	2, 084	1, 614	1, 865	1, 812	2, 010
G	Works of art, models, or designs	4, 557	5, 019	4, 593	5, 271	5, 557
H	Reproductions of works of art	914	1, 044	1, 184	2, 516	3, 255
I	Drawings or plastic works of a scientific or technical character	699	683	663	768	705
J	Photographs	964	1, 037	741	842	765
K	Prints and pictorial illustrations	3, 409	3, 413	3, 186	3, 343	2, 955
	(KK) Commercial prints and labels	8, 687	8, 924	8, 786	8, 142	7, 564
L	Motion-picture photoplays	1, 967	2, 451	2, 757	2, 755	3, 089
M	Motion pictures not photoplays	1, 231	748	967	702	1, 565
R	Renewals of all classes	21, 473	22, 593	21, 533	21, 393	18, 194
	Total	225, 807	238, 935	241, 735	243, 926	247, 014

Statement of Gross Cash Receipts, Yearly Fees, Number of Registrations, etc., for the Fiscal Years 1957-61

Fiscal year	Gross receipts	Yearly fees applied	Number of registrations	Increases in registrations
1957	\$938, 408. 70	\$892, 612. 50	225, 807	899
1958	992, 865. 59	945, 231. 50	238, 935	13, 128
1959	1, 030, 099. 70	979, 941. 50	241, 735	2, 800
1960	1, 033, 563. 55	974, 113. 03	243, 926	2, 191
1961	1, 078, 991. 90	1, 009, 679. 04	247, 014	3, 088
Total	5, 073, 929. 44	4, 801, 577. 57	1, 197, 417

Number of Articles Deposited During the Fiscal Years 1957-61

Class	Subject matter of copyright	1957	1958	1959	1960	1961
	Books:					
	(a) Manufactured in the United States: Books, pamphlets, leaflets, etc.	97, 622	106, 550	103, 670	111, 426	115, 588
	(b) Manufactured abroad (except those registered for ad interim copyright.	5, 326	5, 404	6, 262	6, 549	6, 698
	(c) English-language books registered for ad interim copyright.	3, 028	1, 689	822	786	979
	Subtotal.	105, 976	113, 643	110, 754	118, 761	123, 265
B	Periodicals (issues).	119, 390	121, 362	124, 426	128, 328	132, 410
	(BB) Contributions to newspapers and periodicals.	3, 214	3, 355	3, 042	3, 306	3, 398
C	Lectures, sermons, etc.	1, 003	852	829	835	1, 029
D	Dramatic or dramatico-musical compositions.	3, 260	3, 212	3, 125	2, 840	3, 203
E	Musical compositions.	76, 825	84, 445	88, 833	83, 005	83, 723
F	Maps.	4, 167	3, 228	3, 728	3, 621	4, 020
G	Works of art, models, or designs.	7, 520	8, 861	7, 775	9, 273	9, 599
H	Reproductions of works of art.	1, 814	2, 076	2, 258	4, 996	6, 502
I	Drawings or plastic works of a scientific or technical character.	1, 111	1, 099	946	1, 118	1, 062
J	Photographs.	1, 647	1, 547	1, 183	1, 355	1, 156
K	Prints, labels, and pictorial illustrations.	24, 188	24, 667	23, 939	22, 965	21, 038
L	Motion-picture photoplays.	3, 933	4, 897	5, 502	5, 498	6, 162
M	Motion pictures not photoplays.	2, 215	1, 364	1, 657	1, 271	2, 959
	Total.	356, 263	374, 608	377, 997	387, 172	399, 526

SUMMARY OF COPYRIGHT BUSINESS, FISCAL YEAR 1961

Balance on hand July 1, 1960.....		\$203,057.98
Gross receipts July 1, 1960 to June 30, 1961.....		1,078,991.90
Total to be accounted for.....		<u>\$1,282,049.88</u>
Refunded	\$42,173.38	
Checks returned unpaid.....	1,401.08	
Deposited as earned fees.....	1,012,231.30	
Balance carried over to July 1, 1961:		
Fees earned in June, 1961, but not deposited		
until July, 1961.....	\$84,590.80	
Unfinished business balance.....	23,939.90	
Deposit accounts balance.....	114,990.62	
Card Service.....	2,722.80	
	<u>226,244.12</u>	
		<u>\$1,282,049.88</u>
Registrations for prints and labels.....	7,556	\$45,336.00
Registrations for pub. domestic works.....	155,922	623,688.00
Registrations for pub. foreign works.....	2,664	10,656.00
Registrations for unpublished works.....	52,062	208,248.00
Registrations for renewals.....	18,194	36,388.00
Total number of registrations ¹	236,398	
Fees for registrations.....		\$924,316.00
Fees for recording assignments.....	\$26,331.00	
Fees for indexing transfers of proprietorship.....	14,040.50	
Fees for notices of user recorded.....	11,841.00	
Fees for certified documents.....	2,973.00	
Fees for searches made.....	21,363.00	
Card Service.....	8,814.54	
		<u>85,363.04</u>
Total fees earned.....		<u>\$1,009,679.04</u>

¹ Excludes 10,616 registrations made under Public Law 84.



Publications of the Copyright Office

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



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

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

Free publications which may be obtained from the Copyright Office



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

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



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

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

GENERAL INFORMATION ON COPYRIGHT. Circular 35.

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

No. 3	The copyright notice	No. 36H	Public domain
5	Notice of use of music	37	Copyright protection abroad
6	Television programs	42	Periodicals
7	Motion pictures	43	Contributions to periodicals
10	Assignments	44	Copyright fees
15	Renewal	46	Commercial prints and labels
16	Books	51	Choreographic works
16C	Looseleaf material	54	Audio-visual material
16D	Letters, diaries, etc.	55	Cartoons and comic strips
17	Games	58	Musical compositions
19	Names and titles	66	Synopses, formats, outlines
19A	Changes of title	67	Song lyrics
20	Fair use	69	Ad Interim copyright
22	Copyright searches	UCC-1	Universal Copyright Convention—U.S. works
25	Deposit accounts	UCC-2	Universal Copyright Convention—Foreign works
30A	Penalty mail	ICR-1	U.S. copyright relations of current interest
31	Ideas, etc.		
32	Blank forms, etc.		
35B	New versions, etc.		

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

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

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

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

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

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

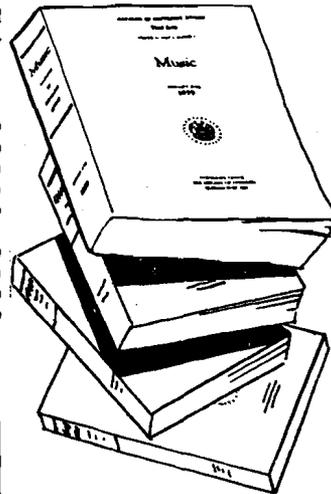
Orders for this microfilm should be addressed and remittances made payable to The Chief, Photoduplication Service, Library of Congress, Washington 25, D.C.

Priced Copyright Office publications which may be obtained from Government Printing Office

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

CATALOG OF COPYRIGHT ENTRIES. Paper. Each part of the catalog is published in semiannual numbers containing the claims of copyright registered during the periods January-June and July-December. The prices given below are for the year. Semiannual numbers are available at one-half the annual price.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals.....	\$5.00
Part 2—Periodicals.....	2.00
Parts 3-4—Dramas and Works Prepared for Oral Delivery.....	2.00
Part 5—Music.....	7.00
Part 6—Maps and Atlases.....	1.00
Parts 7-11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations.....	2.00
Part 11B—Commercial Prints and Labels.....	2.00
Parts 12-13—Motion Pictures and Filmstrips.....	1.00
Annual Subscription Price, all parts.....	20.00



These catalogs are usually available 6 months after the close of a registration period. Although orders should be addressed to the Superintendent of Documents, the Copyright Office will furnish information on catalogs prior to 1957 upon request.



Catalog of Copyright Entries, Cumulative Series

- MOTION PICTURES 1894-1912.** Identified from the records of the United States Copyright Office by Howard Lamarr Walls. 92 pages. 1953. Buckram, \$2.00.
- MOTION PICTURES 1912-1939.** Works registered in the Copyright Office in Classes L and M. 1,256 pages. 1951. Buckram, \$18.00.
- MOTION PICTURES 1940-1949.** Another decade of works registered in Classes L and M. 598 pages. 1953. Buckram, \$10.00.
- MOTION PICTURES 1950-1959.** Films of the Fifties registered in Classes L and M. 504 pages. Buckram, \$10.00.

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

DRAMATIC COMPOSITIONS COPYRIGHTED IN THE UNITED STATES, 1870-1916. Two volumes. 3,547 pages. 1918. Cloth, price \$4.00. Over 60,000

titles alphabetically arranged with complete index to authors, translators, copyright proprietors, etc.

Copyright Law Revision Studies

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

First committee print; Studies 1-4:

1. The History of U.S.A. Copyright Law Revision from 1901 to 1954

2. Size of the Copyright Industries

3. The Meaning of "Writings" in the Copyright Clause of the Constitution

4. The Moral Right of the Author.

142 pages, 1960, 40 cents.

Second committee print; Studies 5 and 6:

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

6. The Economic Aspects of the Compulsory License.

125 pages, 1960, 35 cents.

Third committee print; Studies 7-10:

7. Notice of Copyright

8. Commercial Use of the Copyright Notice

9. Use of the Copyright Notice by Libraries

10. False Use of Copyright Notice.

125 pages, 1960, 35 cents.

Fourth committee print; Studies 11-13:

11. Divisibility of Copyrights

12. Joint Ownership of Copyrights

13. Works Made for Hire and on Commission.

155 pages, 1960, 45 cents.

Fifth committee print; Studies 14-16:

14. Fair Use of Copyrighted Works

15. Photoduplication of Copyrighted Material by Libraries

16. Limitations on Performing Rights.

135 pages, 1960, 35 cents.

Sixth committee print; Studies 17-19:

17. The Registration of Copyright

18. Authority of the Register of Copyrights to Reject Applications for Registration

19. The Recordation of Copyright Assignments and Licenses.

135 pages, 1960, 40 cents.

Seventh committee print; Studies 20 and 21:

20. Deposit of Copyrighted Works

21. The Catalog of Copyright Entries.

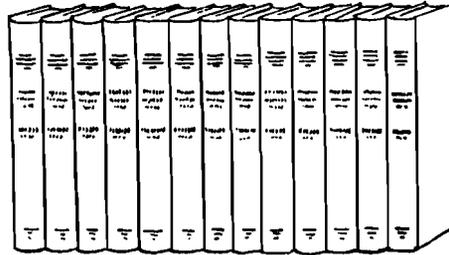
81 pages, 1960, 25 cents.

Eighth committee print; Studies 22-25:

22. The Damage Provisions of the Copyright Law

23. The Operation of the Damage Provisions of the Copyright Law: An Exploratory Study

24. Remedies Other Than Damages for Copyright Infringement

*Bulletins*

DECISIONS OF THE UNITED STATES COURTS INVOLVING COPYRIGHT. The series contains substantially all copyright cases, as well as many involving related subjects which have been decided by the Federal and State courts. Cloth.

1909-14 (Bull. No. 17) \$1.75	1944-46 (Bull. No. 25) \$1.50
1914-17 (Bull. No. 18) 2.50	1947-48 (Bull. No. 26) 1.75
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1924-35 (Bull. No. 20) 3.75	1951-52 (Bull. No. 28) 2.50
1935-37 (Bull. No. 21) .75	1953-54 (Bull. No. 29) 2.25
1938-39 (Bull. No. 22) 2.00	1955-56 (Bull. No. 30) 2.75
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1941-43 (Bull. No. 24) 2.75	1959-60 (Bull. No. 32) 3.00

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

Complete set, including Index \$38.50.

Prices are subject to change.

25. Liability of Innocent Infringers of Copyright.
169 pages, 1960, 45 cents.

Ninth committee print; Studies 26-28:

26. The Unauthorized Duplication of Sound Recordings

27. Copyright in Architectural Works

28. Copyright in Choreographic Works.

116 pages, 1961, 35 cents.

Tenth committee print; Studies 29-31:

29. Protection of Unpublished Works

30. Duration of Copyright

31. Renewal of Copyright.

237 pages, 1961, 60 cents.

Eleventh committee print; Studies 32-34:

32. Protection of Works of Foreign Origin

33. Copyright in Government Publications

34. Copyright in Territories and Possessions of the United States.

57 pages, 1961, 25 cents.

Subject Index to Studies 1-34.

38 pages, 1961, 15 cents.

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



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ANNOUNCEMENT

It is with sadness that we announce the death, on November 12, 1960, of Arthur Fisher, United States Register of Copyrights. Mr. Fisher died of acute leukemia at the Georgetown University Hospital in Washington, D. C.

Mr. Fisher joined the staff of the Library of Congress in 1946 as Associate Register of Copyrights and became Register of Copyrights in 1951. Previously he had practiced and taught law, edited a newspaper, and served in Government posts in World Wars I and II. He was a graduate of Harvard College (A.B., 1915, magna cum laude) and of the Harvard Law School (L.L.B., 1920).

An authority in international as well as national copyright law, Mr. Fisher was deeply interested in furthering the international protection of literary property, and he represented the United States with distinction in a number of international copyright conferences. Mr. Fisher was active also, both nationally and internationally, in fields closely related to copyright, including design protection and the rights of performing artists, broadcasters and phonograph record producers.

It was during his term as Register that the Universal Copyright Convention came into being and was ratified by the United States. Mr. Fisher led the long and determined drive which made the United States an adherent, for the first time, of a world-wide copyright agreement.

The final achievement of Mr. Fisher's distinguished career was the planning for a revision of the present copyright law and the execution of a series of studies re-examining the law. These studies, prepared during the last three years under Mr. Fisher's direction, have been referred to as the most encyclopedic work on copyright to date. They are now being published by the U. S. Senate Committee on the Judiciary.

Born in Chicago, Mr. Fisher was the son of Walter L. Fisher, U. S. Secretary of the Interior in the cabinet (1911-1913) of President Taft, and Mabel Taylor Fisher. He was 66 years old at the time of his death.

The Librarian of Congress, L. Quincy Mumford, has announced that effective November 12, 1960, Abraham L. Kaminstein, who has served as Deputy Register and Chief of the Examining Division, is appointed Acting Register of Copyrights and as such will perform the full duties of the Register of Copyrights.

THE COPYRIGHT OFFICE



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ABRAHAM L. KAMINSTEIN NAMED
REGISTER OF COPYRIGHTS

Abraham L. Kaminstein, who has served as Acting Register of Copyrights since the death of Arthur Fisher on November 12, 1960, has been appointed Register of Copyrights by L. Quincy Mumford, Librarian of Congress, effective December 24, 1960.

Mr. Kaminstein joined the staff of the Copyright Office on July 31, 1947, as Chief of the Examining Division, and for the past year has held, in addition, the post of Deputy Register of Copyrights.

Born in New York City on May 13, 1912, Mr. Kaminstein received his B. S. S. degree from the College of the City of New York in 1932. In 1935 and 1936, respectively, he received the LL. B. and LL. M. degrees from Harvard Law School, where he was a Research Fellow in 1936-37.

Mr. Kaminstein began his Government career in 1937 and served in various legal capacities with the National Labor Relations Board and the Rural Electrification Administration.

Mr. Kaminstein assisted in preparing the U. S. proposals for the Universal Copyright Convention and was Adviser to the U. S. Delegation at the Paris meeting in 1951 at which the preliminary draft of the Convention was prepared. The Convention was signed in 1952 and ratified by the United States in 1954.

Mr. Kaminstein is the author of Divisibility of Copyrights, one of the studies made in preparation for the proposed revision of the present copyright law, and he has also participated actively in the general work of the Copyright Office in preparing for revision of the law.

Mr. Kaminstein is a member of the New York bar, the American Bar Association and the Federal Bar Association.