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REPORT
OF THE
REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30

1928



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

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**REPORT OF THE REGISTER OF COPYRIGHTS FOR THE
FISCAL YEAR 1927-28**

WASHINGTON, D. C., *July 9, 1928.*

SIR: The copyright business and the work of the copyright office for the fiscal year July 1, 1927, to June 30, 1928, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$201,054.49. ^{Fees, etc., 1897-}_{28.} A balance of \$16,476.46, representing trust funds and unfinished business, was on hand July 1, 1927, making a total sum of \$217,530.95 to be accounted for. Of this amount the sum of \$5,571.69 was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$211,959.26. The balance carried over to July 1, 1928, was \$16,791.61 (representing trust funds and total unfinished business), leaving fees applied during the fiscal year 1927-28 and paid into the Treasury, \$195,167.65.

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

| | | | |
|----------------|-------------|--------------|--------------|
| 1897-98..... | \$55,926.50 | 1913-14..... | \$120,219.25 |
| 1898-99..... | 58,267.00 | 1914-15..... | 111,922.75 |
| 1899-1900..... | 65,206.00 | 1915-16..... | 112,986.85 |
| 1900-1901..... | 63,687.50 | 1916-17..... | 110,077.40 |
| 1901-2..... | 64,687.00 | 1917-18..... | 108,352.40 |
| 1902-3..... | 68,874.50 | 1918-19..... | 113,118.00 |
| 1903-4..... | 72,629.00 | 1919-20..... | 126,492.25 |
| 1904-5..... | 78,058.00 | 1920-21..... | 134,516.15 |
| 1905-6..... | 80,198.00 | 1921-22..... | 138,516.15 |
| 1906-7..... | 84,685.00 | 1922-23..... | 149,297.00 |
| 1907-8..... | 82,387.50 | 1923-24..... | 162,544.90 |
| 1908-9..... | 83,816.75 | 1924-25..... | 166,909.55 |
| 1909-10..... | 104,644.95 | 1925-26..... | 178,307.20 |
| 1910-11..... | 109,913.95 | 1926-27..... | 184,727.60 |
| 1911-12..... | 116,685.05 | 1927-28..... | 195,167.65 |
| 1912-13..... | 114,980.60 | | |
| | | Total..... | 3,415,802.40 |

EXPENDITURES

The appropriation made by Congress for salaries in ^{Salaries.} the copyright office for the fiscal year ending June 30, 1928, was \$183,100. The total expenditures for salaries was \$182,959.53, or \$12,208.12 less than the net amount of

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Stationery and sundries.

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 \$1,495.64, leaving a balance for the year of \$10,712.48 to the credit of the office.

Copyright receipts and fees.

During the 31 fiscal years since the reorganization of the copyright office (from July 1, 1897, to June 30, 1928) the copyright fees applied and paid into the Treasury have amounted to \$3,415,802.40, and the total copyright registrations number 3,816,222.

Excess of fees over salaries.

The fees earned (\$3,415,802.40) were larger than the appropriations for salaries used during the same period (\$2,904,954.93) by \$510,847.47.

Value of copyright deposits.

In addition to this direct profit, the large number of over six and one-half million books, maps, musical works, periodicals, prints, and other articles deposited during the 31 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 193,914. Of these 183,211 were registrations at \$1 each, including a certificate, and 5,256 were registrations of photographs without certificates at 50 cents each. There were also 5,447 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$188,562.50.

COPYRIGHT DEPOSITS

Articles deposited.

The total number of separate articles deposited in compliance with the copyright law which have been registered during the fiscal year is 310,209. The number of these articles in each class for the last five fiscal years is shown in Exhibit E.

Works claiming copyright.

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 ^{Requests for copies.} the card division, the accessions division, law division, and the reading room in regard to 316 books supposed to have been copyrighted but not discovered in the Library, it was found that 31 of these works had been received and were actually in the Library, 16 books had been deposited and were still in the copyright office, 11 works were either not published, did not claim copyright, or for other valid reasons could not be deposited, while in the case of 36 works no answers to our letters of inquiry had been received up to June 30, 1928. Copies were received of 222 works in all in response to requests made by the copyright office during the period of 12 months for works published in recent years.

Our copyright laws have required the deposit of copies ^{Disposal of deposits.} 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 of American 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; or (3) be transferred to other Governmental 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.

During the fiscal year a total of 113,226 articles deposited have been transferred to the Library of Congress. ^{Transferred to Library.} This number included 28,102 books, 71,367 periodical numbers, 6,382 pieces of music, 4,724 maps, and 2,651 photographs and engravings.

Under authority of section 59 of the act of March 4, ^{Transfers to other libraries.} 1909, there were transferred during the fiscal year to other governmental libraries in the District of Columbia "for use therein," 8,238 books. Under this transfer, up to June 30, 1928, the following libraries have received books as indicated below:

Department of Agriculture, 3,549; Department of Commerce, 14,344; Navy Department, 1,827; Treasury De-

partment, 1,496; Bureau of Education, 16,336; Federal Trade Commission, 12,013; Bureau of Standards, 2,094; Surgeon General's library, 6,120; Walter Reed Hospital, 1,103; Engineer School, Corps of Engineers, 3,153; Soldiers' Home, 1,497; Public Library of the District of Columbia, 42,747. A number of other libraries have received a smaller number of books, under 1,000 volumes.

Return of deposits to copyright claimants.

The copyright act of 1909 authorizes the return to copyright claimants of such deposits as are not needed by the Library of Congress or the copyright office, after due notice as required by section 60. In response to special requests, 5,469 motion-picture films and 97,426 deposits in other classes have been so returned during the fiscal year.

INDEX AND CATALOGUE OF COPYRIGHT ENTRIES

Copyright catalogue.

All copyright entries are promptly indexed. The index cards are ultimately intercalated into the great card indexes now covering all classes of copyright entries from 1897 to date. But these cards are first used as copy for the printed Catalogue of Copyright Entries, the current numbers of which bind up, with annual indexes, to cover for each class all the entries made for the calendar year. The annual volumes for 1927 are all complete, except the annual index for part 1, group 2, containing pamphlets, leaflets, contributions to periodicals, dramatic compositions, and motion pictures, and maps. This index covers more than 70,000 entries and will make a close-printed double-column volume of more than 500 pages.

Beginning with the year 1928, the copyright entries for dramas and motion pictures will make a separate part of the catalogue (part 1, group 3) and will be printed in monthly numbers.

Subscription prices.

By the act of Congress approved May 23, 1928, the subscription price for the catalogue has been increased, the complete catalogue for the year being supplied for \$10 and the separate parts as follows:

Part 1, group 1, books proper, \$3; part 1, group 2, pamphlets and maps, \$3; part 1, group 3, dramatic compositions and motion pictures, \$2; part 2, periodicals, \$2; part 3, musical compositions, \$3; part 4, works of art, photographs, prints, and pictorial illustrations, \$2; single numbers (except book leaflets), 50 cents; annual indexes, each, for complete calendar year, \$2; all parts for complete calendar year, \$10.

REPORT OF THE REGISTER OF COPYRIGHTS 5

Summary of copyright business

| | | |
|---|--------------|--|
| Balance on hand July 1, 1927----- | \$16,478.46 | <i>Summary of copyright bus- ness.</i> |
| Gross receipts July 1, 1927 to June 30, 1928----- | 201,054.49 | |
| Total to be accounted for----- | 217,530.95 | |
| Refunded----- | 5,571.69 | |
| Balance to be accounted for----- | 211,959.26 | |
| Applied as earned fees----- | \$195,167.65 | |
| Balance carried over to July 1, 1928: | | |
| Trust funds----- | \$16,182.61 | |
| Unfinished business----- | 609.00 | |
| | 16,791.61 | |
| | 211,959.26 | |

Fees for fiscal year

| | |
|---|--------------|
| Fees for registration, including certificates at \$1 each----- | \$188,211.00 |
| Fees for registration of photographs without certifi- cates, at 50 cents each----- | 2,628.00 |
| Fees for registration of renewals, at 50 cents each--- | 2,723.50 |
| Total fees for registrations recorded----- | 188,562.50 |
| Fees for certified copies of record at 50 cents each----- | \$1,218.50 |
| Fees for recording assignments----- | 4,521.00 |
| Searches made and charged for at the rate of 50 cents for each hour of time con- sumed----- | 351.50 |
| Notice of user recorded (music)----- | 288.25 |
| Indexing transfers of proprietorship----- | 225.90 |
| | 6,605.15 |
| Total fees for the fiscal year 1927-28----- | 195,167.65 |

Entries

| | |
|---|---------|
| Number of registrations----- | 188,467 |
| Number of renewals recorded----- | 5,447 |
| Total----- | 193,914 |
| Number of certified copies of record----- | 2,437 |
| Number of assignments recorded or copied----- | 4,101 |

A large part of the business of the copyright office is *Correspondence* done by correspondence. The total letters and parcels received during the fiscal year numbered 208,196, while the letters, parcels, etc., dispatched numbered 218,553.

CONDITION OF COPYRIGHT OFFICE BUSINESS

On July 7, 1928, the remittances received up to the *Condition of cur-
rent work.* 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 OFFICE PUBLICATIONS

Copyright Office publications.

The United States copyright laws in force, Bulletin 14, was reprinted during the year.

The act of May 23, 1928, amending sections 57 and 61 of the copyright act of March 4, 1909, to increase the copyright fees, has been printed as Information Circular No. 65. (1 p. 8°.) Several administrative circulars were printed to call special attention to this increase in copyright fees, effective July 1, 1928, and these were freely distributed in the outgoing letters of the copyright office.

Information Circular No. 4 B, giving the text of the protocol, dated March 30, 1914, to the International Copyright Convention revised at Berlin in 1908, was reprinted, and the text of the new revised convention, signed at Rome on June 2, 1928, was printed in the original French with English translation, as Information Circular No. 4 C.

COPYRIGHT LEGISLATION

Act to increase copyright fees.

On May 23, 1928, the President approved an act to provide for a general increase in fees for the registration of copyright claims and for other services rendered by the copyright office. This act also increased the subscription price for the Catalogue of Copyright Entries. As explained in last year's report (1926-27, pp. 212-213) the fees in force for copyright registration were fixed by law as far back as 1831, and were inadequate under present conditions. The change effected is an increase of the registration fee for published works from \$1 to \$2, the certificate of copyright being included in this charge. The old fee of \$1 for registration was retained unchanged for all *unpublished* works. The act also provides that while the new fee for published photographs is fixed at \$2 with certificate, in cases where no certificate is required the fee is only \$1. The new fee for recording copyright assignments and other papers is now based upon the record-book page, instead of the number of words in the document, to accord with the use of the photostat machine in making the copies. The registration of the claim for the renewal of the copyright for the second term of 28

years is changed from 50 cents to \$1, and the fee for searches to \$1 for each full hour of time consumed.

The subscription price for the Catalogue of Copyright Entries has remained at \$5 per year, as fixed in 1891, notwithstanding that the annual printed pages increased from less than 1,400 pages to over 13,000. The present act fixes the subscription price at \$10 the year for the full catalogue, and provides that the prices for the separate parts of the catalogue shall be fixed "at such prices as may be determined to be reasonable." The prices per year are as follows:

Part 1, group 1, books proper, \$3; part 1, group 2, pamphlets and maps, \$3; part 1, group 3, dramatic compositions and motion pictures, \$2; part 2, periodicals, \$2; part 3, musical compositions, \$3; part 4, works of art, photographs, prints, and pictorial illustrations, \$2.

Bills to secure this increase were introduced in the Sixty-ninth Congress but failed of enactment during the closing hours of the short session. A new bill was introduced in the Seventieth Congress on December 7, 1927,¹ by Hon. Albert H. Vestal, identical in text with the old bill (H. R. 16548, 69th Cong., 2d sess.), except to provide that the act should go into effect on July 1, 1928. On January 4, 1928, this bill was introduced in the Senate by Hon. Jesse H. Metcalf (S. 2161).² Hearings were held by the House Committee on Patents on January 20, 1928, and by the Senate Committee on Patents on April 3, 1928. The House bill was favorably reported on January 23, 1928,³ and was passed by the House on February 6, 1928. On February 7 the House act was presented to the Sen-

¹ 1927 (Dec. 7). A bill to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 6104, 70th Cong., 1st sess. 3 pp. 4°. Referred to the Committee on Patents.

² 1928 (Jan. 4). A bill to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Metcalf. S. 2161, 70th Cong., 1st sess. 3 pp. 4°. Referred to the Committee on Patents.

³ 1928 (Jan. 23). A bill to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. H. R. 6104 (Rept. No. 353), 70th Cong., 1st sess. 3 pp. 4°. Committed to the Committee of the Whole House on the state of the Union.

1928 (Jan. 23). Amend and consolidate the acts respecting copyright. Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 6104). H. R. Rept. No. 353, 70th Cong., 1st sess. 2 pp. 8°.

ate.⁴ was favorably reported by Hon. Charles W. Waterman from the Senate Committee on Patents on April 24,⁵ and passed the Senate on May 8, with an amendment to correct a slight typographical error which had occurred in the reprinting of the bill. With this amendment the bill was again passed by the House on May 18. It was signed by the Speaker and Vice President on May 19, was presented to the President on May 21, and was approved by the President on May 23, 1928.⁶ The text of the act as well as the House report are printed in Addendum I, pages 28-31.

*Divisible copy-
right. Bill
H. R. 8913.*

The bill introduced and reported in the Sixty-ninth Congress known as the "Divisible copyright bill," providing that "all rights comprised in a copyright are several, distinct, and severable" (H. R. 16808), was reintroduced in the Seventieth Congress on January 9, 1928 (H. R. 8913).⁷ Hearings took place before the House Committee on Patents on March 2 and 20, 1928, and the bill was favorably reported on April 2.⁸ Another hearing was had on April 20,⁹ but no further action resulted. On

⁴ 1928 (Feb. 7). An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. In the Senate of the United States. H. R. 6104, 70th Cong., 1st sess. 3 pp. 4°. Referred to the Committee on Patents.

⁵ 1928 (Apr. 24, legislative day Apr. 20). An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. In the Senate of the United States. H. R. 6104 (S. Rept. No. 883), 70th Cong., 1st sess. 3 pp. 4°. Referred to the Committee on Patents.

1928 (Apr. 24, legislative day Apr. 20). Amend and consolidate the acts respecting copyright. Mr. Waterman, from the Committee on Patents, submitted the following report (to accompany H. R. 6104). S. Rept. No. 883, 70th Cong., 1st sess. 2 pp. 8°.

⁶ 1928 (May 23). An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Public, No. 478, 70th Cong., 1st sess. (H. R. 6104). 2 pp. 8°.

⁷ 1928 (Jan. 9). A bill to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 8913, 70th Cong., 1st sess. 5 pp. 4°. Referred to the Committee on Patents.

⁸ 1928 (Apr. 2). A bill to amend secs. 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. H. R. 8913 (Rept. No. 1103), 70th Cong., 1st sess. 5 pp. 4°. Reported with amendments and referred to the House Calendar.

1928 (Apr. 2). Amend and consolidate the acts respecting copyright. Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 8913). H. Rept. No. 1103, 70th Cong., 1st sess. 3 pp. 8°.

⁹ 1928 (Mar. 2 and 20 and Apr. 20). Hearings held before the Committee on Patents, House of Representatives, 70th Cong., 1st sess., on H. R. 8913, a bill to amend secs. 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909; Mar. 2 and 20, 1928, 2 p. 1., 87 pp.; Apr. 20, 1928, pt. 2, 1 p. 1., pp. 89-147. 8°.

By 7, the bill was brought up in the House, whereupon Hon. Fritz G. Lanham, of the House Committee on Patents, at the request of the chairman of that committee, secured "unanimous consent that this bill be passed over without prejudice," and there being no objection, it was so ordered. On May 21 the bill was brought up again, being on the Consent Calendar, with a view to present consideration. Thereupon the Hon. Jeff Busby objected to consideration or that it be passed over temporarily without prejudice, stating that he was "unalterably opposed to it," and that he objected. The bill was then passed over. On May 28 Mr. Vestal, chairman of the House Committee on Patents, as the bill was brought up on the Consent Calendar, asked "unanimous consent that this bill be passed over without prejudice." Again Mr. Busby objected, and the objection was supported by Honors A. Collins, David H. Kincheloe, and Andrew L. Biers. Thereupon the bill was passed over, and the House adjourned next day. The text of the reported bill of April 2 and the House report are here printed in Appendix I, pages 32-37.

Several bills were introduced during the year to amend sections 1 (e) and 25 (e) of the copyright act of 1909, with respect to the performance of music by mechanical instruments. On February 7, 1928, Hon. Albert H. Vestal introduced (by request) the bill H. R. 10655¹⁰ to amend section 1 (e) and to repeal section 25 (e), and public hearings on this bill by the House Committee on Patents were held from April 3 to 11, 1928,¹¹ but the bill did not come before the House. On February 13, the same bill was introduced in the Senate by Hon. George H. Moses (S. 3160).¹² On May 1, 1928, an amended bill

Mechanical reproduction of music.

Bill H. R. 10655.

Bill S. 3160.

1028 (Feb. 7). A bill to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Vestal. H. R. 10655, 70th Cong., 1st sess. 4 pp. 4°. Referred to the Committee on Patents.

1128 (Apr. 3-11). Repeal of price-fixing clause for mechanical reproduction. Hearings held before the Committee on Patents, House of Representatives, 70th Cong., 1st sess., on H. R. 10655, a bill to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Apr. 3, 4, 10, and 28. 2 p. l., 201 pp. 8°.

1228 (Feb. 13). A bill to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Moses. S. 3160, 70th Cong., 1st sess. 4 pp. 4°. Referred to the Committee on Patents.

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Bill H. R. 13452. (H. R. 13452)¹³ was introduced by Mr. Vestal, who chairman of the House Committee on Patents, on May 1, 1928, and presented a favorable report (H. Rept. No. 1520) on May 4, 1928, entitled "Repeal of price-fixing clause for mechanical production." When this bill was reached on the House Calendar on May 21, it was on motion "passed over without prejudice," and the session closed without further action. Meanwhile a bill of similar text (S. 4369)¹⁵ had been introduced in the Senate by Senator Moses on May 1, 1928. The texts of the bills H. R. 10655 and H. R. 13452 together with the Report No. 1520, are printed in Appendix I, pages 37-44.

The purpose of this proposed legislation is to repeal provisions in respect to the royalty of 2 cents to be paid for each part manufactured of instruments designed to reproduce mechanically a copyrighted musical composition (sec. 2) and to substitute provisions to permit the owner of the copyright of the musical composition to make his own terms for such reproduction of music. The bill (H. R. 13452) further provides that—

After any such grant or subsequent agreement has become effective, any other person may make like use of such copyrighted musical composition upon the same terms and conditions in respect of the royalty payable, the time, mode, and manner of such payment, and the security for the payment thereof. * * *. (See par. 4.)

The committee in its report states that the bill "eliminates abuses and evils and injustices which have prevailed for 19 years, and is therefore recommended for favorable consideration."

¹³ 1928 (May 1). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909, as amended, in respect of mechanical reproduction of musical compositions and for other purposes. Introduced by Mr. Vestal. H. R. 13452, 70th Cong., 1st sess. 5 pp. 4°. Referred to the Committee on Patents.

¹⁴ 1928 (May 4). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909, as amended, in respect of mechanical reproduction of musical compositions and for other purposes. Introduced by Mr. Vestal. H. R. 13452 (1 No. 1520), 70th Cong., 1st sess. 5 pp. 4°. Referred to the Committee on Patents.

1928 (May 4). Repeal of price-fixing clause for mechanical reproduction of musical compositions. Reported by Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 13452). H. Rept. No. 1520, 70th Cong., 1st sess. 2 pp. 8°.

¹⁵ 1928 (May 7, legislative day May 3). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes. Introduced by Mr. Moses. S. 4369, 70th Cong., 1st sess. 3 pp. 4°. Referred to the Committee on Patents.

On May 15, 1928, Hon. Millard E. Tydings introduced ^{Bill S. 4467.} by request a bill (S. 4467)¹⁶ to amend section 1 of the act of 1909. The bill introduced by Senator Tydings makes only one change in the existing copyright law; namely, the insertion in section 1 of the following words:

And provided further, That the issuance or sale, by authority of the owner of the copyright of a musical composition, or by any person lawfully claiming by, through, or under the owner of such copyright, of sheets upon which are written, printed, or by other process made to appear, notes, emblems, symbols, signs, words, or tokens of musical composition, notes, tones, values, and arrangement, from which the thought of an author may be read or from which performance of the musical composition may be made, shall authorize the private or public performance of such musical composition, for profit or otherwise, when such performance is made from the sheets so issued or sold, without contribution to the copyright or royalty to the owner thereof, or to any person lawfully claiming by, through, or under such owner, in excess of the price paid for such sheets so issued or sold.

No final action was taken upon any of these bills.

By the act approved June 18, 1874, registration is required to be made for copyright protection in the case of ^{Prints and labels. Bill H. R. 10484.} prints and labels for articles of manufacture in the Patent Office. A bill was introduced by Mr. Vestal on February 9, 1928,¹⁷ to transfer this registration to the copyright office and to repeal the act of 1874. No action was taken on the bill. Its brief text is printed at page 44.

The movement to abrogate the design patent act and to ^{Design copyright bills.} provide for the protection of original designs to be applied to articles of manufacture under the copyright law was advanced by the introduction by Mr. Vestal on January 16, 1928, of a new bill for this purpose (H. R. 9358).¹⁸ ^{H. R. 9358.} Public hearings on the bill were had on March 16,¹⁹ and on March 24 the bill was brought before the Senate by

¹⁶ 1928 (May 15, legislative day May 3). A bill to amend sec. 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909. Introduced by Mr. Tydings (by request). S. 4467, 70th Cong., 1st sess. 5 pp. 4°. Referred to the Committee on Patents.

¹⁷ 1928 (Feb. 2). A bill to amend sec. 5 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved Mar. 4, 1909, and for other purposes. Introduced by Mr. Vestal. H. R. 10484, 70th Cong., 1st sess. 2 pp. 4°. Referred to the Committee on Patents.

¹⁸ 1928 (Jan. 16). A bill amending the Statutes of the United States with reference to copyright registration of designs. Introduced by Mr. Vestal. H. R. 9358, 70th Cong., 1st sess. 17 pp. 4°. Referred to the Committee on Patents.

¹⁹ 1928 (Mar. 16). Registration of designs. Hearing held before the Committee on Patents, House of Representatives, 70th Cong., 1st sess., on H. R. 9358, a bill providing for copyright registration of designs. Mar. 16, 1928. 1 p. 1, 46 pp. 8°.

S. 3768. Hon. Henrik Shipstead (S. 3768).²⁰ Mr. Vestal introduced an amended bill on May 1 (H. R. 13453),²¹ but further action has been recorded. The texts of these bills are printed in Addendum I, pages 45-64.

Motion-picture films. Several bills have been presented to Congress with respect to motion-picture films and their exhibition. The bills contain provisions relative to the commercial use of copyrighted films, and for that reason their titles are included in chronological order in this summary.

Bill S. 1667. On December 13, 1927, Senator Smith W. Brookhart introduced "A bill to prevent obstruction and burden upon interstate trade and commerce in copyrighted motion-picture films," etc. (S. 1667);²² on January 13, 1928 Hon. Clarence Cannon introduced a bill (H. R. 9298) of exactly the same title but a somewhat different text, sections 2 and 3 of S. 1667 being omitted; Hon. Emanuel Celler, on January 26 also introduced a bill of exactly the same title (H. R. 10087)²⁴ which agrees in text with Senator Brookhart's bill (S. 1667). On May 11, Hon. Grant M. Hudson introduced a bill (H. R. 13686)²⁵ entitled "A bill to protect the motion-picture industry against unfair trade practices and monopoly." This last is an elaborate bill of 41 sections, containing 54 pages:

²⁰ 1928 (Mar. 24). A bill amending the Statutes of the United States with reference to copyright registration of designs. Introduced by Mr. Shipstead. S. 3768, 70th Cong., 1st sess. 17 pp. 4°. Referred to the Committee on Patents.

²¹ 1928 (May 1). A bill amending the Statutes of the United States to provide for copyright registration of designs. Introduced by Mr. Vestal. H. R. 13453, 70th Cong., 1st sess. 18 pp. 4°. Referred to the Committee on Patents.

²² 1927 (Dec. 13). A bill to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution and exhibition of copyrighted motion-picture films (etc.). Introduced by Mr. Brookhart. S. 1667, 70th Cong., 1st sess. 10 pp. 4°. Referred to the Committee on Interstate Commerce.

²³ 1928 (Jan. 13). A bill to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films (etc., same title continued, as above). Introduced by Mr. Cannon. H. R. 9298, 70th Cong., 1st sess. 6 pp. 4°. Referred to the Committee on Interstate and Foreign Commerce.

²⁴ 1928 (Jan. 26). A bill to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films (etc., same title continued, as above). Introduced by Mr. Celler. H. R. 10087, 70th Cong., 1st sess. 10 pp. 4°. Referred to the Committee on Interstate and Foreign Commerce.

²⁵ 1928 (May 11). A bill to protect the motion-picture industry against unfair trade practices and monopoly, to provide just settlement of complaints of unfair dealings, to provide for the manufacture of wholesome motion pictures at the source of production, to create a Federal motion picture commission, to define its powers, and for other purposes. Introduced by Mr. Hudson. H. R. 13686, 70th Cong., 1st sess. 54 pp. 4°. Referred to the Committee on Interstate and Foreign Commerce.

No further action is recorded concerning any of these bills.

In my last year's report reference was made to the text of a joint resolution, approved March 4, 1927, which was printed in full text authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use "for all governmental, administrative, or publication purposes" of the *Harriman Geographic Code System* under patents or copyrights issued.

A favorable report was presented on May 26, 1928, by Hon. George H. Moses and an adverse minority report by Hon. Hiram Bingham on May 29.²⁶ Senator Moses also introduced on May 26 a bill to provide for the purchase of the *Harriman Geographic Code System*,²⁷ which was also presented to the House by Hon. Henry W. Temple on May 29.²⁸ No final action was reported.

INTERNATIONAL COPYRIGHT

A copyright proclamation was issued on May 14, 1928, in favor of Rumania. This proclamation declares "that citizens of Rumania are 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."

The proclamation further declares:

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

²⁶ 1928 (May 26, legislative day May 3). *Harriman Geographic Code System*. Report of the Select Joint Committee on the *Harriman Geographic Code System*, Congress of the United States, pursuant to Public Resolution 70, 69th Cong., approved Mar. 4, 1927. Presented by Mr. Moses. S. Doc. No. 159, 70th Cong., 1st sess. Referred to the Committee on Printing. 1 p. l., 8 pp. 8°.

1928 (May 29, legislative day May 28). *Harriman Geographic Code System*. Minority views of the Select Joint Committee * * *. Presented by Mr. Bingham. S. Doc. No. 159, pt. 2, 70th Cong., 1st sess. Referred to the Committee on Printing. 1 p. l., 2 pp. 8°.

²⁷ 1928 (May 26, legislative day May 3). A bill to provide for the purchase of the *Harriman Geographic Code System*. Introduced by Mr. Moses. S. 4584, 70th Cong., 1st sess. 4 pp. 4°. Referred to the Committee on Printing.

²⁸ 1928 (May 29). A bill to provide for the purchase of the *Harriman Geographic Code System*. Introduced by Mr. Temple. H. R. 14127, 70th Cong., 1st sess. 4 pp. 4°. Referred to the Committee on Appropriations.

after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to May 14, 1928, on any contrivance by means of which the work may be mechanically performed.

*Pan American
Conference,
Habana, 1928.*

A conference of the countries of the Pan American Union was held in Habana, Cuba, from January 16, to February 20, 1928, and a new copyright convention was drafted revising the convention adopted at Buenos Aires on August 11, 1910. In this new convention, adopted February 18, 1928, the following articles of the convention of 1910 stand without change; namely, 1, 4, 5 (as 5 *bis*), 7 to 15, inclusive.

In article 2, in addition to a few verbal changes, there have been added to the list of works protected "lithographic" and "cinematographic" works and "reproductions by means of mechanical instruments designed for the reproduction of sounds," and the words "as well as the arts applied to any human activity whatever" have been added after the enumeration of "plans, sketches, or plastic works relating to geography, geology, or topography, architecture, or any other science."

In article 3, which provided that protection should be secured in all the other States "without the necessity of complying with an other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right," there have now been added the further requirements "and the name of the person in whose favor the reservation is registered. Likewise the country of origin, the country in which the first publication was made, or those in which simultaneous publications were made, as well as the year of the first publication, must be indicated."

The full text of the 1910 convention was printed in my report for 1911, pages 159-161 of the Report of the Librarian of Congress for that year. It was also printed as Copyright Office Information Circular, No. 55, and in the Copyright Office Bulletin, No. 14, pages 43-47. In Addendum II of this year's report is therefore printed only so much of the text as clearly indicates the changes adopted at Habana in the conference of 1928 (see pages 67-69).

ROME COPYRIGHT CONFERENCE, 1928

*International
Copyright
Conference,
Rome, 1928.*

An international conference was held at Rome from May 7 to June 2, 1928, for the purpose of discussing the

proposals for amendment of the Copyright Convention signed at Berlin on November 13, 1908. Representatives from 53 countries, including 19 nonunion States, were present. The delegation on the part of the United States comprised the American ambassador at Rome, Henry Carter Fletcher, chairman; the counselor of the embassy, Warren D. Robbins; the commercial attachés, Mowatt M. Mitchell and George R. Canty, together with the Hon. Solomon and the Register of Copyrights.

The results of the deliberations were embodied in a revised text of the convention, which was printed in French and signed on June 2. Many changes were proposed and considered, but only a certain number of them were finally accepted, the larger number of the articles of the convention of 1908 remaining unchanged. The more important of these unchanged provisions may be briefly summarized as follows:

- (1) The union term of protection (life of author and 50 years after his death);
- (2) the author's exclusive right to make or to authorize translations of his work;
- (3) serials and other works published in newspapers or periodicals in one union country may not be reproduced in any other union country without the consent of the author;
- (4) news of the day or miscellaneous news items having the character merely of press information are not protected;
- (5) the right to borrow for use in publications intended for instruction, etc., is permitted;
- (6) authors are protected (without notice of prohibition) against the unauthorized public representation of their dramatic musical works or of a translation of them, and of any unauthorized appropriation of their works for adaptations or arrangements of music, or transformations of a drama or novel or of a poem into a theatrical piece or vice versa;
- (7) authors are accorded the exclusive right to control mechanical reproduction of their musical works;
- (8) the author's name on the title-page shall be sufficient to permit him to sue, or the publisher may sue if the work is anonymous or pseudonymous;
- (9) the provisions as to seizure of copies;
- (10) government right of censorship;
- (11) privilege of making special copyright treaties; and
- (12) the various provisions relating to the International Copyright Bureau at Berne are retained unchanged, except that the Berne bureau budget is increased from 100,000 to 120,000 Swiss francs.

Revised convention signed June 2, 1928.

Provisions of convention of 1908 remaining unchanged.

*Principal changes
as summarized.*

The principal changes proposed, which were agreed upon, may be briefly summarized as follows:

Article 2 defines the expression "literary and artistic works" and enumerates specifically the works in the protection accorded. In the convention of 1908 there has been added "lectures, addresses, sermons and other works of like nature." In a new article, "the authority is reserved to the domestic legislation of each country of the union to establish the conditions under which such oral works may be reproduced by the public and also provisions to exclude, partially or wholly from this protection "political discourses or discourses pronounced in judicial debates." But the author alone shall have the right to bring such works together and publish them as a compilation.

*First publication
by nonunionist
author in a
unionist country.*

The convention of 1908 provided very liberally that an author of a nonunion country first publishing his work in a union country should enjoy in that country the same rights as national authors and in the other countries of the union the rights accorded by the convention. This convention permitted authors of nonunion countries to secure copyright protection throughout the various countries of the union merely first publishing their works in one of them. An American author, for example, by publishing his work first in England, might secure copyright in all the countries of the copyright union, although the United States is not a member of the union. This situation led to the adoption at Berne, Switzerland, on March 20, 1914, of an "additional protocol," providing that when a nonunion country does not protect adequately the works of authors of a unionist country, this latter country might require the protection accorded to works by nonunion authors who are citizens of the former country and who are actually domiciled in the union country. The provisions of this "additional protocol" are now made an integral part of the text of the 1928 convention (art. 6, paragraph 4). The following clauses are added providing that restrictions established by virtue of this authority, however, "shall not prejudice the rights which an author may have acquired in a country where he has published in one of the countries of the union before the putting into effect of this restriction" (art. 6, paragraph 4). There is further provision (art. 6, par. 4) that countries which adopt these restrictive measures shall indicate the nature of the restrictions and name the country concerned.

in a notification to the Swiss Government and the latter shall communicate these facts to the other union countries.

A new article, "6 *bis*," deals with the much-discussed "moral right" of authors. This amendment was adopted with much enthusiasm and its acceptance was looked upon as one of the most important achievements of the conference. Paragraph 1 reads as follows:

Independently of the patrimonial rights of the author, and even after the assignment of these rights, the author retains the right to claim the paternity of his work, as well as the right to object to every deformation, mutilation, or other modification of the said work which may be prejudicial to his honor or to his reputation.

The article provides that it shall be left to the legislation of each union country to establish the conditions for the exercise of these rights and the means for safeguarding them shall be left to the legislation of the country where protection is claimed.

In a new article, "7 *bis*," it is provided that the "duration of the author's right belonging in common to collaborators in a work is to be calculated according to the date of the death of the last survivor of the collaborators," and that authors of a country granting a shorter term can not claim in the other countries of the union a protection of longer duration, but that in any case the term of protection shall not expire before the death of the last survivor of the collaborators.

The convention of 1908 provided that any newspaper article except fiction might be reproduced by any other newspaper if reproduction was not expressly forbidden. The convention of 1928 restricts such privilege of reproduction to "articles of current economic, political, or religious discussion," but requires that the source must always be clearly indicated. The confirmation of this latter obligation is to be determined by the legislation of the country where the protection is claimed. (Art. 9, par. 2.)

A new article, "11 *bis*" provides, concisely, that "authors of literary and artistic works enjoy the exclusive right to authorize the communication of their works to the public by radiodiffusion," the conditions of the exercise of this right to be regulated by the legislation of each country and limited to that country, but not to adversely affect the moral right of the author nor his right to obtain "equitable remuneration fixed, in default of an amicable agreement, by competent authority."

Cinematographic productions.

In the 1908 convention, in article 14, it is provided that "cinematographic productions are protected as literary or artistic works when by the arrangement of the stage effect or by the combination of incidents represented, the author shall have given to the work a personal and original character." In the 1928 convention the words "personal and" are omitted, leaving only the requirement that the author of the cinematographic work shall have given it an "original character," lacking which it is provided that the cinematographic production shall be protected as a photographic work. Without prejudice to the rights of the author of the work reproduced or adapted the cinematographic work is to be protected as an original work.

Earlier agreements superseded.

The last half dozen articles of the convention of 1928 contain the provisions concerning the substitution of that convention for the previous agreements; namely, the original convention of Berne of 1886, the amendments agreed to at Paris in 1896, the revised convention of Berlin of 1908; also the provisions for accession to the Copyright Union; for making reservations when adhering, and for the denunciation of the convention by any country if desiring to do so. It is provided (art. 25, par. 3)

Accession of new countries.

that the accession of any new country shall be effective one month after the sending of the required notification of accession by the Swiss Confederation to the other unionist countries, unless a later date has been indicated by the adhering country, i. e., a later fixed date when it is desired the convention shall be in effect with respect to the new country joining the union.

Convention to be ratified not later than July 1, 1931.

It is provided in article 28, that the convention must be ratified and the ratifications deposited at Rome not later than July 1, 1931. It will go into effect among the countries of the union which have ratified it one month after that date. If, however, before that date, it has been ratified by at least six countries, it will go into effect as between those countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation. For other countries of the union which shall later ratify, the convention shall go into effect one month after the notifications of each of such ratifications. Article 29, paragraph 1, provides in substance the same as the corresponding article and paragraph of the convention of 1908, namely, that the convention "shall remain in effect for an indeterminate time, until the expiration of one year

from the day when denunciation of it shall have been made."

It was provided in the convention of 1908 that it should replace in the relations between the contracting States of the union, the convention of 1886, and the declaration of 1896, but that new countries acceding to the union might indicate their desire to substitute certain provisions of the convention of 1886, or the additional act of 1896, at least provisionally. These provisions are omitted in the convention of 1928; but it does provide (art. 27, par. 1) that the convention of 1928 shall take the place of the convention of Berne of 1886, "and the acts by which it has been successively revised," but that the "act previously in effect shall remain applicable in relations with the countries which shall not have ratified the present convention."

Substitution of earlier conventions.

The convention also provides that such countries as are actually within the union, but in whose name the convention of 1928 has not been signed, may at any time adhere to it, and they, as well as union countries in whose name the convention of 1928 is signed, are entitled to retain the benefit of reservations which they have previously formulated, on condition that they make such a declaration at the time of the deposit of ratifications. And it is provided that a new adhering country may indicate its intention to substitute, provisionally at least, for article 8, concerning translations, the provisions of article 5 of the convention of 1886, as revised in 1896. Such provisions, however, it is understood, are to deal only with translations in the language or languages of the country.

1928 convention may be signed with reservations.

Several countries within the Copyright Union signed the convention of 1908 in behalf of their colonies or possessions, and article 26, paragraph 1, was authority for so doing, or for indicating which of their dependencies should be excluded. In the convention of 1928 there have been included provisions to accede to the convention upon behalf of colonies, protectorates, territories under mandate or "all territories under suzerainty," and suitable notification to the Swiss Government is required both that the articles of convention apply or have ceased to apply in the case of such colonies, etc.

Accession for colonies, etc.

Countries outside of the union, which assure full legal protection for the rights that are the object of the convention, may accede to it, by means of accession, either to

Accession of new countries.

the convention signed at Berlin, November 13, 1908, or to the convention signed at Rome on June 2, 1928. Such accession may be made up to August 1, 1931. After that date such countries can adhere only to the convention of 1928.

*Resolutions
adopted at
Rome, 1928.*

In addition to the adoption of this revised text of the convention, the conference formulated a series of six resolutions. These relate to the so-called "moral right" of authors; the permissible borrowing from copyrighted works; the right of the artist to share in the increased price secured by the successive sale of his work; the desirability of adopting some method of establishing the date of an author's creation; the protection of the rights of performing artists; and the possible unification of the provisions of the Pan American Convention of Habana, 1928, and the Rome convention of 1928, with a view to the world-wide unification of the laws protecting literary and artistic works.

*Text of conven-
tion printed.*

The full French text of the convention of 1928, with an English translation, as well as the text of the resolutions are printed in Addendum III to this report, pages 70-98.

*Bills for entry
into Copyright
Union.*

A dozen or more bills have been presented to Congress containing provisions to effect the entry of the United States into the International Copyright Union. The bill for the general revision of the copyright laws, introduced by Hon. Albert H. Vestal on January 9, 1928 (H. R. 8912),¹ contains such provisions in its sections 61, 62, and 63. Mr. Vestal also presented on January 18, 1928, a brief "bill to amend the copyright law in order to permit the United States to enter the International Copyright Union" (H. R. 9586),² the text of which is printed in Addendum I, page 64.

Bill H. R. 8912.

Bill H. R. 9586.

Respectfully submitted.

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.

¹ 1928 (Jan. 9). 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. Vestal. H. R. 8912, 70th Cong., 1st sess. 46 pp. 4°. Referred to the Committee on Patents.

² 1928 (Jan. 18). A bill to amend the copyright law in order to permit the United States to enter the International Copyright Union. Introduced by Mr. Vestal. H. R. 9586, 70th Cong., 1st sess. 4 pp. 4°. Referred to the Committee on Patents.

EXHIBIT A.—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1928

| Month | Gross receipts | Refunds | Net receipts | Fees applied |
|----------------|----------------|----------|--------------|--------------|
| 1927 | | | | |
| July..... | \$15,058.86 | \$371.49 | \$14,687.37 | \$13,781.20 |
| August..... | 13,519.09 | 264.41 | 13,254.68 | 14,813.30 |
| September..... | 14,847.47 | 288.25 | 14,559.22 | 14,780.70 |
| October..... | 17,239.88 | 411.25 | 16,828.63 | 16,190.85 |
| November..... | 15,884.67 | 446.78 | 15,437.89 | 15,051.65 |
| December..... | 19,897.43 | 377.06 | 19,520.37 | 17,673.20 |
| 1928 | | | | |
| January..... | 21,631.86 | 516.86 | 21,115.00 | 18,507.50 |
| February..... | 17,066.42 | 592.65 | 16,473.77 | 16,325.75 |
| March..... | 17,951.40 | 574.18 | 17,377.22 | 18,604.00 |
| April..... | 14,161.36 | 494.31 | 13,667.05 | 14,151.55 |
| May..... | 15,873.59 | 560.42 | 15,313.17 | 16,125.75 |
| June..... | 17,922.46 | 674.03 | 17,248.43 | 19,162.20 |
| Total..... | 201,054.49 | 5,571.69 | 195,482.80 | 195,167.65 |

| | |
|--|-------------------|
| Balance brought forward from June 30, 1927..... | \$16,476.46 |
| Net receipts July 1, 1927, to June 30, 1928: | |
| Gross receipts..... | \$201,054.49 |
| Less amount refunded..... | 5,571.69 |
| | <u>195,482.80</u> |
| Total to be accounted for..... | 211,959.26 |
| Copyright fees applied July 1, 1927, to June 30, 1928..... | 195,167.65 |
| Balance carried forward to July 1, 1928: | |
| Trust funds..... | 16,182.61 |
| Unfinished business..... | 609.00 |
| | <u>211,959.26</u> |

22 REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT B.—Record of applied fees

| 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 | | |
| 1927 | | | | | | | | |
| July..... | 12,893 | \$12,893.00 | 463 | \$231.50 | 238 | \$119.00 | 13,594 | \$13,243.50 |
| August..... | 13,921 | 13,921.00 | 392 | 196.00 | 231 | 115.50 | 14,544 | 14,232.50 |
| September..... | 13,965 | 13,965.00 | 249 | 124.50 | 355 | 177.50 | 14,569 | 14,267.00 |
| October..... | 15,269 | 15,269.00 | 324 | 162.00 | 317 | 158.50 | 15,910 | 15,589.50 |
| November..... | 13,989 | 13,989.00 | 827 | 413.50 | 259 | 129.50 | 15,075 | 14,532.00 |
| December..... | 16,753 | 16,753.00 | 691 | 345.50 | 169 | 84.50 | 17,613 | 17,183.00 |
| 1928 | | | | | | | | |
| January..... | 17,567 | 17,567.00 | 344 | 172.00 | 474 | 237.00 | 18,385 | 17,976.00 |
| February..... | 15,418 | 15,418.00 | 389 | 194.50 | 612 | 306.00 | 16,419 | 15,918.50 |
| March..... | 17,556 | 17,556.00 | 112 | 56.00 | 779 | 389.50 | 18,447 | 18,001.50 |
| April..... | 13,348 | 13,348.00 | 357 | 178.50 | 332 | 166.00 | 14,037 | 13,692.50 |
| May..... | 15,102 | 15,102.00 | 268 | 134.00 | 499 | 249.50 | 15,869 | 15,485.50 |
| June..... | 17,430 | 17,430.00 | 840 | 420.00 | 1,182 | 591.00 | 19,452 | 18,441.00 |
| Total..... | 183,211 | 183,211.00 | 5,256 | 2,628.00 | 5,447 | 2,723.50 | 193,914 | 188,562.50 |

| 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 | | |
| 1927 | | | | | | | | | | |
| July..... | 96 | \$48.00 | 264 | \$432.00 | 67 | \$6.70 | 24 | \$15.50 | \$35.50 | \$13,781.20 |
| August..... | 116 | 58.00 | 320 | 452.00 | 173 | 17.30 | 62 | 17.00 | 36.50 | 14,813.30 |
| September..... | 95 | 47.50 | 230 | 394.00 | 412 | 41.20 | 23 | 8.50 | 22.50 | 14,780.70 |
| October..... | 331 | 165.50 | 268 | 365.00 | 321 | 32.10 | 88 | 24.75 | 14.00 | 16,190.85 |
| November..... | 200 | 100.00 | 238 | 320.00 | 324 | 32.40 | 102 | 39.75 | 27.50 | 15,051.65 |
| December..... | 260 | 130.00 | 189 | 283.00 | 177 | 17.70 | 39 | 15.00 | 44.50 | 17,673.20 |
| 1928 | | | | | | | | | | |
| January..... | 209 | 104.50 | 275 | 379.00 | 145 | 14.50 | 40 | 17.00 | 16.50 | 18,507.50 |
| February..... | 83 | 41.50 | 198 | 291.00 | 45 | 4.50 | 128 | 35.25 | 35.00 | 16,325.75 |
| March..... | 229 | 114.50 | 320 | 415.00 | 170 | 17.00 | 59 | 22.50 | 33.50 | 18,604.00 |
| April..... | 107 | 53.50 | 229 | 325.00 | 253 | 25.30 | 113 | 29.75 | 25.50 | 14,151.55 |
| May..... | 187 | 93.50 | 309 | 476.00 | 90 | 9.00 | 98 | 35.25 | 26.50 | 16,125.75 |
| June..... | 524 | 262.00 | 261 | 389.00 | 82 | 8.20 | 82 | 28.00 | 34.00 | 19,162.20 |
| Total..... | 2,437 | 1,218.50 | 4,101 | 4,521.00 | 2,259 | 225.90 | 858 | 288.25 | 351.50 | 195,167.65 |

EXHIBIT C.—Statement of gross cash receipts, yearly fees, number of registrations, etc., for 31 fiscal years

| Year | Gross receipts | Yearly fees applied | Number of registrations | Increase in registrations | Decrease in registrations |
|-----------|----------------|---------------------|-------------------------|---------------------------|---------------------------|
| 1897-98 | \$61,099.56 | \$55,926.50 | 75,545 | | |
| 1898-99 | 64,185.65 | 58,267.00 | 80,968 | 5,423 | |
| 1899-1900 | 71,072.33 | 65,206.00 | 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 | 72,829.00 | 103,130 | 5,151 | |
| 1904-5 | 80,440.56 | 78,058.00 | 113,374 | 10,244 | |
| 1905-6 | 82,410.92 | 80,198.00 | 117,704 | 4,330 | |
| 1906-7 | 87,384.31 | 84,685.00 | 123,829 | 6,125 | |
| 1907-8 | 85,042.03 | 82,387.50 | 119,742 | | 4,087 |
| 1908-9 | 87,085.53 | 83,816.75 | 120,131 | 389 | |
| 1909-10 | 113,662.83 | 104,644.95 | 109,074 | | 11,057 |
| 1910-11 | 113,661.52 | 109,013.95 | 115,198 | 6,124 | |
| 1911-12 | 120,149.51 | 116,685.05 | 120,931 | 5,733 | |
| 1912-13 | 118,968.26 | 114,980.60 | 119,495 | | 1,436 |
| 1913-14 | 122,636.92 | 120,219.25 | 123,154 | 3,659 | |
| 1914-15 | 115,694.55 | 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 | 109,105.87 | 106,352.40 | 106,728 | | 4,710 |
| 1918-19 | 117,518.96 | 113,118.00 | 113,003 | 6,275 | |
| 1919-20 | 132,371.37 | 126,492.25 | 126,562 | 13,559 | |
| 1920-21 | 141,190.33 | 134,516.15 | 135,280 | 8,718 | |
| 1921-22 | 145,398.26 | 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 | |
| 1925-26 | 185,038.29 | 178,307.20 | 177,635 | 11,787 | |
| 1926-27 | 191,375.16 | 184,727.60 | 184,000 | 6,365 | |
| 1927-28 | 201,054.49 | 195,167.65 | 193,914 | 9,914 | |
| Total | 3,556,496.76 | 3,415,802.40 | 3,816,222 | | |

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EXHIBIT D.—Table of registrations made during the last five fiscal years

| Class | Subject-matter of copyright | 1923-24 | 1924-25 | 1925-26 | 1926-27 | 1927-28 |
|-------|---|----------------------------|---------|---------|---------|---------|
| A | Books: | | | | | |
| | (a) Printed in the United States: | | | | | |
| | Volumes..... | | | | 10,649 | 13,401 |
| | Pamphlets, leaflets, etc..... | | | | 32,019 | 30,585 |
| | Contributions to newspapers and periodicals..... | | | | 20,335 | 26,986 |
| | Total..... | 58,729 | 61,440 | 68,776 | 72,003 | 70,972 |
| | (b) Printed abroad in a foreign language..... | 2,306 | 3,266 | 3,430 | 3,777 | 4,405 |
| | (c) English books registered for ad interim copyright..... | 947 | 904 | 1,249 | 1,356 | 1,704 |
| | Total..... | 61,982 | 65,670 | 73,455 | 77,136 | 77,081 |
| | B | Periodicals (numbers)..... | 39,806 | 40,880 | 41,169 | 41,475 |
| C | Lectures, sermons, addresses..... | 281 | 263 | 337 | 302 | 389 |
| D | Dramatic or dramatico-musical compositions..... | 3,409 | 4,015 | 4,130 | 4,475 | 4,473 |
| E | Musical compositions..... | 26,734 | 25,548 | 25,484 | 25,282 | 26,897 |
| F | Maps..... | 2,265 | 2,222 | 2,647 | 2,677 | 2,862 |
| G | Works of art; models or designs..... | 2,873 | 2,950 | 3,173 | 2,575 | 3,152 |
| H | Reproductions of works of art..... | 4 | 4 | 0 | 0 | 0 |
| I | Drawings or plastic works of a scientific or technical character..... | 1,342 | 1,414 | 1,422 | 1,229 | 1,705 |
| J | Photographs..... | 7,922 | 6,981 | 6,784 | 7,415 | 7,968 |
| K | Prints and pictorial illustrations..... | 11,170 | 10,827 | 13,382 | 14,833 | 14,272 |
| L | Motion-picture photoplays..... | 1,181 | 1,272 | 1,238 | 1,271 | 1,288 |
| M | Motion pictures not photoplays..... | 292 | 493 | 385 | 644 | 1,016 |
| R | Renewals..... | 3,433 | 3,309 | 4,029 | 4,686 | 5,447 |
| | Total..... | 162,694 | 165,848 | 177,635 | 194,000 | 193,914 |

EXHIBIT E.—Table of articles deposited during the last five fiscal years

| Class | Subject-matter of copyright | 1923-24 | 1924-25 | 1925-26 | 1926-27 | 1927-28 |
|-------|---|------------------|---------|---------|---------|---------|
| A | Books: | | | | | |
| | (a) Printed in the United States— | | | | | |
| | Volumes..... | 20,120 | 20,129 | 19,554 | 21,580 | 26,802 |
| | Pamphlets, leaflets, etc..... | 55,120 | 55,820 | 61,048 | 65,723 | 61,170 |
| | Contributions to newspapers and periodicals..... | 22,300 | 24,179 | 28,955 | 29,232 | 26,986 |
| | Total..... | 97,540 | 100,128 | 109,557 | 116,535 | 114,958 |
| | (b) Printed abroad in a foreign language..... | 4,376 | 5,572 | 6,586 | 3,777 | 4,405 |
| | (c) English works registered for ad interim copyright..... | 979 | 955 | 1,239 | 1,356 | 1,704 |
| | Total..... | 102,895 | 106,655 | 117,382 | 121,668 | 121,067 |
| | B | Periodicals..... | 78,756 | 81,297 | 82,120 | 81,826 |
| C | Lectures, sermons, etc..... | 280 | 265 | 335 | 298 | 380 |
| D | Dramatic or dramatico-musical compositions..... | 3,709 | 4,477 | 4,653 | 5,117 | 5,156 |
| E | Musical compositions..... | 37,950 | 36,862 | 35,662 | 35,573 | 37,654 |
| F | Maps..... | 4,427 | 4,408 | 5,222 | 5,296 | 5,724 |
| G | Works of art; models or designs..... | 2,875 | 2,965 | 3,177 | 2,580 | 3,152 |
| H | Reproductions of works of art..... | 2 | 6 | 0 | 0 | 0 |
| I | Drawings or plastic works of a scientific or technical character..... | 2,147 | 2,388 | 2,225 | 2,350 | 2,783 |
| J | Photographs..... | 14,768 | 13,436 | 13,042 | 14,379 | 15,414 |
| K | Prints and pictorial illustrations..... | 17,038 | 16,202 | 19,781 | 21,171 | 19,652 |
| L | Motion-picture photoplays..... | 8,134 | 8,701 | 8,975 | 8,665 | 2,552 |
| M | Motion pictures not photoplays..... | 464 | 699 | 592 | 1,040 | 1,938 |
| | Total..... | 273,445 | 278,361 | 293,166 | 299,963 | 310,209 |

ADDENDA

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ADDENDUM I

AN ACT To amend sections 57 and 61 of the act entitled "An act amend and consolidate the acts respecting copyright," approved March 4, 1909

Act of May 23, 1928, to increase copyright fees.— Effective July 1, 1928.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (section 57 and section 61, title 17, United States Code), be, and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices on receipt of foreign mails, in accordance with revised list of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue not exceeding \$10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the register of copyrights shall receive and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, \$2, which sum is to include a certificate of registration under seal: *Provided*, That in

the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be \$1, and in the case of a published photograph the fee shall be \$1 where a certificate is not desired. For every additional certificate of registration made, \$1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, \$2 for each copyright ~~the~~ record book page or additional fraction thereof over ~~one~~ half page. For recording the notice of user or acquisition specified in section 1, subsection (e), \$1 for each notice of not more than five titles. 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 recording the renewal of copyright provided for in sections 23 and 24, \$1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee provided for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, \$1 for each hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

Sec. 2. This act shall go into effect on July 1, 1928.

Approved, May 23, 1928. [Public No. 478, 70th Congress. H. R. 6104.]

[70th Cong., 1st sess. House Report No. 353]

AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT

January 23, 1928.—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. 6104):

*House Report
No. 353.—In-
crease of copy-
right fees.*

The Committee on Patents, to which was referred the bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, having carefully considered the same, beg to report it back to the House with its unanimous approval.

The bill proposes an increase of the registration fee from \$1 to \$2 for each registration made, which is to

include a certificate of such registration, and a corresponding increase in the subsidiary fees for the production of documents, and their comparison, and for searches and for renewals, etc.

The present general copyright registration fee has been in force for nearly a century of time with no change in amount. In the first Federal copyright act of 1790 the fee for entry of title was 60 cents and an additional 10 cents for every copy under seal of the record made. In the copyright act of 1831 these charges were reduced to 50 cents, respectively, for entry and certificate, and the same sums were provided for under the act of revision of 1870, the Revised Statutes of 1873, and the copyright act of 1891. The copyright registration fees covering record and certificate have never been increased. In the act of March 4, 1909, there was no change made in the total charge for registration of the copyright claim, but the law was simply changed to require a fee of \$1 in total for each entry, that sum to include the certificate of registration.

There has been a great change in economic conditions in this country during this long period of time, especially by reason of the war. The services rendered by the Copyright Office have also changed greatly and the comparatively nominal service rendered for this many years ago has developed into a prompt, efficient and adequate response to the demands now made upon the office by the enormously developed publishing and printing business of the United States. The fees now charged do not cover the actual cost of the service performed, including salaries, supplies, printing of blanks, certificates and circulars, and of the Catalogue of Copyright Entries, nor the overhead charges of the Copyright Office for rent, light, and heat, etc.

Under all the circumstances the increase in fees proposed by the bill seems reasonable. The fee for a full registration was increased \$5 by the act approved February 18, 1902, amending Revised Statutes, section 4934. The advantage of these fees as proposed will still leave them smaller than similar fees charged in other copyright offices. As a comparison, in the Stationer's Hall, London, the copyright office for Great Britain, the fee for registration and certificate is \$10. In the bureau at Ottawa, the copyright office for Canada, the registration charge is \$2 and \$1 for certificate,

in all. It is in evidence before the committee that fees for similar services in recording documents in offices of clerks of courts have been generally advanced in recent years, especially since the war.

The increases proposed are small individually (from 50 cents to \$1 and from \$1 to \$2), and even in the aggregate will hardly be felt when distributed among all the producers of copyrighted works throughout this and foreign countries. The sums realized from the exploitation of literary property have greatly increased since 1909. It would not be unfair if the fees connected with the protection of this valuable property paid to the Copyright Office should be increased a little.

The proposed bill provides for the charge of \$1 as in the present law, for registration of unpublished work, which is a preliminary entry of title made usually upon the deposit of the author's manuscript and before a publisher has been secured or arrangements made for the exploitation of the author's creation. In the case of all other works, published or reproduced in copies for sale, where the deposit has been made as required of the work actually published, a fee of \$2 for registration, with certificate, is felt to be reasonable.

The fee now fixed by law for indexing works, the copyright for which has been assigned, is also left unchanged, namely, 10 cents for each title indexed.

The bill further proposes a change in the subscription price for the Catalogue of Copyright Entries. This was fixed at \$5 the year by the copyright act of 1909. Since that time the cost of printing this catalogue and index of the copyright registrations has more than doubled. The work consists of a complete yearly record of more than 170,000 entries, and amounts to nearly 8,000 closely printed octavo pages. An increase to \$10 for the complete work for each year seems entirely reasonable. This proposed increase in the price of the catalogue was directly suggested by Hon. Martin B. Madden, of the Appropriations Committee, who has also recommended the increased fees proposed.

It is the unanimous opinion of the committee that this bill should promptly be passed.

32 REPORT OF THE REGISTER OF COPYRIGHTS

[70th Cong., 1st sess. H. R. 8913. Report No. 1103. In the House Representatives, January 8, 1928]

Bill H. R. 8913.— Mr. Vestal introduced the following bill; which referred to the Committee on Patents and ordered to be printed:
Divisible copy-right.

(April 2, 1928, reported with amendments, referred to the House Calendar, and ordered to be printed.)

[Omit the part struck through and insert the part printed in *italics*]

A BILL To amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright approved March 4, 1909"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts with respect to copyright," approved March 4, 1909, be amended to read as follows:

"SEC. 42. The author, or other owner of any copyright secured under this act or of any copyright heretofore secured under any previous act of the United States, may (to the extent of his interest therein), by a written instrument signed by him or by his agent duly authorized for such purpose by power of attorney duly acknowledged and executed after this act goes into effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and he may bequeath the same by will. Any person or persons deriving any right, title, or interest from or through any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his rights, title, and interest is entitled to the remedies provided by this act.

"All rights comprised in a copyright are several, distinct, and severable. Where, under any assignment of less than the entire copyright or under an exclusive license, the assignee or licensee becomes entitled to any right comprised in copyright or to the exercise thereof, the assignee or licensee to the extent of the rights so assigned or conferred shall be treated for all purposes, including the right to sue, as the owner of the several and distinct

rights and parts of the copyright so assigned or conferred; and the assignor or licensor to the extent of his rights not so assigned or conferred shall be treated for all purposes as the owner of the several and distinct rights and parts of the copyright not so assigned or conferred. The word 'instrument' as used in sections 42 and 44 of this act shall include, but not by way of limitation, any instrument executed prior to copyright under this act by which the author reserves to himself any right or rights comprised in the copyright. ~~The time prescribed for recordation of any such instrument shall run from date of registration of copyright.~~ All instruments referred to in sections 42 and 44 of this act shall be such as identify the work. The words 'copyright proprietor,' as used in section 25 of this act, shall, in the case where any person or persons have derived any right, title, or interest as aforesaid from any author or other owner as aforesaid, be construed to mean the owner of ~~the~~ *such* right infringed.

"Sec. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. In any action for infringement, where the plaintiff seeks an accounting of profits or statutory damages, where any party shows that some third person or persons may claim to be entitled to said profits or statutory damages or some part thereof, by reason of alleged infringement of the one copyright or some right thereunder; or in case it shall appear to the satisfaction of the court that a complete determination can not be had in the absence of other persons claiming or having rights or interests in a entire or same copyright, or in some parts thereof, the court on application of such party or on its own motion, or on petition of such third person or persons, shall give notice to such person or persons of the pendency of such action and permit him or them to appear as a party or parties to the action on such terms as the court may deem just and may make such provision with reference to such profits or statutory damages by way of vision or otherwise and adjudicate the respective rights and interests of the several parties to the suit as justice may require. The court ~~may~~ *shall* require that notice of pendency of the action be given in such manner as the court shall direct to any and all persons of record in the copyright office who may claim to be assignees

or licensees or the owners or holders of any rights in or under the copyright in connection with which action may be brought if the instruments under which such persons claim are recorded or if a claim to the copyright be registered in the copyright office. The failure of any party directed to be brought in, to appear in the action or suit, or to participate therein, shall not delay the judgment to which the plaintiff is entitled nor debar the plaintiff from prosecuting his suit to a final determination or to recover profits or damages to which he may be entitled: *Provided*, That nothing herein contained shall in any way prejudice or delay the rights, if any, of the plaintiff to injunctive relief or any other remedy given under this act other than for profits or statutory damages as aforesaid.

"Sec. 44. That every assignment of copyright, license, mortgage, or power of attorney or contract in any way affecting or pertaining to any copyright or any of the rights comprised therein may be recorded in the copyright office within three calendar months after its execution in ~~the~~ *continental* United States or within six calendar months after its execution without the limits of ~~the~~ *continental* United States, in default of which it shall be void as against any subsequent purchaser, assignee, licensee, or mortgagee, for a valuable consideration, without notice, whose assignment, license, mortgage, or power of attorney has been ~~duly~~ recorded *within the time aforesaid, as the case may be: Provided, That it shall not be necessary for the purposes of this section to file any contract covering any transfer, assignment, or license if a separate instrument of assignment or license be filed, as hereinbefore provided.* The word 'assignment' as used in section 61 of this act shall be construed to include any of the instruments which may be recorded under this section."

[House Report No. 1103. 70th Cong., 1st sess.]

AMEND AND CONSOLIDATE ACTS RESPECTING COPYRIGHT

House Report No. 1103.—Divisible copyright. April 2, 1928.—Referred to the House Calendar and ordered to be printed

Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 8913):

The Committee on Patents, to whom was referred the bill (H. R. 8913) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (secs. 27, 42, and 44, title 17, Copyrights, United States Code), having carefully considered the same, beg to report it back to the House with certain amendments and the recommendation that the amendments be agreed to and that the bill as so amended be passed.

The amendments are as follows:

Page 3, lines 7 to 9, the words "The time prescribed for the recordation of any such instrument shall run from date of registration of copyright" be stricken out.

Page 3, line 15, the words, "the right infringed" at the end of the line be stricken out, and the words "such right" be substituted, so that the line shall read "continued to mean the owner of such right."

Page 4, line 13, the word "may" be changed to "shall", so that the line will read: "The court shall require that notice of pendency of the action be given".

Page 5, line 9, strike out the word "the" and in line 10 before the words "United States" insert the word "continental".

Page 5, line 11, strike out the word "the" before the words "United States" and insert the word "continental".

Page 5, line 15, the word "duly" before the word "recorded", in that line be eliminated, and that there be inserted after the word "recorded", the following: within the time aforesaid, as the case may be: *Provided*, that it shall not be necessary for the purposes of this section to file any contract covering any transfer, assignment, or license if a separate instrument of assignment or license be filed, as hereinbefore provided."

These proposed amendments speak for themselves, but a few words of explanation may be permitted. In using the language at page 3, lines 7 to 9, which it is proposed to strike out, the fact was overlooked that assignments of copyright might be made at any time after the actual registration of the copyright claim—sometimes many years after—and that the time prescribed for recordation is fixed in section 44 as amended. In line 15, page 3, the words "the owner of the right infringed" will not fit in with the use in section 25 (e) of the words "copyright

proprietor," because they there are not used in relation to infringement but refer to the original owner of the musical copyright with respect to which a notice of intention to use is required to be filed. The substituted words "such right" make a clear statement.

The amendment on line 4, page 13, changing the word "may" to "shall" makes it obligatory upon the part of the court instead of permissive, to require that "notice of the pendency of the action be given to all persons of record in the Copyright Office who may claim to be assignees or licensees or the owners or holders of any rights in or under the copyright in connection with which action may be brought." This notice should be obligatory in justice to such persons and therefore the "may" is changed to "shall."

Page 5, line 15, it was felt wise to change "has been duly recorded" to "has been recorded," and to insert the provision proposed to relieve the embarrassment that would be likely to ensue if the licensee or the assignee of any individual right should be obliged to record as evidence of his subordinate right, the original assignment or contract under which his special assignment or license was made.

This bill was originally presented to the House on January 29, 1927 (69th Cong., 2d sess., H. R. 16808), and was referred to the Committee on Patents. After a public hearing on that bill, held on February 10, 1927, it was reported on February 23, 1927, to the House, with certain amendments and the recommendation that it be passed (Rept. No. 2225). That amended bill was reintroduced on January 9, 1928, and was again referred to the Committee on Patents. Two public hearings were held upon it, on March 2 and 20, and after such hearings and further consideration by the committee the amendments indicated above were agreed to and the enactment of the bill is now recommended.

As pointed out in the committee report of last session the grant of copyright in the United States under existing law is a general grant to "any person entitled thereto" of the rights enumerated in section 1 of the copyright act approved March 4, 1909. Under the provision of that act while the owner of the copyright may assign his entire copyright, he can, so far as the individual rights enumerated in section 1 are concerned, only grant to other persons a license to use such separate rights. He

not sell outright to any person such separate rights. Furthermore, the licensee can not bring suit to protect the right he may have secured under a license from the owner of the general copyright.

It is to remedy this difficulty that this legislation is proposed. The bill does not enlarge any rights of the author, which remain the same as the rights granted him by the act of 1909. It simply permits these rights to be dealt with singly and separately by assignment and by suit for infringement in the assignee's own name if occasion arises. There is thus no added burden imposed on the public, but, on the other hand, an increase of convenience in buying, selling, and enforcing the different rights which the law gives to the author or copyright proprietor. It was clearly brought out at the public hearings that the best business practice is already in accordance with what the bill proposes. What is desired is to legalize this practice so that it may prevail uniformly and not be confined to the better class of publishers and producers of books, plays, music, etc.

76th Cong., 1st sess. H. R. 10655. In the House of Representatives,
February 7, 1928]

Mr. Vestal (by request) introduced the following bill; ^{Bill H. R. 10655.—Mechanical reproduction of music.} which was referred to the Committee on Patents and Trademarks and ordered to be printed:

BILL To amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, subsection (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, be amended to read as follows:

"(e) To perform the copyrighted work publicly for profit, and, if it be a musical composition, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this act, so far as they secure copyright control-

ling the parts of instruments serving to reproduce mechanically the musical work, shall not include the work of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants similar rights, either by treaty, agreement, convention, or law, to citizens of the United States: *And provided further*, That whenever the proprietor of a musical copyright shall grant, by sale, assignment, license or otherwise, to another, any right to manufacture parts of instruments serving mechanically to reproduce the copyrighted work, such grant shall be in writing, and a true copy thereof, accompanied by a recording fee, shall within ten days be filed in the office of the register of copyrights; and any failure to file within the said period such true copy shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright by means of the manufacture of similar parts of instruments serving to reproduce mechanically the musical work in a similar manner: *And provided further*, That after a copy of such grant has been filed as herein above provided, any other person may make similar use of the copyrighted work, provided he shall file in the office of the register of copyrights, accompanied by a recording fee, before manufacture is commenced, a notice of his intention to make such use of the work, subscribed by him under his hand and seal and duly acknowledged, agreeing that the manufacture by him of such parts shall be subject to the exact terms and conditions expressed in the original grant on file in the register's office, and shall deliver a copy of such notice to the owner of record of the copyright, and provided he shall fully comply with all terms and conditions of the original grant.

“That it shall be unlawful for any copyright proprietor to give, grant, or concede any refund, rebate, discount, or set-off whatever from the terms and conditions as stated in the copy of such grant as filed in the office of the register of copyrights, to any manufacturer of devices serving to reproduce mechanically musical works in a similar manner, or for any such manufacturer to accept or receive any such rebate, discount, or set-off whatever, and either or any party so doing shall, upon conviction, be deemed guilty of a misdemeanor, punishable by a fine of not less than \$500 nor more than \$5,000: *And provided further*, That for the purpose of showing a violation of the provisions in the preceding paragraph contained ar

manufacturer availing himself of the benefits of this section shall, with respect to any musical composition used by him on parts of instruments serving to reproduce the same mechanically, be entitled as a matter of right, at any time, to discovery, inspection, or examination of books, records and papers of the copyright proprietor thereof, and the district court of the proper district shall have the power to make such order with respect to discovery, inspection, or examination, upon such terms and conditions as justice may require: *Provided further*, That the manufacture of such parts of instruments in violation of the provisions hereof shall be deemed to be an infringement of the copyright of such work, for which the defendant shall be liable, as provided in sections 25, 28, and 39 of this act, and all the rights and remedies recited in such sections shall apply to and govern any such infringement.

"The copyright proprietor shall be entitled, as a matter of right, at any time, to discovery, inspection, or examination of books, records, and papers of any person availing himself of these provisions relating to the manufacture, sale, or disposition of the parts of instruments serving to reproduce mechanically such musical work; and the district court of the proper district shall have the power to make such order with respect to discovery, inspection, or examination upon such terms and conditions as justice may require."

SEC. 2. Subsection (e) of section 25 of said act is hereby repealed.

70th Cong., 1st sess. H. R. 13452. Report No. 1520. In the House of Representatives, May 1, 1928]

Mr. Vestal introduced the following bill; which was referred to the Committee on Patents and ordered to be printed: *Bill H. R. 13452.—Mechanical reproduction of music.*

May 4, 1928, referred to the House Calendar and ordered to be printed.)

A BILL To amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 1 of the act en-

titled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended (United States Code, title 17, section 1 (e)), is amended to read as follows:

"(e) (1) To perform the copyrighted work publicly for profit if it be a musical composition, and to make an arrangement or setting of it or of the melody of it in a 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*, That the provisions of this act, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, 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.

"(2) If the proprietor of the copyright of a musical composition grants to any person, for the manufacture and sale of ordinary commercial phonograph records, perforated music rolls, the right to use the whole or any part of such copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, such grant shall be in writing and shall not be effective unless and until promptly recorded in the Copyright Office by the copyright proprietor. Royalties under any such grant, or under any subsequent agreement made under paragraph (3), shall be payable at a specified rate per ordinary commercial phonograph record or perforated music roll. The failure of the copyright proprietor to record promptly such grant shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright by means of like parts of instruments serving to reproduce mechanically the musical work in a similar manner.

"(3) Any such grant may be altered, modified, extended, or canceled by subsequent agreement between the copyright proprietor and the grantee, but no such subsequent agreement shall be effective until ninety days after being recorded in the Copyright Office by the copyright proprietor.

"(4) After any such grant or subsequent agreement has become effective, any other person may make like use of such copyrighted musical composition upon the same terms and conditions in respect of the royalty payable, the time, mode; and manner of such payment, and the security for the payment thereof, as are prescribed in such grant or subsequent agreement in effect at the time he makes such use of such copyrighted musical composition, if he first serves notice upon the copyright proprietor at his last address, as disclosed by the records of the Copyright Office, of his intention to make such life use of such copyrighted musical composition. Such notice of intention shall be subscribed by the intending user under his hand and seal, and duly acknowledged, agreeing that his use of such copyrighted musical composition shall be upon the same terms and conditions in respect of the royalty payable, the time, mode, and manner of such payment, and the security for the payment thereof, as are prescribed by such grant or subsequent agreement in effect at the time of his use of the copyrighted musical composition.

"(5) The payment of royalty by any grantee, or any person making like use of the copyrighted musical composition under the provisions of paragraph (4), shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in the case of public performance for profit.

"(6) Any manufacture and sale of such parts of instruments serving to reproduce mechanically such copyrighted musical work, in violation of the provisions of this act, as amended, shall be deemed to be an infringement of the copyright of such musical work.

"(7) It shall be unlawful for any person (A) to change, alter, or deviate from the terms of a grant or subsequent agreement made under this subsection, with respect to the royalty payable for such use of the copyrighted musical composition, or with respect to the time, mode, and manner of payment and security for the payment thereof, except in the manner provided in paragraph (3); (B) to give, grant, or concede to any person any refund, rebate, discount, preference, benefit, or advantage whatever from the royalty fixed in such grant or subsequent agreement; or (C) to accept or receive any

such refund, rebate, discount, preference, benefit, or advantage. Any person violating any provision of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500 nor more than \$5,000."

SEC. 2. The first paragraph of subsection (e) of section 25 of such act of March 4, 1909, as amended (United States Code, title 17, section 25 (e)), and any other provision of such act of March 4, 1909, as amended, in respect of the royalty of 2 cents on each part manufactured of instruments serving to reproduce mechanically a copyrighted musical composition are hereby repealed.

SEC. 3. This act shall take effect on July 1, 1928.

[70th Cong., 1st sess. House Report No. 1520]

REPEAL OF PRICE-FIXING CLAUSE FOR MECHANICAL REPRODUCTION

(May 4, 1928.—Referred to the House Calendar and ordered to be printed)

House Report No. 1520.—Mechanical reproduction of music.

Mr. Vestal, from the Committee on Patents, submitted the following report (to accompany H. R. 13452):

The Committee on Patents, to which was referred the bill (H. R. 13452) to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, in respect of mechanical reproduction of musical compositions, and for other purposes, having had the subject matter of this bill under consideration, reports the same to the House without amendment and with the recommendation that the same do pass.

The purpose of this amendment is to modify the so-called compulsory license provisions of the copyright act of 1909 (sec. 1, subsec. (e), and sec. 25, subsec. (e), 35 Stat. L., pt. 1, pp. 1075-1088), by securing to the proprietor of a musical copyright an opportunity of freedom of bargaining with respect to the use of his musical composition on the parts of instruments serving to reproduce it mechanically, such as ordinary commercial phonograph records and perforated paper music rolls; and to extend the remedies of the act for the prevention of and

prosecution for infringements by means of such mechanical devices.

The act of 1909 fixed the maximum royalty which might be charged by a copyright owner in respect of such devices at 2 cents per part manufactured, and provided that the copyright owner, if he himself manufactured such devices, or permitted or licensed another so to do, then any person might make similar use of the copyrighted work upon notice to the copyright owner of an intention to do, regardless of the financial responsibility or integrity of such intending user.

Under the amendment the copyright owner is permitted to bargain for the rate of royalty to be paid by others in respect of devices serving to mechanically reproduce his work, the time, mode and manner of payment, and security for the payment of such royalties, but is required to promptly file in the office of the Register of Copyrights an original copy of the first license granted by him to another to manufacture such devices. Upon and after each filing, any manufacturer of such devices may, upon notice to the copyright owner, then avail himself of the terms and conditions of the original license as to the rate of royalty to be paid, the time, mode and manner of payment, and security for the payment thereof.

Extended hearings were held, and much testimony was taken from representatives of both the copyright owners and manufacturers of devices which serve to mechanically produce copyrighted musical works. The matter has been studied for years by the committee, and all interests have generally agreed as to the justice of the principle of free bargaining governing the relationships between the copyright owners and the manufacturers of mechanical devices.

It seemed apparent to your committee that obvious injustice was done to the composers and authors of musical works in depriving them of an opportunity to freely bargain in respect of the terms and conditions under which mechanical reproduction of their works could be licensed to others, and to subject them to a statutory form of compulsory licensing which afforded no adequate protection against dishonest and delinquent manufacturers.

It seemed equally apparent that for the just protection of the manufacturers a musical composition, once released by its copyright owner to any manufacturer for mechanical reproduction, should be available to all manufacturers upon terms equal to those required to be met by the first licensee.

This amendment meets these conditions, will eliminate abuses and evils and injustices which have prevailed for 19 years, and is therefore recommended for favorable consideration.

*BILL H. R.
10434.—Prints
and labels.*

[70th Cong., 1st sess. H. R. 10434. In the House of Representatives,
February 2, 1928]

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

A BILL To amend section 5 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5, subsection (k) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 9, 1909, be amended to read as follows:

"(k) Prints and pictorial illustrations, including those connected with the fine arts, and prints and labels designed to be used for any other articles of manufacture."

SEC. 2. The act of Congress relating to patents, trademarks, and copyrights, approved June 18, 1874 (Eighteenth Statutes at Large, page 78), is hereby repealed: *Provided, however,* That applications pending in the Patent Office for registration of copyright under said act may form the basis for such registration as though such act had not been repealed, but applicants whose such applications are pending in the Patent Office may abandon them and proceed for registration under this act.

[70th Cong., 1st sess. H. R. 9358. In the House of Representatives,
January 16, 1928]

Mr. Vestal introduced the following bill; which was referred to the Committee on Patents and ordered to be printed: <sup>Bill H. R. 9358.—
Copyright registra-
tion of designs</sup>

A BILL Amending the Statutes of the United States with reference to copyright registration of designs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is a citizen of or domiciled in the United States, or who is a citizen or subject of a foreign state or nation with which the United States shall have established reciprocal copyright relations, and who is the author of any design as hereinafter defined, or the legal representative or assignee of such author, may secure copyright therein upon compliance with the provisions of this act.

Within the meaning of this act—

(a) An author is one who originates a design and in so doing contributes intellectual effort to the composition thereof.

(b) A design is a pattern, shape, or form of a manufactured product, or dies, molds, or devices by which such a pattern, shape, or form may be produced, original in its application to or embodiment in such manufactured product and which produces an artistic or ornamental effect or decoration, but shall not include shapes or forms which have merely a functional or mechanical purpose.

Sec. 2. The owner of a design copyright shall have, within all the territory which is under the jurisdiction and control of the United States, for the periods and subject to the limitations hereinafter prescribed, the right to exclude others from selling or distributing manufactured products which embody or contain copies or colorable imitations of the copyrighted design or any characteristic original feature thereof, if such manufactured products are in the same class as, or are similar to, the product to which the copyrighted design has been applied or in which it has been embodied.

Sec. 3. As prerequisites to copyright protection under this act the author or his legal representative or his assignee must (1) actually cause the design to be applied to

or embodied in the manufactured product; (2) mark such product in the manner specified in section 5 of this act; (3) introduce such product to the public by selling it or offering it for sale; and (4) within six calendar months of the time when such manufactured product was first actually so introduced to the public, file an application in the Copyright Office in the form prescribed under authority of section 20 of this act, and in such application state (a) that he is the author of the design for which he solicits registration or (b) that he is the assignee or legal representative of such author and verily believes the author named in the application to be the originator of such design. Such application shall include the prescribed number of copies of a photograph or other identifying representation of the design as applied to or embodied in the said manufactured product and shall give the date when such manufactured product was so introduced to the public; and copyright shall be secured upon and from the date of such introduction of the manufactured product to the public, subject to the provisions of this act.

SEC. 4. Upon 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 state the name, citizenship, and address of the author of the design and of the owner of the copyright in such design, if other than the author; the name or designation of the class of manufactured product in which the design has been embodied or to which it has been applied; the date when the application for registration was filed in the Copyright Office; the date when copyright was secured as provided in section 3 of this act; and such marks as to class designation and entry number as shall fully identify the entry of the claim of copyright. Said certificate shall be 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. When a design actually embodied in or applied to one manufactured product 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 suffice.

SEC. 5. It shall be the duty of the owner of a design in which copyright is secured under this act or his licensee to give notice to the public that the design is protected under this act by affixing to the manufactured product the mark "Design copyrighted" and by adding thereto with reasonable promptness after registration the number of the registration entry. When the nature of the product will not permit the affixing of these marks in full it shall be sufficient to use the abbreviation "D. copr." or the letter "D" inclosed within a circle, this © with or without the registration number.

When such abbreviation or symbol is used, or when the product itself will not permit the affixing of any of these marks, it shall be necessary to attach a label or tag to the product or to the package or cover containing the product in which the design is embodied or to which it is applied, containing the name of the manufactured product and plainly marked with the words "Design copyrighted," to which must be added with reasonable promptness after registration the registration number.

In the case of any manufactured product in which the design is repeated, such as wall paper or textiles, one marking upon the roll, bale, or parcel of the manufactured product embodying or containing the design shall suffice.

In any action or suit for infringement by a party failing so to mark the manufactured product no recovery shall be adjudged the plaintiff and no injunction shall be granted except on proof that the failure to mark was merely occasional and inadvertent and in nowise affecting the general notice intended by the accustomed marking.

SEC. 6. Copyright secured under this act shall initially endure for a term of two years from the first sale or offer for sale of the manufactured product to which the design is applied or in which it is embodied. 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 21 of this act.

SEC. 7. Every copyright secured under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright owner 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 void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is 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, or prior to such subsequent purchase or mortgage. If such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any dependencies of the United States, or before any officer authorized to administer oaths in the United States or its dependencies and the Panama Canal Zone or the Philippine Islands, or any clerk or commissioner of any United States district court, or before a secretary in the diplomatic service or a diplomatic 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 a diplomatic 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.

SEC. 8. Infringement shall include unlicensed copying or colorable imitation of the copyrighted design or of any characteristic original feature thereof in manufactured products of similar descriptive properties in the same class, or any similar product for the purpose of sale or public distribution; or selling or publicly distributing or exposing for sale or public distribution any such product embodying or containing such a copy or colorable imitation.

If such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after actual notice in writing that the design is copyrighted.

SEC. 9. The following shall not be held infringing acts:

(a) Repairing manufactured articles protected under this act, or making or selling parts of such manufactured articles, whether individually protected or not, for use as repair parts;

(b) Making or selling patterns for dressmaking, or making a garment from such a pattern for the individual use of the maker or a member of the family of the maker, or having such a garment made by an individual employee for the use of the employer or a member of the family of the employer;

(c) Illustrating designs by pictorial representation, or publicly distributing or exhibiting such illustrations or pictorial representations of designs otherwise than in connection with the advertising or sale or distribution of infringing goods: *Provided, however,* That the distribution, exhibition, or publication, as authorized in subsections (b) and (c) above shall not affect the force or validity of any copyright in any design involved, but to obtain the benefit of said subsections a notice to that effect shall be printed on the pattern or its envelope or in the work containing such illustration or pictorial representation by the person who makes such pattern or who publishes such illustration or pictorial representation of any design;

(d) Making any reproduction, copy, use, sale, or public distribution of any design copyrighted under this act in any motion picture, and in whatever form used in connection with the advertisement, distribution, or sale or other disposition of motion pictures.

SEC. 10. Any one who shall infringe any copyrighted design shall be liable—

(a) To an injunction restraining such infringement;

(b) To account for and pay the profits and damages resulting from the infringement, which in the discretion of the court may be trebled.

The court may dispense with an accounting—

(1) 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. In such case the defendant may be held liable to pay to the plaintiff not less than \$100 nor more than \$250, as compensation and not as a penalty;

(2) In cases where the copying complained of was without knowledge or notice of the copyright.

The court may order to be delivered up and destroyed or otherwise disposed of, as shall be just as between the parties, all infringing articles, products, or parts, and all dies, models, and devices useful only in producing the infringing article or product, and all labels, prints, or advertising matter relating to the infringing article or product.

SEC. 11. No relief shall be granted where an infringement has continued with the knowledge of the owner of the copyright for a period of two years prior to the commencement of the suit or action; and in no event shall there be a recovery of profits or damages for acts of infringement committed more than three years prior to the commencement of the suit or action.

SEC. 12. When registration has been made in the copyright office of 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 of the same force and effect as originals.

SEC. 13. 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 of validity in the registration thereof; and a presumption of copying may arise from substantial resemblance to the registered design in defendant's design.

SEC. 14. 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 proceedings respecting designs protected under the provisions of this act.

SEC. 15. 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 February 13, 1925.

SEC. 16. After adjudication and 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. 17. After the registration of a design, if the copyright in said 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. 18. (a) 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 for registration, shall be guilty of a misdemeanor punishable by a fine of \$500, or such part thereof as the court may determine.

(b) Any person who shall bring an action or suit under a certificate of registration procured for a design known by the plaintiff to be not an original work of authorship of the person named as the author in the application, shall, upon due showing of such knowledge, be liable in the sum of \$500, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

(c) Any person who, with fraudulent intent, marks a manufactured product which is not protected by design copyright, so as falsely to indicate that it is so protected, shall be guilty of a misdemeanor and for every such offense shall be punishable by a fine not exceeding \$500.

SEC. 19. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 20. The register of copyrights shall be authorized to determine and designate the different classes of manufactured products under which registration may be made, and subject to approval by the Librarian of Congress, to make rules and regulations for such registrations, and for the form of the required certificate.

SEC. 21. 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 for the first term of two years under this act, \$3; (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 7 of this act, or for furnishing certified copies of any such document, \$1 for each copyright office record-book page or fraction thereof up to five pages, and 50 cents for each such page or fraction thereof beyond five pages; (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. 22. 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 shall be further identified by a representation of the design, and each extension registration shall be listed in said catalogue. The periodic issues of said catalogue may be subscribed for upon application to the Superintendent of Public Documents, at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding \$10 for the

complete Catalogue of Copyright Entries provided by the act approved March 4, 1909, or \$10 for the catalogue of designs registered under this 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. 23. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, office rental and equipment, stationery and supplies, for carrying into effect this act for the fiscal year ending June 30, 1929, \$100,000, or so much thereof as may be necessary, the same to be available immediately upon the approval of this act, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 24. 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. 25. 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 section 4934, as amended by the acts of February 18, 1922, and February 14, 1927, is further amended by striking out the words "except in design cases" wherever they appear, and also by striking out 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 six months' limitations in section 3 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, or his assigns and legal representatives, may within six months after this act goes into effect elect either to demand a design patent which may be granted him and have full force and effect as if the section herein repealed were still in effect, or to abandon said application for a design patent and secure copyright protection under this act by complying with the provisions of the act, so far as applicable, and upon payment of the fee or fees prescribed in section 21 of this act, filing an application for registra-

tion 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, the initial term of such copyright protection under this act to commence with the sale or offer for sale of manufactured products to which the design has been applied or in which it is embodied, marked in the manner specified in section 5 of this act. No design copyright under the provisions of this act shall be valid to an author or to the legal representative or assignee of such author to whom shall have been issued a design patent in this country for the same design.

SEC. 26. This act shall go into effect on July 1, 1928, and may be cited as the design copyright act of 1928.

[70th Cong., 1st sess. H. R. 13453. In the House of Representatives, May 1, 1928]

Bill H. R.
13453.—Copyright
registration of
designs.

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

A BILL Amending the Statutes of the United States to provide for copyright registration of designs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is a citizen of or domiciled in the United States, or who is a citizen or subject of a foreign state or nation with which the United States shall have established reciprocal copyright relations, and who is the author of any design as hereinafter defined, or the legal representative or assignee of such author, may secure copyright therein upon compliance with the provisions of this act.

Within the meaning of this act—

(a) An author is one who originates a design and in so doing contributes intellectual or artistic effort to the composition thereof.

(b) A design is a pattern applied to, or a shape or form of, a manufactured product, or dies, molds, or devices by which such a pattern, shape, or form, may be produced, original in its application to or embodiment in such manufactured product, by reason of an artistic or intellectual effort, and which produces an artistic or ornamental effect or decoration, but shall not include patterns

shapes or forms which have merely a functional or mechanical purpose.

SEC. 2. The owner of a design copyright shall have, within all the territory which is under the jurisdiction and control of the United States, for the periods and subject to the limitations hereinafter prescribed, the right to exclude others from selling or distributing manufactured products which embody or contain copies of or colorable imitations made by copying the copyrighted design or any characteristic original feature thereof, if such manufactured products are in the same class as, or are similar to, the product to which the copyrighted design has been applied or in which it has been embodied.

SEC. 3. As prerequisites to copyright protection under this act the author or his legal representative or his assignee must (1) actually cause the design to be applied to or embodied in the manufactured product; (2) mark such product in the manner specified in section 5 of this act; (3) introduce such product to the public in territory under the jurisdiction and control of the United States, by selling it or offering it for sale; and (4) within six calendar months of the time when such manufactured product was first actually so introduced to the public, file an application in the Copyright Office in the form prescribed under authority of section 20 of this act, and in each application state (a) that he is the author of the design for which he solicits registration or (b) that he is the assignee or legal representative of such author and verily believes the author named in the application to be the originator of such design. Such application shall include the prescribed number of copies of a photograph or other identifying representation of the design as applied to or embodied in the said manufactured product and shall give the date when such manufactured product was so introduced to the public; and copyright shall be secured upon and from the date of such introduction of the manufactured product to the public, subject to the provisions of this act: *Provided, however,* That such application is filed within six calendar months of any sale in any country of such manufactured product and of any publication in any country of such design, if such sale or such publication is made by or with the consent of the author, his assignee, or legal representative.

SEC. 4. Upon 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 state the name, citizenship, and address of the author of the design and of the owner of the copyright in such design, if other than the author; the name or designation of the class of manufactured product in which the design has been embodied or to which it has been applied; the date when the application for registration was filed in the Copyright Office; the date when copyright was secured as provided in section 3 of this act; and such marks as to class designation and entry number as shall fully identify the entry of the claim of copyright. Said certificate shall be 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. When a design actually embodied in or applied to one manufactured product is in substantially the same form to be embodied in or applied to a set of manufactured products 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 suffice.

SEC. 5. It shall be the duty of the owner of a design in which copyright is secured under this act or his licensee to give notice to the public that the design is protected under this act by affixing to the manufactured product the mark "Design copyrighted" and by adding thereto with reasonable promptness after registration the number of the registration entry. When the nature of the product will not permit the affixing of these marks in full it shall be sufficient to use the abbreviation "D. copr." or the letter "D" inclosed within a circle, thus © with or without the registration number.

When such abbreviation or symbol is used, or when the product itself will not permit the affixing of any of these marks, it shall be sufficient and necessary to attach a label or tag to the product or to the package or cover containing the product in which the design is embodied or to which it is applied, containing the name of the manufactured product and plainly marked with the words "Design copyrighted," to which must be added with reasonable promptness after registration, the registration number.

In the case of any manufactured product in which the design is repeated such as wall paper or textiles one marking on the manufactured product embodying or containing the design shall suffice.

In any action or suit for infringement by a party failing so to mark the manufactured product no recovery shall be adjudged the plaintiff and no injunction shall be granted except on proof that the failure to mark was merely occasional and inadvertent: *Provided, however,* That there shall be no recovery against an innocent infringer who has been misled by the omission of the notice, and in such case no permanent injunction shall be had unless the copyright owner shall reimburse to the innocent infringer his reasonable outlay innocently incurred, if the court, in its discretion, shall so direct.

SEC. 6. Copyright secured under this act shall initially endure for a term of two years from the first sale or offer for sale of the manufactured product to which the design is applied or in which it is embodied. 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 21 of this act.

SEC. 7. Every copyright secured under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright owner 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 void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is 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, or prior to such subsequent purchase or mortgage. If such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any dependencies of the United States, or before any officer authorized to administer oaths in the United States or its dependencies and the Panama Canal Zone or the Philip-

pine Islands, or any clerk or commissioner of any United States district court, or before a secretary in the diplomatic service or a diplomatic 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 a diplomatic 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 and delivery of such assignment, grant, or conveyance.

Sec. 8. Infringement shall include unlicensed copying of or colorable imitation by copying the copyrighted design or any characteristic original feature thereof in manufactured products in the same class, or any similar product, for the purpose of sale or public distribution; or selling or publicly distributing or exposing for sale or public distribution any such product embodying or containing such a copy or colorable imitation.

If such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer or importer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after actual notice in writing that the design is copyrighted: *Provided, however,* That to obtain the benefit of this exemption a prompt and full disclosure must be made to the copyright owner upon request as to the source and particulars of the purchase of the goods, and the evidence thereof must be given if requested in any suit or action against the manufacturer.

Sec. 9. The following shall not be held infringing acts:

(a) Repairing manufactured articles protected under this act, or making or selling parts of such manufactured articles, whether individually protected or not, for use as repair parts;

(b) Making or selling patterns for dress-making, or making a garment from such a pattern for the individual use of the maker or a member of the family of the maker, or having such a garment made by an individual employee for the use of the employer or a member of the family of the employer;

(c) Illustrating designs by pictorial representation, or publicly distributing or exhibiting such illustrations or pictorial representations of designs otherwise than in connection with the advertising or sale or distribution of infringing goods: *Provided, however,* That to obtain the benefit of the above subsection (b) and of subsection (c) as to articles of apparel, a notice to the effect that the distribution, exhibition, or publication as authorized by said subsection shall not affect the force or validity of any copyright in any design involved, shall be printed on the pattern or its envelope or in the work containing such illustration or pictorial representation by the person who makes such pattern or who publishes such illustration or pictorial representation of any such design;

(d) Making any reproduction, copy, use, sale, or public distribution of any design copyrighted under this act in any motion picture and in whatever form used in connection with the advertisement, distribution, or sale or other disposition of motion pictures.

SEC. 10. Anyone who shall infringe any copyrighted design shall be liable—

(a) To an injunction restraining such infringement;

(b) To account for and pay the profits and damages resulting from the infringement, which in the discretion of the court may be trebled.

The court may dispense with an accounting—

(1) 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. In such case the defendant may be held liable to pay to the plaintiff not less than \$100 nor more than \$250, as compensation and not as a penalty;

(2) In cases where the copying complained of was without knowledge or notice of the copyright.

The court may order to be delivered up and destroyed or otherwise disposed of, as shall be just as between the parties, all infringing articles, products, or parts, and all dies, models, and devices useful only in producing the infringing article or product, and all labels, prints, or advertising matter relating to the infringing article or product.

SEC. 11. No relief shall be granted where an infringement has continued with the knowledge of the owner of the copyright for a period of two years prior to the com-

mencement of the suit or action; and in no event shall there be a recovery of profits or damages for acts of infringement committed more than three years prior to the commencement of the suit or action.

SEC. 12. When registration has been made in the Copyright Office of 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 of the same force and effect as originals.

SEC. 13. 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 of validity in the registration thereof; and a presumption of copying may in the discretion of the court be held to arise from substantial resemblance of the registered design in defendant's design.

SEC. 14. 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 proceedings respecting designs protected under the provisions of this act.

SEC. 15. 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 February 13, 1925.

SEC. 16. After adjudication and 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 there-

after be made, as far as applicable, the basis of an application to that court for injunction or other relief; 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. 17. If the copyright in 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. 18. (a) 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 for registration, or knowing that the ownership of the copyright therein is falsely stated in the application for registration, shall be guilty of a misdemeanor punishable by a fine of \$500, or such part thereof as the court may determine.

(b) Any person who shall bring an action or suit for infringement of a design alleged to be protected under this act, and known by the plaintiff to be not an original work of authorship of the person alleged to be the author of said design, shall, upon due showing of such knowledge, be liable in the sum of \$500, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

(c) Any person who, with fraudulent intent, marks one or more manufactured products which are not protected by design copyright, so as falsely to indicate that they are so protected, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding \$500.

SEC. 19. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 20. The register of copyrights shall be authorized, for convenience of Copyright Office administration, to de-

termine and designate the different classes of manufactured products under which registration may be made, and, subject to approval by the Librarian of Congress, to make rules and regulations for such registration, and for the form of the required certificate: *Provided, however,* That such classification shall not be held to limit or extend the rights of the author of the design or his legal representative or assignee.

SEC. 21. 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 for the first term of two years under this act, \$3; (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 7 of this act, or for furnishing certified copies of any such document, \$1 for each copyright office record-book page or fraction thereof up to five pages, and 50 cents for each such page or fraction thereof beyond five pages; (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. 22. 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 shall be further identified by a representation of the design, and each extension registration shall be listed in said catalogue. The periodic issues of said catalogue may be subscribed for upon application to the Superintendent of Public Documents, at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding \$10 for the complete Catalogue of Copyright Entries provided by the act approved March 4, 1909, or \$10 for the catalogue of designs registered under this 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. 23. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, office rental and equipment, stationery and supplies, for carrying into effect this act for the fiscal year ending June 30, 1929, \$100,000, or so much thereof as may be necessary, the same to be available immediately upon the approval of this act, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 24. 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. 25. 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 section 4934, as amended by the acts of February 18, 1922, and February 14, 1927, is further amended by striking out the words "except in design cases" wherever they appear, and also by striking out the following words: "In design cases: For three years and six months, \$10; for seven years, \$15; for fourteen years, \$30": *Provided, however,* That design patents issued under the sections herein repealed shall have full force and effect as if said sections were still in effect: *And provided further,* That notwithstanding the six months' limitations in section 3 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, or his assigns and legal representatives may within six months after this act goes into effect elect either to demand a design patent which may be granted him and have full force and effect as if the section herein repealed were still in effect, or to abandon said application for a design patent and secure copyright protection under this act by complying with the provisions of this act, so far as applicable, and upon payment of the fee or fees prescribed in section 21 of this act, filing 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 registra-

tion in such different classes, the initial term of such copyright protection under this act to commence with the sale or offer for sale of manufactured products to which the design has been applied or in which it is embodied, marked in the manner specified in section 5 of this act. No design copyright under the provisions of this act shall be valid to an author or to the legal representative or assignee of such author to whom shall have been issued a design patent in this country for the same design.

SEC. 26. This act shall go into effect on July 1, 1928, and may be cited as the design copyright act of 1928.

[70th Cong., 1st sess. H. R. 9586. In the House of Representatives, January 18, 1928]

Bill H. R. 9586.— Mr. Vestal introduced the following bill, which was referred to the Committee on Patents and ordered to be printed:
International Copyright Union.

A BILL To amend the copyright law in order to permit the United States to enter the International Copyright Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he 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 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.

SEC. 2. That 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.

SEC. 3. That the rights and remedies granted by the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and the acts amendatory thereof, shall be, and are hereby, extended to the authors of works of architecture, and choreographic works and pantomimes, as class (n) and class (o), respectively, in the list of classes of copyright

works in section 5 of the said act; but the copyright of a work of architecture shall cover only its artistic character and 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, and the proprietor of the copyright shall not be entitled to obtain an injunction restraining the construction of an infringing building, or an order for its demolition.

SEC. 4. That on and after the date of the President's proclamation, as provided in section 1 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 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 the copyright laws of the United States, and for the period of copyright prescribed by said laws, including any term of copyright renewal: *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.

SEC. 5. That in the case of works by such authors first produced or published after the date of the said proclamation the copyright protection of the United States shall begin upon such date of first production or 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, 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 sections 23 and 24 of the said copyright act of 1909: *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.

SEC. 6. That the enjoyment and the exercise by such authors of the rights and remedies accorded by the copyright laws of the United States and the provisions of this act shall not be subject to the performance of any formalities in order to secure copyright, and such authors shall not be required to comply with the provisions of the copyright laws of the United States as to publication with notice of copyright, deposit of copies, registration of copyright, or manufacture within the limits of the United States.

SEC. 7. That the provisions of section 31 of the said act of 1909 shall not apply to a book by any author described in section 4 of this act unless, under an assignment recorded in the copyright office at Washington of the copyright for the United States in such book, an American edition thereof shall have been produced which complies with the requirements of the said act as to manufacture, publication, deposit of copies, and registration.

SEC. 8. That the Supreme Court of the United States shall prescribe such additional or modified rules and regulations as may be necessary for practice and procedure in any action, suit, or proceeding instituted for infringement of copyright under the provisions of this act.

ADDENDUM II

CONVENTION ON THE PROTECTION OF LITERARY AND ARTISTIC
PROPERTY ADOPTED AND SIGNED AT HABANA, CUBA, FEBRU-
ARY 18, 1928

New interpolated text matter is printed in italics, but the new articles, 4 *bis*, 5, 6 (par. 1 and 2), 13 *bis*, 16 and 17, and the reservations, although new text, are not printed with italic type.

*Pan American
Copyright Con-
vention, Habana,
Cuba, Feb. 18,
1928.*

Article 1 to stand as in 1910 text.

Article 2: In the expression "literary and artistic works" are included books, writings, pamphlets of all kinds, *whatever may be the subject they deal with and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings, lithographic, photographic and cinematographic works, or reproductions by means of mechanical instruments designed for the reproduction of sounds; astronomical or geographical globes; plans, sketches, or plastic works relating to geography, geology, or topography, architecture, or any other science as well as the arts applied to any human activity whatever; and, finally, all productions that can be published by any means of impression or reproduction.*

Article 3, new added text, as follows:

". . . and the name of the person in whose favor the reservation is registered. Likewise the country of origin, the country in which the first publication was made, or those in which simultaneous publications were made, as well as the year of the first publication, must be indicated."

Article 4 to stand as in 1910 text.

Article 4 *bis*: The authors of literary or artistic works have the exclusive right to authorize the reproduction, adaptation, and public presentation of their works by means of cinematography.

Without prejudice to the rights of the author of the original work, reproduction by means of cinematography

of a literary or artistic work shall be protected as an original work.

Article 5: The authors of literary and musical works have the exclusive right to authorize: (1) The adaptation of said works to instruments that serve to reproduce them mechanically; (2) the public rendering of the same works by means of said instruments.

Article 5 of 1910 to stand as 5 *bis* of 1928.

Article 6: The duration of the protection granted by this convention embraces the life of the author and 50 years after his death.

However, in case this duration period shall not be adopted by all the signatory states in a uniform manner, the period shall be regulated by the law of the country where the protection is requested and may not exceed the period of duration fixed by the country of origin of the work. Therefore, the signatory countries shall not be obliged to apply the provision of the preceding paragraph except in so far as their internal laws permit.

Paragraph 2 of 1910 to stand as paragraph 3 of 1928.

Articles 7 to 13 to stand as in the 1910 text.

Article 13 *bis*: The authors of literary or artistic works in disposing of them pursuant to their copyrights do not cede the right of enjoyment and of reproduction. They shall hold upon said works a moral right of inalienable control which will permit them to oppose any public reproduction or exhibition of their altered, mutilated, or revised works.

Articles 14 and 15 to stand as in the 1910 text.

Article 16: The present convention shall replace between the contracting states the Buenos Aires convention of August 11, 1910. The latter shall remain in effect as to the relations of the states that do not ratify the present convention.

The signatory states of the present convention shall be at liberty, upon exchanging ratifications, to declare that upon this or that point they understand that they shall be bound by the provisions of any previous convention which they may have signed.

Article 17: The present convention shall take effect, between the signatory states which ratify the same, three months after they communicate their ratification to the Government of Cuba, and shall remain in effect between all of them until one year after the date of denouncement.

This denouncement shall be sent to the Government of Cuba and shall have no effect, except with regard to the country that has made such denouncement.

RESERVATION OF THE DELEGATION OF CHILE

The delegation of Chile accepts in general the modification of the convention of Buenos Aires which has just been approved, but must formulate a reservation in regard to the points in which this modified convention is opposed to the legislation in force in Chile. *Reservation of Chile.*

This reservation does not diminish our earnest desire of attaining the adoption of juridical principles which give equal protection to intellectual property in all countries of America.

RESERVATION OF THE DELEGATION OF VENEZUELA

The delegation of Venezuela reserves the signing of this convention until such time as its Government shall reach a definite decision with regard to it, since the convention of Buenos Aires, which Venezuela not only did not ratify but which its Congress expressly rejected, as well as the present convention, contains provisions which are contrary to our juridical tradition and to our positive laws on the matter. *Reservation of Venezuela.*

ADDENDUM III

CONVENTION CREATING AN INTERNATIONAL UNION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS, SIGNED AT BERLIN, NOVEMBER 13, 1908; REVISED, AND SIGNED AT ROME, JUNE 2, 1928

ENGLISH TRANSLATION WITH OFFICIAL FRENCH TEXT

ARTICLE 1

Union to protect literary and artistic works.

The countries to which the present convention applies are constituted into a union for the protection of the rights of authors in their literary and artistic works.

ARTICLE 2

Definition of "literary and artistic works."

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

Translations, arrangements, compilations, and adaptations protected.

(2) Translations, adaptations, arrangements of music, and other reproductions transformed from a literary or artistic work, as well as compilations from different works, are protected as original works without prejudice to the rights of the author of the original work.

Protection pledged.

(3) The countries of the union are pledged to secure protection in the case of the works mentioned above.

Works of art applied to industry.

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

ARTICLE 2 *bis*

(1) The authority is reserved to the domestic legisla-^{Political discourses.} tion of each country of the union to exclude, partially or wholly, from the protection provided by the preceding article political discourses or discourses pronounced in judicial debates.

(2) There is also reserved to the domestic legislation of each country of the union authority to enact the conditions under which such lectures, addresses, sermons, and^{Lectures, etc.} other works of like nature may be reproduced by the press. Nevertheless, the author alone shall have the right to bring such works together in a compilation.

ARTICLE 3

The present convention applies to photographic works^{Photographic works to be protected.} and to works obtained by any process analogous to photography. The countries of the union are pledged to guarantee protection to such works.

ARTICLE 4

(1) Authors within the jurisdiction of one of the coun-^{Authors to enjoy in countries of the union the rights granted to natives.} tries of the union enjoy for their works, whether unpublished or published for the first time in one of the countries of the union, such rights, in the countries other than the country of origin of the work, as the respective laws now accord or shall hereafter accord to nationals, as well as the rights specially accorded by the present convention.

(2) The enjoyment and the exercise of such rights are^{No formalities required.} not subject to any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the stipulations of the present convention, the extent of the protection, as well as the means of redress guaranteed to the author to safeguard his rights, are regulated exclusively according to the legislation of the country where the protection is claimed.

(3) The following is considered as the country of^{Definition of country of origin.} origin of the work: For unpublished works, the country to which the author belongs; for published works, the country of first publication; and for works published simultaneously in several countries of the union, the country among them whose legislation grants the shortest term

of protection. For works published simultaneously in a country outside of the union and in a country within the union, it is the latter country which is exclusively considered as the country of origin.

Published works.

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

ARTICLE 5

Authors of the countries of the union have same rights as natives of other countries.

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

ARTICLE 6

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

(1) Authors not within the jurisdiction of any one of the countries of the union, who publish their works for the first time in one of the union countries, enjoy in such union country the same rights as national authors, and in the other countries of the union the rights accorded by the present convention.

Exception. Protection for non-union authors.

(2) Nevertheless, when a country outside of the union does not protect in an adequate manner the works of authors within the jurisdiction of one of the countries of the union, this latter union country may restrict the protection for the works of authors who are, at the time of the first publication of such works, within the jurisdiction of the nonunion country and are not actually domiciled in one of the countries of the union.

Not retroactive.

(3) Any restriction, established by virtue of the preceding paragraph, shall not prejudice the rights which an author may have acquired in a work published in one of the countries of the union before the putting into effect of this restriction.

Restrictions to be notified to Government of Swiss Confederation.

(4) The countries of the union which, by virtue of the present article, restrict the protection of the rights of authors, shall notify the fact to the Government of the Swiss Confederation by a written declaration indicating the countries in whose case protection is restricted, and indicating also the restrictions to which the rights of

authors within the jurisdiction of such country are subjected. The Government of the Swiss Confederation shall immediately communicate this fact to all the countries of the union.

ARTICLE 6 *bis*

(1) Independently of the patrimonial rights of the author, and even after the assignment of the said rights, the author retains the right to claim the paternity of the work, as well as the right to object to every deformation, mutilation, or other modification of the said work, which may be prejudicial to his honor or to his reputation. Author reserves moral right in work.

(2) It is left to the national legislation of each of the countries of the union to establish the conditions for the exercise of these rights. The means for safeguarding them shall be regulated by the legislation of the country where protection is claimed. National legislation governs.

ARTICLE 7

(1) The duration of the protection granted by the present convention comprises the life of the author and 50 years after his death. Term of protection: Life and 50 years.

(2) In case this period of protection, however, should not be adopted uniformly by all the countries of the union, its duration shall be regulated by the law of the country where protection is claimed, and it can not exceed the term fixed in the country of origin of the work. The countries of the union will consequently not be required to apply the provision of the preceding paragraph beyond the extent to which it agrees with their domestic law. If not adopted; laws of country to govern term.

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

ARTICLE 7 *bis*

(1) The duration of the author's right belonging in common to collaborators in a work is calculated according to the date of the death of the last survivor of the collaborators. Term for collaborative works.

- Term in country of origin, if shorter governs.* (2) Persons within the jurisdiction of countries which grant a shorter period of protection than that provided in paragraph 1 can not claim in the other countries of the union a protection of longer duration.
- Date of death of last survivor governs.* (3) In any case the term of protection shall not expire before the death of the last survivor of the collaborators.

ARTICLE 8

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

ARTICLE 9

- Serial novels protected when published in newspapers or periodicals.* (1) Serial stories ("romans-feuilletons"), novels, and all other works, whether literary, scientific, or artistic, whatever may be their subject, published in newspapers or periodicals of one of the countries of the union, may not be reproduced in the other countries without the consent of the authors.
- Economic, political, and religious discussions.* (2) Articles of current economic, political, or religious discussion may be reproduced by the press if their reproduction is not expressly reserved. But the source must always be clearly indicated; the sanction of this obligation is determined by the legislation of the country where the protection is claimed.
- News items not protected.* (3) The protection of the present convention does not apply to news of the day or to miscellaneous news having the character merely of press information.

ARTICLE 10

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

ARTICLE 11

- Representation of dramatic or dramatico-musical works.* (1) The stipulations of the present convention apply to the public representation of dramatic or dramatico-

musical works and to the public performance of musical works, whether these works are published or not.

(2) Authors of dramatic or dramatico-musical works are protected, during the term of their copyright in the original work, against the unauthorized public representation of a translation of their works. Representation of translations of dramatic works.

(3) In order to enjoy the protection of this article authors in publishing their works are not obliged to prohibit the public representation or public performance of them. Notice of reservation of performance not required.

ARTICLE 11 *bis*

(1) The authors of literary and artistic works enjoy the exclusive right to authorize the communication of their works to the public by radio diffusion. Radio diffusion.

(2) It belongs to the national legislatures of the countries of the union to regulate the conditions for the exercise of the right declared in the preceding paragraph, but such conditions shall have an effect strictly limited to the country which establishes them. They can not in any case adversely affect the moral right of the author, nor the right which belongs to the author of obtaining an equitable remuneration fixed, in default of an amicable agreement, by competent authority. National legislations govern; moral right of author; equitable remuneration obtainable.

ARTICLE 12

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

ARTICLE 13

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

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

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

Not retroactive.

(3) The provisions of paragraph 1 have no retroactive effect and therefore are not applicable in a country of the union to works which, in that country, shall have been lawfully adapted to mechanical instruments before the going into force of the convention signed at Berlin November 13, 1908; and, in the case of a country which has acceded to the union since that date or shall accede to it in the future, then when the works have been adapted to mechanical instruments before the date of its accession.

Importation of mechanical musical appliances prohibited.

(4) Adaptations made by virtue of paragraphs 2 and 3 of this article and imported, without the authorization of the parties interested, into a country where they would not be lawful may be seized there.

ARTICLE 14

Reproduction by cinematograph.

(1) Authors of literary, scientific, or artistic works have the exclusive right to authorize the reproduction, the adaptation, and the public representation of their works by means of the cinematograph.

Cinematographic productions protected.

(2) Cinematographic productions are protected as literary or artistic works when the author shall have given to the work an original character. If this character is lacking, the cinematographic production enjoys the same protection as photographic works.

Cinematographs copyrightable.

(3) Without prejudice to the rights of the author of the work reproduced or adapted, the cinematographic work is protected as an original work.

Also any analogous production.

(4) The preceding provisions apply to the reproduction or production obtained by any other process analogous to that of the cinematograph.

ARTICLE 15

Author's name indicated on work sufficient proof of authorship.

(1) In order that the authors of the works protected by the present convention may be considered as such, until proof to the contrary, and admitted in consequence before the courts of the various countries of the union to proceed against infringers, it is sufficient that the author's name be indicated upon the work in the usual manner.

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

Publisher of anonymous or pseudonymous works considered as representative of author.

ARTICLE 16

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

Seizure of pirated copies.

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

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

Seizure to be made according to the laws of each country.

ARTICLE 17

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

Each Government to exercise supervision as to circulation, representation, or exhibition of works.

ARTICLE 18

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

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

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

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

Special conventions and domestic legislation may govern.

Provisions of convention to apply to new accessions. (4) The preceding provisions apply equally in the case of new accessions to the union and where the protection would be extended by the application of article 7 or by the abandonment of reservations.

ARTICLE 19

More extensive rights may be granted by domestic legislation. The provisions of the present convention do not prevent a claim for the application of more favorable provisions which may be enacted by the legislation of a country of the union in favor of foreigners in general.

ARTICLE 20

More extensive right may be secured by special treaties. The Governments of the countries of the union reserve the right to make between themselves special treaties, when these treaties would confer upon authors more extended rights than those accorded by the union, or when they contain other stipulations not conflicting with the present convention. The provisions of existing treaties which answer the foresaid conditions remain in force.

ARTICLE 21

Bureau of the International Union. (1) The international office instituted under the name of "Bureau of the International Union for the Protection of Literary and Artistic Works" ("Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques") is maintained.

Under control of Switzerland. (2) This bureau is placed under the high authority of the Government of the Swiss Confederation, which controls its organization and supervises its working.

Language of bureau to be French. (3) The official language of the bureau is the French language.

ARTICLE 22

Duties of International Bureau. (1) The International Bureau brings together, arranges, and publishes information of every kind relating to the protection of the rights of authors in their literary and artistic works. It studies questions of mutual utility interesting to the union, and edits, with the aid of documents placed at its disposal by the various administrations, a periodical in the French language, treating questions concerning the purpose of the union. The Governments of the countries of the union reserve the right to authorize the bureau by common accord to publish an

"Le Droit d'Auteur."

edition in one or more other languages, in case experience demonstrates the need.

(2) The International Bureau must hold itself at all times at the disposal of members of the union to furnish them, in relation to questions concerning the protection of literary and artistic works, the special information of which they have need. *Will furnish information as to copyright.*

(3) The Director of the International Bureau makes an annual report on his administration, which is communicated to all the members of the union. *Annual report of Director of International Bureau.*

ARTICLE 23

(1) The expenses of the Bureau of the International Union are shared in common by the countries of the union. Until a new decision, they may not exceed 120,000 Swiss francs per year. This sum may be increased when needful by the unanimous decision of one of the conferences provided for in article 24. *Expenses of the International Bureau to be shared by contracting states.*

(2) To determine the part of this sum total of expenses to be paid by each of the countries, the countries of the union and those which later adhere to the union are divided into six classes, each contributing in proportion to a certain number of units, to wit: *Method of sharing expenses.*

| | Units |
|-------------------|-------|
| First class..... | 25 |
| Second class..... | 20 |
| Third class..... | 15 |
| Fourth class..... | 10 |
| Fifth class..... | 5 |
| Sixth class..... | 3 |

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

(4) Each country shall declare, at the time of its accession, in which of the above-mentioned classes it demands to be placed, but it may always ultimately declare that it intends to be placed in another class.

(5) The Swiss administration prepares the budget of the bureau and superintends its expenditures, makes necessary advances, and draws up the annual account, which shall be communicated to all the other administrations. *Swiss administration to prepare the budget of the International Bureau, etc.*

ARTICLE 24

Revisions of convention.

(1) The present convention may be subjected to revision with a view to the introduction of amendments calculated to perfect the system of the union.

To take place successively in the countries of the union.

(2) Questions of this nature, as well as those which from other points of view pertain to the development of the union, are considered in the conferences which will take place successively in the countries of the union between the delegates of the said countries. The administration of the country where a conference is to be held will, with the cooperation of the International Bureau, prepare the business of the same. The director of the bureau will attend the meetings of the conferences and take part in the discussions without a deliberate voice.

Changes require unanimous consent.

(3) No change in the present convention is valid for the union except on condition of the unanimous consent of the countries which compose it.

ARTICLE 25

Accession of other countries.

(1) The countries outside of the union which assure legal protection of the rights which are the object of the present convention may accede to it upon their request.

To be made known by Switzerland.

(2) This accession shall be communicated in writing to the Government of the Swiss Confederation and by the latter to all others.

May substitute provisions of previous conventions.

(3) The full right of adhesion to all the clauses and admission to all the advantages stipulated in the present convention are implied by such accession and it will go into effect one month after the sending of the notification by the Government of the Swiss Confederation to the other countries of the union, unless a later date has been indicated by the adhering country. Nevertheless, such accession may contain an indication that the adhering country intends to substitute, provisionally at least, for article 8 concerning translations, the provisions of article 5 of the convention of the union of 1886, revised at Paris in 1896, it being, of course, understood that these provisions relate only to translations into the language or languages of the country.

ARTICLE 26

Accession may include colonies, protectorates, etc.

(1) Each of the countries of the union may at any time notify in writing the Government of the Swiss Confederation that the present convention is applicable to

all or to part of its colonies, protectorates, territories under mandate, or all other territories subject to its sovereignty or to its authority, or all territories under suzerainty, and the convention shall then apply to all the territories designated in the notification. In default of such notification, the convention shall not apply to such territories.

(2) Each of the countries of the union may at any time notify in writing the Government of the Swiss Confederation that the present convention ceases to be applicable to all or to part of the territories which were the object of the notification provided for by the preceding paragraph, and the convention shall cease to apply in the territories designated in such notification 12 months after receipt of the notification addressed to the Government of the Swiss Confederation.

Abrogation of convention in name of colonies, etc.

(3) All the notifications made to the Government of the Swiss Confederation, under the provisions of paragraphs 1 and 2 of this article, shall be communicated by that Government to all the countries of the union.

Notifications communicable by the Swiss Government.

ARTICLE 27

(1) The present convention shall replace in the relations between the countries of the union the convention of Berne of September 9, 1886, and the acts by which it has been successively revised. The acts previously in effect shall remain applicable in the relations with the countries which shall not have ratified the present convention.

Present convention to replace Berne Convention and revisional acts.

(2) The countries in whose name the present convention is signed may still retain the benefit of the reservations which they have previously formulated on condition that they make such a declaration at the time of the deposit of the ratifications.

But reservations may be maintained.

(3) Countries which are actually parties to the union, but in whose name the present convention shall not have been signed, may at any time adhere to it. They may in such case benefit by the provisions of the preceding paragraph.

ARTICLE 28

(1) The present convention shall be ratified, and the ratifications shall be deposited at Rome not later than July 1, 1931.

Convention to be ratified not later than July 1, 1931.

(2) It will go into effect between the countries of the union which have ratified it one month after that date.

Date of effect of ratifications.

However, if, before that date, it has been ratified by at least six countries of the union it will go into effect as between those countries of the union one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, for the countries of the union which shall later ratify, one month after the notification of each such ratification.

Accession of new countries.

(3) Countries that are not within the union may, until August 1, 1931, enter the union, by means of adhesion, either to the convention signed at Berlin November 13, 1908, or to the present convention. After August 1, 1931, they can adhere only to the present convention.

ARTICLE 29

Convention to remain in effect until one year after denunciation.

(1) The present convention shall remain in effect for an indeterminate time, until the expiration of one year from the day when denunciation of it shall have been made.

Withdrawal from the convention.

(2) This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only as regards the country which shall have made it, the convention remaining in force for the other countries of the union.

ARTICLE 30

Adoption of term of life and 50 years to be notified.

(1) The countries which introduce into their legislation the term of protection of 50 years¹ provided for by article 7, paragraph 1, of the present convention shall make it known to the Government of the Swiss Confederation by a written notification which shall be communicated at once by that Government to all the other countries of the union.

Notice shall be given of renouncement of any reservations.

(2) It shall be the same for such countries as shall renounce any reservations made or maintained by them in virtue of articles 25 and 27.

Signatures.

In testimony of which the respective plenipotentiaries have signed the present convention.

Date of signing, June 2, 1928.

Done at Rome the 2d of June, 1928, in a single copy, which shall be deposited in the archives of the Royal Italian Government. One copy, properly certified, shall be sent through diplomatic channels to each of the countries of the union.

¹ Article 7 provides for a general term of protection for life of author and 50 years.

NOTE.—Delegates representing the following countries were present at the conference in Rome:

| | |
|------------------------|--|
| Australia. | Latvia. |
| Austria. | Luxemburg. |
| Belgium. | Mexico. |
| Bolivia. | Monaco. |
| Brazil. | Morocco. |
| Bulgaria. | Netherlands. |
| Canada. | New Zealand. |
| Chile. | Nicaragua. |
| Colombia. | Norway. |
| Cuba. | Peru. |
| Czechoslovakia. | Poland. |
| Danzig (Free City of). | Portugal. |
| Denmark. | Rumania. |
| Ecuador. | Salvador. |
| Egypt. | San Marino (Republic of). |
| Estonia. | Serbs, Croats, and Slovenes (Kingdom of the). |
| Finland. | Siam. |
| France. | Spain. |
| Germany. | Sweden. |
| Great Britain. | Switzerland. |
| Greece. | Syria and Lebanon. |
| Guatemala. | Tunis. |
| Hungary. | Turkey. |
| India. | United States of America. |
| Irish Free State. | Uruguay. |
| Italy. | Venezuela. |
| Japan. | |

CONVENTION DE BERNE POUR LA PROTECTION DES ŒUVRES LITTÉRAIRES ET ARTISTIQUES DU 9 SEPTEMBRE 1886 REVISÉE À BERLIN LE 13 NOVEMBRE 1908 ET À ROME LE 2 JUIN 1928 International Copyright Convention, Rome, 1928. Original French text.

ARTICLE PREMIER

Les pays auxquels s'applique la présente convention sont constitués à l'état d'Union pour la protection des droits des auteurs sur leurs œuvres littéraires et artistiques.

ARTICLE 2

(1) Les termes "œuvres littéraires et artistiques" comprennent toutes les productions du domaine littéraire, scientifique et artistique, quel qu'en soit le mode ou la forme d'expression, telles que: les livres, brochures et autres écrits; les conférences, allocutions, sermons et autres œuvres de même nature; les œuvres dramatiques ou dramatico-musicales, les œuvres chorégraphiques et les

pantomines, dont la mise en scène est fixée par écrit ou autrement; les compositions musicales avec ou sans paroles; les œuvres de dessin, de peinture, d'architecture, de sculpture, de gravure et de lithographie; les illustrations, les cartes géographiques; les plans, croquis et ouvrages plastiques, relatifs à la géographie, à la topographie, à l'architecture ou aux sciences.

(2) Sont protégés comme des ouvrages originaux, sans préjudice des droits de l'auteur de l'œuvre originale, les traductions, adaptations, arrangements de musique et autres reproductions transformées d'une œuvre littéraire ou artistique, ainsi que les recueils de différentes œuvres.

(3) Les pays de l'union sont tenus d'assurer la protection des œuvres mentionnées ci-dessus.

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

ARTICLE 2 *bis*

(1) Est réservée à la législation intérieure de chaque pays de l'union la faculté d'exclure partiellement ou totalement de la protection prévue à l'article précédent les discours politiques et les discours prononcés dans les débats judiciaires.

(2) Est réservée également à la législation intérieure de chaque pays de l'Union la faculté de statuer sur les conditions dans lesquelles les conférences, allocutions, sermons et autres œuvres de même nature pourront être reproduits par la presse. Toutefois l'auteur seul aura le droit de réunir lesdites œuvres en recueil.

ARTICLE 3

La présente convention s'applique aux œuvres photographiques et aux œuvres obtenues par un procédé analogue à la photographie. Les pays de l'Union sont tenus d'en assurer la protection.

ARTICLE 4

(1) Les auteurs ressortissant à l'un des pays de l'Union jouissent, dans les pays autres que le pays d'origine de l'œuvre, pour leurs œuvres, soit non publiées, soit publiées pour la première fois dans un pays de l'Union, des droits que les lois respectives accordent actuellement ou ac-

coderont par la suite aux nationaux, ainsi que des droits spécialement accordés par la présente convention.

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

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

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

ARTICLE 5

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

ARTICLE 6

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

(2) Néanmoins, lorsqu'un pays étranger à l'union ne protège pas d'une manière suffisante les œuvres des auteurs qui sont ressortissants de l'un des pays de l'union, ce pays pourra restreindre la protection des œuvres dont

les auteurs sont, au moment de la première publication de ces œuvres, ressortissants de l'autre pays et ne sont pas domiciliés effectivement dans l'un des pays de l'union.

(3) Aucune restriction, établie en vertu de l'alinéa précédent, ne devra porter préjudice aux droits qu'un auteur aura acquis sur une œuvre publiée dans un pays de l'union avant la mise à exécution de cette restriction.

(4) Les pays de l'union qui, en vertu du présent article, restreindront la protection des droits des auteurs, le notifieront au Gouvernement de la Confédération suisse par une déclaration écrite où seront indiqués les pays vis-à-vis desquels la protection est restreinte, de même que les restrictions auxquelles les droits des auteurs ressortissant à ce pays sont soumis. Le Gouvernement de la Confédération suisse communiquera aussitôt le fait à tous les pays de l'union.

ARTICLE 6 *bis*

(1) Indépendamment des droits patrimoniaux d'auteur, et même après la cession desdits droits, l'auteur conserve le droit de revendiquer la paternité de l'œuvre, ainsi que le droit de s'opposer à toute déformation, mutilation ou autre modification de ladite œuvre, qui serait préjudiciable à son honneur ou à sa réputation.

(2) Il est réservé à la législation nationale des pays de l'union d'établir les conditions d'exercice de ces droits. Les moyens de recours pour les sauvegarder seront réglés par la législation du pays où la protection est réclamée.

ARTICLE 7

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

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

(3) Pour les œuvres photographiques et les œuvres obtenues par un procédé analogue à la photographie,

pour les œuvres posthumes, pour les œuvres anonymes ou pseudonymes, la durée de la protection est réglée par la loi du pays où la protection est réclamée, sans que cette durée puisse excéder la durée fixée dans le pays d'origine de l'œuvre.

ARTICLE 7 bis

La durée du droit d'auteur appartenant en commun aux collaborateurs d'une œuvre est calculée d'après la date de la mort du dernier survivant des collaborateurs.

(2) Les ressortissants des pays qui accordent une durée de protection inférieure à celle que prévoit l'alinéa 1^{er} ne peuvent pas réclamer dans les autres pays de l'union une protection de plus longue durée.

(3) En aucun cas la durée de protection ne pourra expirer avant la mort du dernier survivant des collaborateurs.

ARTICLE 8

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

ARTICLE 9

(1) Les romans-feuilletons, les nouvelles et toutes autres œuvres, soit littéraires, soit scientifiques, soit artistiques, quel qu'en soit l'objet, publiés dans les journaux ou recueils périodiques d'un des pays de l'union, ne peuvent être reproduits dans les autres pays sans le consentement des auteurs.

(2) Les articles d'actualité de discussion économique, politique ou religieuse peuvent être reproduits par la presse si la reproduction n'en est pas expressément réservée. Toutefois, la source doit toujours être clairement indiquée; la sanction de cette obligation est déterminée par la législation du pays où la protection est réclamée.

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

ARTICLE 10

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

ARTICLE 11

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

(2) Les auteurs d'œuvres dramatiques ou dramatico-musicales sont, pendant la durée de leur droit sur l'œuvre originale, protégés contre la représentation publique non autorisée de la traduction de leurs ouvrages.

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

ARTICLE 11 *bis*

(1) Les auteurs d'œuvres littéraires et artistiques jouissent du droit exclusif d'autoriser la communication de leurs œuvres au public par la radiodiffusion.

(2) Il appartient aux législations nationales des pays de l'union de régler les conditions d'exercice du droit visé à l'alinéa précédent, mais ces conditions n'auront qu'un effet strictement limité au pays qui les aurait établies. Elles ne pourront en aucun cas porter atteinte ni au droit moral de l'auteur, ni au droit qui appartient à l'auteur d'obtenir une rémunération équitable fixée, à défaut d'accord amiable, par l'autorité compétente.

ARTICLE 12

Sont spécialement comprises parmi les reproductions illicites auxquelles s'applique la présente convention, les appropriations indirectes non autorisées d'un ouvrage littéraire ou artistique, telles que adaptations, arrangements de musique, transformations d'un roman, d'une nouvelle ou d'une poésie en pièce de théâtre et réciproquement, etc., lorsqu'elles ne sont que la reproduction de

cet ouvrage, dans la même forme ou sous une autre forme, avec des changements, additions ou retranchements, non essentiels, et sans présenter le caractère d'une nouvelle œuvre originale.

ARTICLE 13

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

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

(3) La disposition de l'alinéa 1 n'a pas d'effet rétroactif et, par suite, n'est pas applicable, dans un pays de l'union, aux œuvres qui, dans ce pays, auront été adaptées licitement aux instruments mécaniques avant la mise en vigueur de la convention signée à Berlin le 13 novembre 1908 et, s'il s'agit d'un pays qui aurait accédé à l'union depuis cette date, ou y accéderait dans l'avenir, avant la date de son accession.

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

ARTICLE 14

(1) Les auteurs d'œuvres littéraires, scientifiques ou artistiques ont le droit exclusif d'autoriser la reproduction, l'adaptation et la présentation publique de leurs œuvres par la cinématographie.

(2) Sont protégées comme œuvres littéraires ou artistiques les productions cinématographiques lorsque l'auteur aura donné à l'œuvre un caractère original. Si ce caractère fait défaut, la production cinématographique jouit de la protection des œuvres photographiques.

(3) Sans préjudice des droits de l'auteur de l'œuvre reproduite ou adaptée, l'œuvre cinématographique est protégée comme une œuvre originale.

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

ARTICLE 15

(1) Pour que les auteurs des ouvrages protégés par la présente convention soient, jusqu'à preuve contraire, considérés comme tels et admis, en conséquence, devant les tribunaux des divers pays de l'union, à exercer des poursuites contre les contrefacteurs, il suffit que leur nom soit indiqué sur l'ouvrage en la manière usitée.

(2) Pour les œuvres anonymes ou pseudonymes, l'éditeur dont le nom est indiqué sur l'ouvrage est fondé à sauvegarder les droits appartenant à l'auteur. Il est, sans autres preuves, réputé ayant cause de l'auteur anonyme ou pseudonyme.

ARTICLE 16

(1) Toute œuvre contrefaite peut être saisie par les autorités compétentes des pays de l'union où l'œuvre originale a droit à la protection légale.

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

(3) La saisie a lieu conformément à la législation intérieure de chaque pays.

ARTICLE 17

Les dispositions de la présente convention ne peuvent porter préjudice, en quoi que ce soit, au droit qui appartient au Gouvernement de chacun des pays de l'union de permettre, de surveiller, d'interdire, par des mesures de législation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ARTICLE 18

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

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

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

(4) Les dispositions qui précèdent s'appliquent également en cas de nouvelles accessions à l'union et dans le cas où la protection serait étendue par application de l'article 7 ou par abandon de réserves.

ARTICLE 19

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

ARTICLE 20

Les gouvernements des pays de l'union se réservent le droit de prendre entre eux des arrangements particuliers, en tant que ces arrangements confèreraient aux auteurs des droits plus étendus que ceux accordés par l'union, ou qu'ils renfermeraient d'autres stipulations non contraires à la présente convention. Les dispositions des arrangements existants qui répondent aux conditions précitées restent applicables.

ARTICLE 21

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

(2) Ce bureau est placé sous la haute autorité du Gouvernement de la Confédération suisse, qui en règle l'organisation et en surveille le fonctionnement.

(3) La langue officielle du bureau est la langue française.

ARTICLE 22

(1) Le bureau international centralise les renseignements de toute nature relatifs à la protection des droits des auteurs sur leurs œuvres littéraires et artistiques. Il les coordonne et les publie. Il procède aux études d'utilité commune intéressant l'union et rédige, à l'aide des docu-

ments qui sont mis à sa disposition par les diverses administrations, une feuille périodique, en langue française, sur les questions concernant l'objet de l'union. Les gouvernements des pays de l'union se réservent d'autoriser, d'un commun accord, le bureau à publier une édition dans une ou plusieurs autres langues, pour le cas où l'expérience en aurait démontré le besoin.

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

(3) Le directeur du bureau international fait sur sa gestion un rapport annuel qui est communiqué à tous les membres de l'union.

ARTICLE 23

(1) Les dépenses du bureau de l'union internationale sont supportées en commun par les pays de l'union. Jusqu'à nouvelle décision, elles ne pourront pas dépasser la somme de cent vingt mille francs suisses par année. Cette somme pourra être augmentée au besoin par décision unanime d'une des conférences prévues à l'article 24.

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

| | Unités |
|-----------------------------|--------|
| 1 ^{re} classe..... | 25 |
| 2 ^e classe..... | 20 |
| 3 ^e classe..... | 15 |
| 4 ^e classe..... | 10 |
| 5 ^e classe..... | 5 |
| 6 ^e classe..... | 3 |

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

(4) Chaque pays déclarera, au moment de son accession, dans laquelle des susdites classes il demande à être rangé, mais il pourra toujours déclarer ultérieurement qu'il entend être rangé dans une autre classe.

(5) L'Administration suisse prépare le budget du bureau et en surveille les dépenses, fait les avances néces-

saires et établit le compte annuel qui sera communiqué à toutes les autres Administrations.

ARTICLE 24

(1) La présente convention peut être soumise à des revisions en vue d'y introduire les améliorations de nature à perfectionner de système de l'union.

(2) Les questions de cette nature, ainsi que celles qui intéressent à d'autres points de vue le développement de l'union, sont traitées dans des conférences qui auront lieu successivement dans les pays de l'union entre les délégués desdits pays. L'Administration du pays où doit siéger une conférence prépare, avec le concours du bureau international, les travaux de celle-ci. Le directeur du bureau assiste aux séances des conférences et prend part aux discussions sans voix délibérative.

(3) Aucun changement à la présente convention n'est valable pour l'union que moyennant l'assentiment unanime des pays qui la composent.

ARTICLE 25

(1) Les pays étrangers à l'union et qui assurent la protection légale des droits faisant l'objet de la présente convention peuvent y accéder sur leur demande.

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

(3) Elle emportera de plein droit adhésion à toutes les clauses et admission à tous les avantages stipulés dans la présente convention et produira ses effets un mois après l'envoi de la notification faite par le Gouvernement de la Confédération suisse aux autres pays unionistes, à moins qu'une date postérieure n'ait été indiquée par le pays adhérent. Toutefois, elle pourra contenir l'indication que le pays adhérent entend substituer, provisoirement au moins, à l'article 8, en ce qui concerne les traductions, les dispositions de l'article 5 de la convention d'union de 1886 révisée à Paris en 1896, étant bien entendu que ces dispositions ne visent que la traduction dans la ou les langues du pays.

ARTICLE 26

(1) Chacun des pays de l'union peut, en tout temps, notifier par écrit au Gouvernement de la Confédération

suisse que la présente convention est applicable à tout ou partie de ses colonies, protectorats, territoires sous mandat ou tous autres territoires soumis à sa souveraineté ou à son autorité, ou tous territoires sous suzeraineté, et la convention s'appliquera alors à tous les territoires désignés dans la notification. A défaut de cette notification, la convention ne s'appliquera pas à ces territoires.

(2) Chacun des pays de l'union peut, en tout temps, notifier par écrit au Gouvernement de la Confédération suisse que la présente convention cesse d'être applicable à tout ou partie des territoires qui ont fait l'objet de la notification prévue à l'alinéa qui précède, et la convention cessera de s'appliquer dans les territoires désignés dans cette notification douze mois après réception de la notification adressée au Gouvernement de la Confédération suisse.

(3) Toutes les notifications faites au Gouvernement de la Confédération suisse, conformément aux dispositions des alinéas 1 et 2 du présent article, seront communiquées par ce Gouvernement à tous les pays de l'union.

ARTICLE 27

(1) La présente convention remplacera dans les rapports entre les pays de l'union la Convention de Berne du 9 septembre 1886 et les actes qui l'ont successivement révisée. Les actes précédemment en vigueur conserveront leur application dans les rapports avec les pays qui ne ratifieraient pas la présente convention.

(2) Les pays au nom desquels la présente convention est signée pourront encore conserver le bénéfice des réserves qu'ils ont formulées antérieurement à la condition d'en faire la déclaration lors du dépôt des ratifications.

(3) Les pays faisant actuellement partie de l'union au nom desquels la présente convention n'aura pas été signée, pourront en tout temps y adhérer. Ils pourront bénéficier en ce cas des dispositions de l'alinéa précédent.

ARTICLE 28

(1) La présente convention sera ratifiée, et les ratifications en seront déposées à Rome au plus tard le 1^{er} juillet 1931.

(2) Elle entrera en vigueur entre les pays de l'union qui l'auront ratifiée un mois après cette date. Toutefois si, avant cette date, elle était ratifiée par six pays de

l'union au moins, elle entrerait en vigueur entre ces pays de l'union un mois après que le dépôt de la sixième ratification leur aurait été notifié par le Gouvernement de la Confédération suisse et, pour les pays de l'union qui ratifieraient ensuite, un mois après la notification de chacune de ces ratifications.

(3) Les pays étrangers à l'union pourront, jusqu'au 1^{er} août 1931, accéder à l'union par voie d'adhésion, soit à la convention signée à Berlin le 13 novembre 1908, soit à la présente convention. A partir du 1^{er} août 1931, ils ne pourront plus adhérer qu'à la présente convention.

ARTICLE 29

(1) La présente convention demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite.

(2) Cette dénonciation sera adressée au Gouvernement de la Confédération suisse. Elle ne produira son effet qu'à l'égard du pays qui l'aura faite, la convention restant exécutoire pour les autres pays de l'union.

ARTICLE 30

(1) Les pays qui introduiront dans leur législation la durée de protection de cinquante ans prévue par l'article 7, alinéa 1^{er}, de la présente convention, le feront connaître au Gouvernement de la Confédération suisse par une notification écrite qui sera communiquée aussitôt par ce Gouvernement à tous les autres pays de l'union.

(2) Il en sera de même pour les pays qui renonceront aux réserves faites ou maintenues par eux en vertu des articles 25 et 27.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente convention.

Fait à Rome, le 2 juin 1928, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement royal d'Italie. Une copie, certifiée conforme, sera remise par la voie diplomatique à chaque pays de l'union.

(Signatures.)

INTERNATIONAL CONFERENCE OF ROME FOR THE PROTECTION
OF LITERARY AND ARTISTIC WORKS, MAY 7-JUNE 2,
1928

RESOLUTIONS PASSED BY THE CONFERENCE

*Resolutions
adopted at Rome,
1928.
English
translation.*

Resolution I. The conference considers it to be desirable that the countries of the union should look forward to the possibility of introducing into their respective legislations, if they do not already contain provisions of this sort, regulations to prevent after the death of the author the deformation, mutilation, or other modification of his work prejudicial to the reputation of the author and to the interests of literature, science, and the arts.

Resolution II. The conference considers it to be desirable that each legislation should clearly define the limits of the right of borrowing.

Resolution III. The conference considers it to be desirable that the countries of the union which have not yet adopted legislative regulations securing for the benefit of artists an inalienable right to a participation in the receipts due to successive transfers of their original works at public sale should take into consideration the possibility of undertaking the study of such regulations.

Resolution IV. The conference considers it to be desirable that the countries of the union should adopt measures (without imposing any obligatory formality upon authors) which would give them the opportunity of establishing either the date of their literary, artistic, or scientific creations (for example, by the use of the double-envelope system known as the Soleau envelope) or their status as citizens of one of the countries of the union.

Resolution V. The conference considers it to be desirable that the governments which have participated in the work of the conference should consider the possibility of measures for protecting the rights of performing artists.

Resolution VI. The conference, bearing in mind the identity of general principles and objects of the Convention of Berne, as revised at Berlin and later at Rome,

and of the convention signed by the American States at Buenos Aires in 1910 as revised at Habana in February, 1928; and noting the agreement of the majority of the dispositions of the two conventions: Considers it to be desirable, in conformity with the suggestions made by the Brazilian and French delegations, that, on the one hand, the American Republics which have signed a convention to which non-American countries are unable to adhere, may (following the example of Brazil) adhere to the Convention of Berne revised at Rome; and that, on the other hand, all the interested governments may agree among themselves, with a view to preparing a general agreement having as its basis the rules of the two conventions which are similar and as an object the world-wide unification of laws protecting intellectual productions.

VŒUX ÉMIS PAR LA CONFÉRENCE

Vœu I. La conférence émet le vœu que les pays de l'union envisagent la possibilité d'introduire dans les législations respectives, qui ne contiendraient pas de dispositions à cet égard, des règles propres à empêcher qu'après la mort de l'auteur son œuvre ne soit déformée, rutilée ou autrement modifiée au préjudice de la renommée de l'auteur et des intérêts de la littérature, de la science et des arts.

*Resolutions
adopted at Rome,
1928. Original
French text.*

Vœu II. La conférence émet le vœu que chaque législation précise clairement les limites du droit d'emprunt.

Vœu III. La conférence émet le vœu que ceux des pays de l'union, qui n'ont pas encore adopté de dispositions législatives consacrant au profit des artistes un droit inaliénable à une participation dans le produit des transmissions successives de leurs œuvres originales passant en vente publique, prennent en considération la possibilité de mettre à l'étude de telles dispositions.

Vœu IV. La conférence émet le vœu que les pays de l'union envisagent des mesures qui, sans imposer aux auteurs aucune formalité obligatoire, leur ouvrent la faculté d'établir soit la date de leurs créations littéraires, artistiques ou scientifiques, par exemple suivant le système de l'enveloppe double dite enveloppe Soleau, soit leur qualité de ressortissants de l'un des pays de l'union.

Vœu V. La conférence émet le vœu que les gouvernements qui ont participé aux travaux de la conférence

envisagent la possibilité de mesures pour sauvegarder les droits des artistes exécutants.

Vœu VI. La conférence, considérant l'identité des principes généraux qui dominent et des buts vers lesquels tendent la Convention de Berne, révisée à Berlin puis à Rome, et la convention signée par les Etats américains à Buenos Ayres en 1910 puis révisée à La Havane en février 1928; constatant la concordance du plus grand nombre des dispositions de l'une et l'autre convention: Emet le vœu, conformément aux suggestions émises par la délégation du Brésil et la délégation française, que, d'une part, les Républiques américaines signataires d'une convention à laquelle les Etats non américains n'ont pas la possibilité d'adhérer, viennent, à l'exemple du Brésil, accéder à la Convention de Berne révisée à Rome, et que, d'autre part, tous les gouvernements intéressés se concertent en vue de préparer une entente générale ayant pour base les règles similaires des deux conventions et pour objet l'unification mondiale des lois protégeant les créations de l'esprit.



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