

Copyright Lore

■ Judith Nierman

April 29 marks the 203rd anniversary of the first amendment to the copyright law of the United States. Enacted in 1790, the initial copyright law provided protection to maps, charts, and books. The amendment added prints to the short list of protected works and required a notice of copyright ownership to be engraved on each plate from which the print was made.

According to the *Annals of Congress*, which covers debate in the first Congress through the first session of the 18th Congress, Stephen Bradley, a Vermont senator from the Anti-Administration party who was later elected president *pro tempore* of the Senate, notified the Senate that on March 23, 1802, “he should ask leave to bring in a bill supplementary to the act, entitled ‘An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.’”

The Senate on March 25, 1802, referred the bill to a committee of three, Bradley and Federalists Gouverneur Morris from New York and Uriah Tracy from Connecticut, “to consider and report thereon.”

On March 29, 1802, Bradley reported “amendments to the said bill, and further, that the committee are of opinion that any additional provisions in the act to promote the progress of useful arts are unnecessary.” The Senate “took into consideration the amendments reported by the committee ... and having agreed thereto, Ordered, That the bill pass to the third reading as amended.”

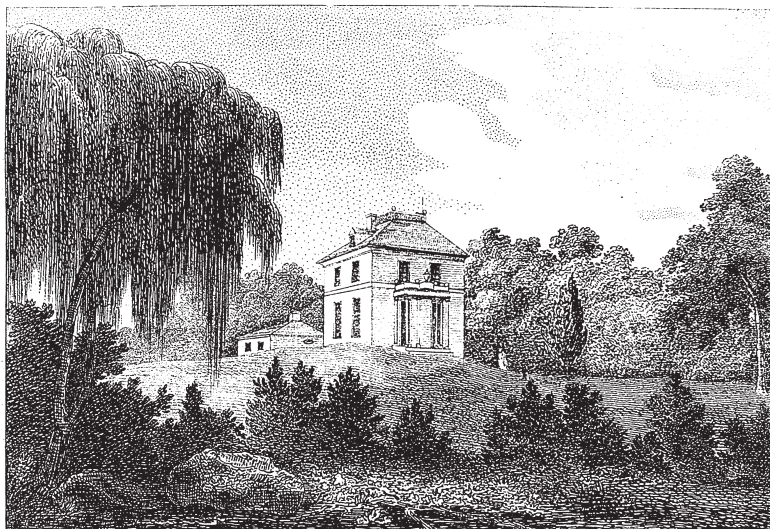
The bill was read for the third time on April 2, 1802, and further amended “by adding to the end of the fourth

section these words: ‘Provided always, that in every case for forfeitures herein before given, the action be commenced within two years from the time the cause of action may have arisen.’” After a little more tinkering with the language, the Senate resolved “That this bill do pass, that it be engrossed, and that the title thereof be ‘An act supplementary to an act entitled “An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned,” and extending the benefits thereof to the arts of designing,

engraving, and etching historical and other prints.”

Passage in the House was easy. No amendments were introduced, and after the third reading, “on the question that the same do pass, it was resolved in the affirmative.” President Thomas Jefferson signed the bill into law on April 29, 1802.

While statistics do not tell the exact number of prints the Office registers, in Fiscal Year 2004 the Copyright Office registered 107,775 works of the visual arts, which includes fine and graphic art, and transferred to the Library of Congress a total of 5,919 prints, pictures, and works of art. ©



Solitude in Pennsylv'a' belonging to Mr. Penn'.

Drawn Engraved & Published by W. Birch, Springland near Bristol, Pennsylv'a'.

One of the first to register a copyright for an etching after prints were added to the list of protected works was William Russell Birch (1755–1834). Born in England, Birch settled in Philadelphia in 1794 and made his living as an artist. Among his works is “Solitude in Pennsylv’a, belonging to Mr. Penn,” an illustration in his *The Country Seats of the United States of North America*. The work was drawn, engraved, and published by Birch in 1808. The copyright notice is reflected in the bottom line of text, which says, “Drawn Engraved & Published by W. Birch, Springland near Bristol, Pennsylv’a.”