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Senator John L. McClellan, Chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary, has introduced Senate Joint Resolution 172, a copy of which is attached.

The joint resolution provides for the automatic extension of copyrights in their renewal term that would otherwise expire. Three earlier Acts of Congress (P.L. 87-668, P.L. 89-142, and P.L. 90-141) have extended second-term copyrights which would have expired between September 19, 1962, and December 31, 1968, to the end of 1968. The present measure, if enacted, will further extend the duration of those copyrights to December 31, 1969, and will also extend to December 31, 1969, any second-term copyrights that were due to expire during 1969.

The extension does not apply to copyrights now in their first 28-year term and has no effect on the time limits for renewal registration. Set forth below is the statement made by Senator McClellan when he introduced the joint resolution.

CONGRESSIONAL RECORD

Wednesday, May 22, 1968, Vol. 114, No. 88, p. S 6127

**SENATE JOINT RESOLUTION 172—  
INTRODUCTION OF JOINT RESOLUTION RELATING TO COPYRIGHT EXTENSION**

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1969, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87-668, Public Law 89-142, or Public Law 90-141. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal term of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the length of the copyright term.

The subcommittee has conducted 17 days of hearings on copyright revision legislation. Although these hearings have been concluded, it is now apparent that final action cannot be taken on this legislation during the current Congress.

I believe that considerable progress has been made in resolving certain issues, most notably the copyright implications of information storage and retrieval systems. However, new issues have also arisen. Earlier this year the American Library Association suggested certain important and highly controversial

amendments relating to the photocopying of copyrighted works. The National Music Publishers Association and the American Guild of Authors and Composers have proposed a new formula for the determination of the mechanical royalty rate. In recent weeks members of the subcommittee and other Senators have received hundreds of letters expressing opposition to the pending legislation on the grounds that it would allegedly interfere with the use of copyrighted materials by our blind citizens and would subject individuals to lawsuits for copyright infringement because of the personal use of tape recorders. Several Senators have requested that the subcommittee should explore these objections before reporting a bill. I have recently been assured by the Copyright Office, which drafted the pending bill, that these fears are unwarranted, and that the passage of the bill would not be harmful either to the blind or those who use tape recorders for their personal enjoyment.

One of the most difficult questions remaining to be resolved is the copyright liability of cable television systems. In an effort to do everything possible to permit action on the copyright revision bill during this session of Congress, the subcommittee, on January 25, requested all interested parties to submit, not later than March 15, a current statement of their position and recommended statutory language. In view of the litigation pending before the Supreme Court and the private discussions between the parties which are currently in progress,

there was an understandable reluctance to comply with the subcommittee request.

In the months ahead, as efforts to achieve a satisfactory resolution of the CATV issue continue, I trust that all parties will refrain from any action that would disrupt the current situation or interfere with the public's reception of television programs. I received on May 15 a letter from Mr. Louis Nizer on behalf of the owners of most of the copyrighted television film programs. Mr. Nizer informed the subcommittee that his clients are agreeable to the continuation under certain circumstances of their voluntary agreement to refrain from the institution of legal action against CATV systems. I understand that the music performing societies have made similar statements. I hope that the broadcasting networks will also signify their intent to cooperate with Congress by refraining from the institution of lawsuits. Meanwhile, the subcommittee expects the National Cable Television Association to observe its commitment to make every effort to achieve a reasonable solution to this complex issue.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 172) extending the duration of copyright protection in certain cases, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

# S. J. RES. 172

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## IN THE SENATE OF THE UNITED STATES

MAY 22 (legislative day, MAY 20), 1968

MR. McCLELLAND introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Extending the duration of copyright protection in certain cases.

- 1        *Resolved by the Senate and House of Representatives*
- 2   *of the United States of America in Congress assembled,*
- 3   That in any case in which the renewal term of copyright
- 4   subsisting in any work on the date of approval of this
- 5   resolution, or the term thereof as extended by Public Law
- 6   87-668, by Public Law 89-142, or by Public Law 90-141
- 7   (or by all or certain of said laws), would expire prior to
- 8   December 31, 1969, such term is hereby continued until
- 9   December 31, 1969.

90<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

## S. J. RES. 172

### JOINT RESOLUTION

Extending the duration of copyright protection  
in certain cases.

By Mr. McCLELLAN

MAY 22 (legislative day, MAY 20), 1968

Read twice and referred to the Committee on the  
Judiciary