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"To promote the Progress of Science and useful Arts. . . ."



Report to the Librarian of Congress by the Register of Copyrights

THE COPYRIGHT OFFICE

Overview: Ten Years Under the "New" Law

Fiscal Year 1988 marked the Copyright Office's tenth anniversary of operation under what is occasionally still referred to as the "new" copyright law. When the 1976 Copyright Act became effective January 1, 1978, it replaced a law that had been in effect since 1909, altering not only the provisions of a law, but a long-established way of doing business. Registration of copyright claims was now made voluntary and, accompanied by an increased filing fee, some feared drastic reductions in registrations. Instead, in the last 10 years the number of applications for registration received in the office increased by 45 percent. Public interest in copyright remains high, with nearly 158,000 telephone calls relating to registration and other facets of copyright answered in the Information Section in fiscal 1988—up 18,000 from the previous year.

Similarly, the mandatory deposit provision, which requires those who publish in the United States with the copyright notice to deposit copies for the use of the Library, has continued to enrich the Library's collections. New regulations were proposed in 1988 to cover mandatory deposit of machine-readable works, in order to build collections for the Library's new Machine-Readable Collections Reading Room.

In writing the 1976 Copyright Act, Congress called upon the expertise of the office. Ten years later, the office continues to serve Congress in its quest to examine the effectiveness and fairness of its copyright legislation. As mandated by the law, the Register of Copyrights published his second 5-year report to Congress on Library photocopying. The office undertook several studies at the request of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice. These included one on states' immunity under the Elev-

enth Amendment, one on the scope of protection for works of architecture, and another on the jukebox compulsory license, for which the office also conducted one day of hearings. In fulfilling another request of the subcommittee, the office conducted two days of hearings on how new technologies such as colorization are affecting audiovisual works.

In addition, the Register represented the office's views to Congress on six occasions, testifying on proposed legislation ranging from satellite delivery of superstations to record rentals to U.S. adherence to the Berne Convention.

New technologies were on the mind of Congress in 1976 when it defined the subject matter of copyright as "authorship fixed in any tangible medium of expression, *now known or later developed....*" (Emphasis added). What has later developed—and whether it falls within the realm of protectible subject matter—continues to be a major concern of the Copyright Office. After public comment and much study, the office issued in fiscal 1988 a proposed regulation on the registration of automated, periodically updated databases. The office also published policy decisions on the registration of colorized motion pictures, computer screen displays, and digitized typefaces. The Examining Division's task groups met to deal with unresolved issues relating to synthesizer, drum programming, and database claims.

Another arena that felt the impact of new technologies was the Mask Work Unit of the Examining Division, which registers claims under the Semiconductor Chip Protection Act. In 1988 the unit received its first claims in mask works embodied in gallium arsenide, a new microwave frequency chip technology. This technology arguably yields creative, original mask works despite a lower quantity of expression than that evidenced in registrable silicon chips.

COPYRIGHT OFFICE STUDIES

Photocopying Report

The Register of Copyrights issued his second 5-year report to Congress on *Library Reproduction of Copyrighted Works (17 U.S.C. 108)* on January 5, as required by the copyright law. In examining the extent to which section 108 of the copyright law has achieved the intended balance between the rights of creators and the needs of users, the report finds that there appears to be consensus on the part of both copyright proprietors and copyright users that the statute itself provides a framework for achieving the intended balance. Some copyright proprietors complain of substantial noncompliance and some groups have asked for clarification or amendment to specific provisions that affect them. However, the report states that "continued advancements in technology both in the United States and abroad suggest that in the future the section 108 (i) balance may be impaired." The report therefore recommends that "unless the 108(i) review is expanded to cover the effects of new technology on the statutory balance, the Copyright Office feels that no further review is needed."

Eleventh Amendment Immunity

The Copyright Office announced on November 2, 1987, that it was conducting a study and preparing a report on the issue of copyright liability of states and the Eleventh Amendment. The study, which was conducted at the request of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice and published June 27, describes the tension between the federal copyright law, which is exclusively enforced by federal courts, and the Eleventh Amendment, which generally prohibits federal courts from entertaining citizen suits brought against a state. In recent years that tension became more apparent as federal district courts in five states have found state governments immune from suit for money dam-

ages in copyright infringement lawsuits, based on an application of recent Supreme Court decisions in other Eleventh Amendment cases not involving the Copyright Act. These court decisions have left copyright owners without a traditional copyright remedy against infringing states and prompted the Subcommittee to request the Copyright Office report.

The office elicited public comments on two questions: (1) any practical problems faced by copyright proprietors who attempt to enforce their claims of copyright infringement against state governments, and (2) any problems state governments are having with copyright proprietors who may engage in unfair competition or business practices with respect to state governments' use of copyright materials.

The report describes the materials in the 44 comments the office received from the public. In answer to the first question, the comments almost unanimously chronicled dire financial and other repercussions that would flow from state Eleventh Amendment immunity for damages in copyright infringement suits. The major concern of copyright owners is a fear of widespread, uncontrollable copying of their works without remuneration. Five commentators documented actual problems faced in attempting to enforce their copyrights against state government infringers.

In answer to the second question, the comments did not reflect a single complaint with respect to state governments' use of copyrighted materials.

The bulk of the report is devoted to an analysis of the legal interpretation of the Eleventh Amendment. Because the Supreme Court's modern day pronouncements about the meaning of the Eleventh Amendment are complex and often contradictory, the Copyright Office examined the Amendment in its historic context. To augment the review of Eleventh Amendment case law in the 20th century, the report contains a brief summary of modern interpretations of the meaning of the Eleventh Amendment offered by law review commentators as well as individual Supreme Court Justices.

Finally, the report describes how courts have applied the Eleventh Amendment in copyright infringement suits against states.

The report concludes that Congress intended to hold states responsible under the federal copyright law, and that copyright owners have demonstrated that they will suffer immediate harm if they are unable to sue infringing states in federal court for money damages. However, the report points out that the present state of the Eleventh Amendment law will not be sufficiently clear on how the appropriate remedy against states can and will be secured for copyright owners until certain points of law have been decided in currently pending litigation. Depending upon the outcome of the *United States v. Union Gas*, currently pending before the Supreme Court, the report recommends various legislative or jurisdictional solutions.

Recordation and Certification of Coin-Operated Phonorecord Players

The total number of jukeboxes licensed in calendar year 1987, (97,333), declined from the total number licensed for 1986, (99,141), repeating once again the downward trend that began in 1979 and has continued every year thereafter. Jukeboxes licensed in 1987 failed to reach the minimum number of 110,000 machines necessary for issuance of rebates of the royalty fees to the jukebox operators by the performing rights societies as provided for in the 1985 voluntary jukebox agreement.

Partly as a consequence of this downward trend, the House Subcommittee on Courts, Civil Liberties and the Administration of Justice requested the Copyright Office's assistance in assessing the extent to which the 1985 voluntary agreement between the performing rights societies and the Amusement and Music Operators Association is working satisfactorily. Consequently, a Notice of Public Hearing was published January 14, 1988, to inform the public that the Copyright Office was reviewing the operation of the jukebox compul-

sory license of the copyright law and a public hearing was held on May 10. The office submitted its report to the Subcommittee on October 7, 1988.

Based on the testimony and written comments submitted to the Copyright Office, the report contained the following conclusions: (1) as a general rule of thumb, one-third of jukeboxes in operation are properly licensed, and two-thirds are unlicensed; (2) the general pattern of compliance is that large, professional operators with many machines are licensed; small operators owning a few machines as a side-line business are unlicensed; (3) the primary reason for noncompliance is disregard for the law; (4) enforcement might be improved by increased minimum statutory damages for willful infringement; (5) the primary causes of stress to the jukebox industry are socioeconomic factors other than the rise in copyright fees; (6) the introduction of new technologies, such as video jukebox, is important to the jukebox industry, but licensing of new technologies should be developed through cooperative efforts with the performing rights societies; (7) the Copyright Office is skeptical of its authority to issue the regulation proposed by BMI, and, in any event, doubts the fairness of the proposed presumption (BMI proposed that the office issue a regulation creating a presumption of public performance when a record is listed on an unlicensed jukebox); (8) the proposal of AMOA to impose a royalty on phonograph records purchased from wholesalers would create an anomaly under the copyright law because responsibility for collecting and remitting the royalties would fall on noninfringing parties (wholesalers); (9) there is a reasonable likelihood that the negotiations called for in the proposed Berne implementation legislation will be successful.

New Technology and Audiovisual Works

At the request of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, on May 25, 1988, the Copyright Office

published a request for Information and a Notice of Public Hearing on issues concerning how new technologies such as colorization, time compression, and panning and scanning affect the creation and uses of audiovisual works, including motion pictures and television programming. Two days of hearings were held on September 8 and 9, 1988, with fifteen witnesses appearing and giving testimony before the Copyright Office panel. A report will be published next fiscal year.

Works of Architecture

On June 8, 1988, at the request of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, the Copyright Office published a Notice of Inquiry to advise the public that it is examining the scope of copyright and other forms of legal protection currently accorded works of architecture and the need, if any, for protection beyond that now available. Initial comments from the public were requested by September 16, 1988, and reply comments by November 18. A report will be published next fiscal year.

CABLEVISION AND THE LICENSING DIVISION

One of the major changes brought about by the 1976 act was the introduction of several compulsory licenses. The need to administer these required the creation of a new division within the office—the Licensing Division. Fiscal 1988 proved to be one of the most challenging years yet that the Licensing Division has faced.

On January 5, 1988, the Court of Appeals for the District of Columbia affirmed the validity of the Copyright Office's definition of "gross receipts," which are used to calculate royalty fees paid by cable systems under section 111's compulsory licensing system. In finding for the Copyright Office in *Cablevision Systems Development Co. v. Mo-*

tion Picture Association of America, Inc., 836 F.2d 599 (D.C. Cir. 1988), the court reversed the district court's holding in *Cablevision Co. v. Motion Picture Association of America, Inc.*, 641 F.Supp. 1154 (D.D.C. 1986), and affirmed that the office has the authority to issue regulations interpreting the Copyright Act.

"Gross receipts," defined in 37 C.F.R. Section 201.17(b)(1), serve as the basis for determining royalties paid by cable television operators for the privilege of retransmitting broadcast television programming (secondary transmission). The district court had rejected the office's interpretation of the statute, which did not allow cable systems to use their own methods to allocate gross receipts where nonbroadcast programming (signals obtained by cable operators through privately negotiated contracts) was included in the same tier of services as broadcast programming for a single price. The Appeals Court held that the office's interpretation that "gross receipts... include the full amount of monthly (or other periodic) service fees for any and all services or tiers of services which include one or more secondary transmissions of ... broadcast signals" was a reasonable interpretation of the statute, and was entitled to deference.

As a result of the lower court's decision, a majority of the cable systems had altered their method for determining their gross receipts, failing to follow the regulations of the Copyright Office. Thus royalty fees for both accounting periods in 1986 and the first accounting period of 1987 were considerably reduced from the amount of fees received for prior accounting periods.

With the decision of the court of appeals reversing the lower court's ruling, the staff of the Licensing Division was faced with the responsibility of collecting for all three accounting periods those royalty fees that were withheld by cable systems that had reduced their payments based on the lower court's ruling. The division had to first identify these cable systems and then to individually contact each one to inform them of their obli-

gation to submit the additional royalty fee. Additionally, the Statement of Account forms had to be revised to reflect the court's decision. Over 32,000 cable statements were reviewed to determine which cable systems needed to be contacted. Some 15,000 cable systems were mailed Gross Receipts Adjustment Schedules to complete and return with the royalty fees due. The division carried out this unexpected work in spite of a staff vacancy of 25 percent by utilizing assistance from other divisions. The result was an additional 93 million dollars in royalty fees for copyright owners—an increase of 100 percent in amounts originally received for the three accounting periods affected.

INTERNATIONAL VISITORS

International Copyright Institute

Five high-ranking government officials from Pacific Basin and Asian nations were the first participants in the International Copyright Institute, a 2-week program that began September 26. Using Congressional funds earmarked for copyright training for developing countries, the Copyright Office provided an educational program that included speakers not only from the office but also from private sector groups representing creators and copyright industries, educators, Congressional staff members, and other government agencies. The institute provided an opportunity for its trainees to learn firsthand about the U.S. copyright system and how copyright business is conducted here. The program also gave the U.S. participants a chance to meet the people responsible for the administration, enforcement and/or drafting of these nations' respective copyright laws.

Invited trainees were Walter Simandjuntak, head subdirector of copyright, Ministry of Justice, Indonesia; Abdul Jabar Bin Kamin, director of enforcement, Ministry of Trade and Industry, Malaysia; Qiu Anman, head, Copyright Division, and deputy director, National Copyright Admini-

stration, People's Republic of China; Lim Beng Ki, Attorney General's Office, Singapore; and Kamonmit Vudhijumnonk, secretary, Office of the Juridical Council, Prime Minister's Department, Thailand.

Visitors from the People's Republic of China

Every year the Copyright Office welcomes visitors from around the world who are interested in studying the U.S. system. In 1988, the office welcomed—as it has for the past 3 years—groups and individuals from the People's Republic of China (PRC), a nation which is approaching the enactment date of its first copyright law. In late February and early March the office hosted a delegation to study how best to protect computer software. The program was sponsored by the Copyright Office and the Patent and Trademark Office with funding from the PRC, the World Intellectual Property Organization, and private sector computer interests. In addition to meeting with government officials, professors of copyright law, copyright attorneys, and trade association and computer company officials in Washington, the group also met with computer software interests in New York, Boston, and San Francisco. In May, office policy planning advisors met with a delegation of the Legislative Affairs Commission of the National People's Congress and held a later meeting with a delegation of PRC publishers. Finally, in August the office hosted Professor Guo Shoukang of the Law School of the People's University, Beijing, who was unable to join the original software study group in February. Additionally, China sent a trainee to the International Copyright Institute.

COPYRIGHT OFFICE OPERATIONS

Appointments

The Register of Copyrights appointed three policy planning advisors to his staff in 1988: Marilyn

Kretsinger, formerly of the General Counsel's Staff, William Patry, and Eric Schwartz. Joan Doherty, the former assistant chief of the Information and Reference Division, became chief following the departure of Winston Tabb to become chief of the Loan Division.

Register's State of the Office Address

Register of Copyrights Ralph Oman presented his annual State of the Office address May 24 to the staff in the Coolidge Auditorium. The Register reviewed the year, discussing automation, Berne Convention legislation, the Cablevision case, reports the office was working on, and praised the staff for its dedication and hard work, noting "You've all come through a tough year with your colors flying." Librarian of Congress James Billington also addressed the staff, saying, "You are crucial people in the life of this Library. You are the champagne in the bottle." Also attending was Deputy Librarian William Welsh.

Automation

Efficiency and streamlining of work procedures through automation made great strides in the Copyright Office in fiscal 1988. One hundred and two IBM Model 30 microcomputers and companion typewriter—printers were installed in the Examining Division as part of a project to increase productivity in the preparation of correspondence. Examiners now have personal computers at their workstations, enabling them to personally create correspondence for mailing and eliminating the previous rekeystroking by correspondence clerks. Examiners can also take advantage of pattern paragraphs, form letters, and guide letters encoded on disk. Mail is not only going out to remitters sooner, but the clerks' saved time is being put to good use. The division is reducing costs and enriching the clerks' jobs by training them to assume duties formerly done by higher paid technicians. Additionally, the division is training techni-

icians to assume some of the duties formerly done by examiners, thus permitting more claims to be handled by the fixed staff. The large-scale training on the IBM's was accomplished by using volunteer examiners to train their colleagues.

On a much smaller scale, the same process was repeated in the Receiving and Processing Division's two expediting units, where guide letters were also developed and stored on disk for more common correspondence.

In the Information and Reference Division, the Publications Section received four Macintosh SE's and a laser-writer printer, the first step in establishing desktop publishing.

The method of recordkeeping in the Compliance Section of the Deposits and Acquisitions Division was dramatically enhanced through the use of a personal computer. Both librarians and clerks utilized a computer program that supersedes the manual log book, allowing for the retrieval of information regarding the status of cases and the expeditious production of statistical reports.

Similarly, the acquisition of four IBM PC/2 microcomputers during the year for word processing and other applications allowed the Cataloging Division to begin design of an automated log-in/log-out system that could eventually replace the manual record books now used for inventory and production control. Developed consultatively within the division, the Log-In/Log-Out System (LILOS) is currently operational using one microcomputer and is being used concurrently with a manual system in a test phase. While it is ultimately hoped that an automated log-in system may be developed on the Copyright Office In Process System (COINS), the development of LILOS within the division has given staff valuable experience and may provide for an interim automated option to the manual system while the division awaits development of a COINS-based system.

The Copyright Office Publication and Interactive Cataloging System (COPICS) continued to

provide excellent response time and meet the high production needs of the Cataloging Division during the past fiscal year. During March, the COPICS production files were converted from Indexed Sequential Access Method (ISAM) to Virtual Sequenced Access Method (VSAM) and as a result the division experienced numerous problems with individual terminals failing to respond to input transactions or with the entire COPICS application failing. The COPICS "model" feature was found to be the source of these problems and by month's end the Automated Systems Office (ASO) had made the necessary changes to COPICS to allow for a return to previous system availability.

Cataloging Division staff continued to be involved in the development of the Library-wide Serials Management System (SMS) and with the Serials Technical Coordinating Committee (STCC), which is overseeing the development of the SMS. Functional structured user specifications for the SMS were reviewed, bringing to a close the first phase of the project.

Major progress was made in developing a stand alone automation system for the Licensing Division. ASO staff members reviewed the Users Requirements Report prepared by the Licensing Division Automation Planning Group. Based on this report and their meetings with various divisional staff members, ASO recommended that the division would be best served by a stand alone automation system located entirely within the Licensing Division with no interconnections to the Library mainframe. At the heart of this system would be a super microcomputer coupled with an IBM personal computer for each staff member connected via a local area network communications link. The division accepted this recommendation and ordered the necessary computer equipment during the final months of the fiscal year.

The Copyright Office Automation group was involved in the analysis and installation of new software in the COINS RIP record to accept and process a new data element called the location field. This is available to sections processing a fee

service request to record more definitive information about the location of a fee service request. The group also worked with ASO staff in the analysis, definition, and testing of new software and software modifications to support the following: deposit account processing, registration numbering, exception tracking, cable tv address processing, deposit copy storage, and serials retrieval.

Two staff members, one from the office's automation group and one from Cataloging, also served as members of the Library-wide Resystemization Project, which is focusing on the development of a new automated system to support the functions of COPICS and other automated in-put and retrieval systems in the Library.

The decision for the Copyright Acquisitions Section to participate in the Library's ACQUIRE system was approved by directors of both the Processing Services Department and the Copyright Office and finalized.

Copyright Deposits

The Deposits and Acquisitions Division extended its functions in fiscal 1988 as liaison between the Library's collections, custodial divisions and acquisition areas and the Copyright Office. As passage of the bills in Congress proposing adherence of the United States to the Berne Convention became increasingly apparent, the division kept appropriate Library offices informed of their progress and probable effects on the flow of deposits. Staff also acted as liaison for Library decisions regarding requests for special relief from section 407 mandatory deposit requirements.

The thrust of the division's activities was toward interdepartmental cooperation. Long-standing procedures between other acquisitions areas such as the Order and the Exchange and Gift Divisions were reviewed to forestall purchase of works that can be acquired through copyright. A proposal was presented to the Collections Development Office for all recommendations for U.S. works published after January 1, 1978, to be re-

ferred first to the Deposits and Acquisitions Division if not urgently required, and forwarded to the Exchange and Gift and Order divisions only if not available through Copyright. The division also participated in a pilot project with the Cataloging in Publication Division, claiming high-cost microform collections which CIP had been unable to acquire. Office regulations regarding machine-readable only works were revised to build collections for the Library's new Machine-Readable Collections Reading Room.

A project to provide for front-end selection of audio disk deposits by the Library was initiated following meetings between the Copyright Office and various Library officials, arranged for by the chief and assistant chief of the Information and Reference Division. Front-end selection of audio disks—compact disks, long-play phonorecords and 45 rpm phonorecords—offer several compelling advantages to the office, Processing Services and Research Services departments: 1) it will leave fewer pieces for Copyright staff to cart, handle, and store; 2) it will improve security since audio disks will be in-process and in the custody of the Copyright Office for a shorter time; and 3) it will enable the Library to get one copy of multi-copy disk deposits earlier than is now the case. The Copyright Office will try the front-end selection of audio disks for one year and then re-evaluate the project.

The Information and Reference Division chief conducted meetings with representatives of the Library concerning the disposition of unpublished deposits. As a result of these meetings, the division transferred Class D unpublished drama (Du) 1937-50 and Du 1950-77 (3, 475 feet) plus Du 1950-77 (10 feet) to the Manuscripts Division.

The Records Management Section continued to process and microfilm the post-1977 unpublished performing arts deposits. The Manuscript Division agreed to take all filmed unpublished dramas. The Music Division will select unpublished music deposits after microfilming.

The Deposit Copies Storage Unit in Landover

processed and stored approximately 302,000 deposits, a 6 percent increase over last year. Over 4,900 feet of deposits were dispatched and transferred to various other parts of the Library including Motion Picture Broadcasting and Recorded Sound, Rare Books, Prints and Photographs, Music, Manuscript, and Exchange and Gift divisions.

Sprinkler Accident

On Saturday, April 30, one of the fire prevention sprinklers located within the Cataloging Division was accidentally activated. The sprinkler shut itself off after a brief discharge, but the combination of water and corrosion in the sprinkler system damaged thousands of deposits and applications. Representatives from the Cataloging Division, the Information and Reference Division and the Examining Division met and drew up procedures for dealing with these damaged deposits and applications in consultation with the Library of Congress Preservation Office, Safety Office and Collection Development Office. Staff used aprons and disposable plastic gloves to allow for the safe and sanitary handling of these stained items. By the end of June all damaged items had been successfully processed.

PUBLIC ANNOUNCEMENTS

Cable Systems

The Copyright Office published a Notice of Policy Decision on January 23, 1988, to inform the public regarding implementation of the decision of the Court of Appeals for the District of Columbia in *Cable Systems Development Company v. Motion Picture Association of America, Inc.*, 836 F.2d 599 (D.C. Cir. 1988) as that decision affects the Copyright Office's administration of the cable compulsory licensing program established at section 111 of the Copyright Act. The Notice advises cable systems

to report their "gross receipts" for accounting period 1987-2 in accordance with the regulation that was upheld by the court, and informs them that the Copyright Office will require corrected filings, as appropriate, for accounting periods prior to 1987-2. The office also clarified its interpretation of the "gross receipts" regulation as it applies to "discounts" and "tie-in" arrangements.

On May 10, 1988, the office published a Notice of Inquiry informing the public that it is considering assessing interest on underpaid cable royalties in the wake of the *Cablevision* decision. The office noted its awareness that a number of cable systems applied interpretation of "gross receipts" different than prescribed in the regulation upheld by the Court of Appeals. The Copyright Office sought public comment as to whether it should assess interest charges on overdue royalties that now must be paid by cable systems pursuant to the cable compulsory license. The office had made no pronouncement on the issue during the fiscal year.

On February 25, 1988, the office published a Notice of Inquiry entitled Cable Compulsory License Specialty Station and Significantly Viewed Signal Determinations. The purpose of the Inquiry was to determine if the office should investigate the revision and continued updating of the list of specialty stations originally developed by the Federal Communications Commission, as well as whether the office should implement a new procedure for determining when a particular broadcast station is significantly viewed in a community. Both of these issues concern the administration of the cable compulsory license. No further action was taken on the Notice during the fiscal year.

On May 19, 1988, the office reopened for additional public comment an earlier Notice of Inquiry into issues relating to the definition of cable systems for purposes of section 111 of the Copyright Act. The announcement stated that the office was broadening the scope of its Inquiry to include issues relating to the eligibility of satellite carriers to operate under the section 111 cable compulsory license. The comment period closed on July 18,

1988. No further action was taken during the fiscal year.

Compendium II of Copyright Office Practices

In an announcement on June 3, 1988, the public was invited to submit written comments on two new chapters of Compendium II; Chapter 600 entitled Registration Procedures and Chapter 1900 entitled Records, Indexes, and Deposits of the Copyright Office: Inspection, Copying, Additional Certificates, and Other Certifications. (The additional chapters were officially issued and became a part of Compendium II on October 6, 1988.)

Registration and Deposit of Computer Screen Displays

After a public hearing the Copyright Office announced, on June 10, 1988, its determination that all copyrightable expression owned by the same copyright claimant and embodied in a computer program, or first published as a unit with a computer program, including computer screen displays, is considered a single work and should be registered on a single application form. This decision was made applicable to audiovisual as well as textual screen displays and comports with the long-standing principle of one registration per work. Applicants will be permitted to deposit visual reproductions of the computer screens along with identifying material for the computer code. Where a work contains different kinds of authorship, the registration class will be determined on the basis of which authorship predominates.

Motion Picture Agreement

On June 10, 1988, the office announced a change of procedure regarding the processing of requests for prompt exercise of the Librarian's contractual right to demand return of motion pictures pursuant to the Motion Picture Agreement. Under the

agreement, when a depositor submits a written request asking the Library promptly to exercise its right to demand, the Library has 90 days to respond. In order to avoid problems in meeting the 90-day deadline, under the new procedure, written requests to promptly exercise its right of demand must be addressed directly to the division charged with the responsibility for issuing a demand, the Deposits and Acquisitions Division.

Copyrightability of Digitized Typefaces

On September 29, 1988, the Copyright Office announced that digitized representations of typeface designs are not registrable under the Copyright Act because they do not constitute original works of authorship. Registration will be made for original computer programs written to control the generic digitization process, but registration will not be made for the data that merely represents an electronic depiction of a particular typeface or individual letterforms. If the master computer program includes data that fixes or depicts a particular typeface, typefont, or letterform, the registration application must disclaim copyright in that uncopyrightable data.

COPYRIGHT OFFICE REGULATIONS

Registration and Deposit of Databases

On October 5, 1987, the office published proposed regulations that would not only formalize the procedure now being used by the office for the deposit and registration of databases but would also permit the group registration of a single database and revisions and updates of the database, even though published at different times.

Databases provide special problems for copyright deposit and examination because many of them are constantly changing or the updates may consist of small increments of information. The proposed regulation permits the registration of a

database on a group basis with a single application and fee, if each of the updates, if published, was published within a 3-month period, or if unpublished, each of the updates was created within a 3-month period. The public comments have been analyzed but the office did not issue a final regulation during the fiscal year.

Import Statements

On January 5, 1988, the office revoked § 201.8 of 37 CFR. Section 201.8 was issued to implement §601(b)(2) of the Copyright Act of 1976 which permitted importation of two thousand copies of certain copyrighted works not manufactured in the United States or Canada. In order to import the copies the importer was required to present to the United States Customs Service an import statement issued by the Copyright Office. Section 201.8 established the requirements governing the issuance of such import statements. The statutory requirement of U.S. manufacture expired on July 1, 1986, making § 201.8 unnecessary and obsolete.

Recordation of Transfers and Other Documents

Also on January 5, 1988, the office issued a final regulation amending §201.4 of 37 CFR implementing §205 of the Copyright Act of 1976. The regulation had required that to be recordable, a reproduction of a signed document must be accompanied by a sworn certification signed by at least one of the persons who executed the document or by an authorized representative of that person. Under the amended regulation, the required sworn certification need only be signed by a party to a document, or by an authorized representative of that person, regardless of whether the person actually signed the original document.

Freedom of Information Act (FOIA)

Proposed amended rules regarding the schedule of fees and methods of payment for FOIA services

rendered were published on January 5, 1988, and a final regulation was issued on March 15, 1988. The amendments to the fee schedule and fee waiver regulations were made to comply with the appropriate provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) that permit agencies to charge the direct costs of providing FOIA services, such as search and duplication.

Colorized Versions of Black and White Motion Pictures

On June 22, 1987, the Copyright Office announced its policy decision to register certain colorized versions of black and white motion pictures. Two days later the office published a proposed rule to implement that decision, and on August 9, 1988, the final amended regulation was published, requiring the deposit of a black and white print of a motion picture to accompany a copy of the computer colorized version in order to register a claim to copyright in the colorized version. If special relief from this requirement is requested and granted, the claimant is required to make a good faith effort to deposit the best available, near archival quality black and white print, as a condition of any grant of special relief.

Mandatory Deposit of Machine-Readable Copies

A proposed rule was also published on August 9, 1988, regarding the deposit of certain machine-readable copies currently exempt from the mandatory deposit provision of §407 of the Copyright Act. Section 407 requires the deposit for the use of the Library of Congress of two copies (or phonorecords) of works published in the United States with a notice of copyright. Copyright Office regulations currently exempt from mandatory deposit all works published solely in machine-readable formats. In order to build the collections of the Machine-Readable Collections Reading Room, the Library of Congress proposes to eliminate the

existing broad regulatory exemption for machine-readable copies. The proposed regulation would require the deposit of only one copy and continue to exempt databases that are available only online.

LEGISLATIVE DEVELOPMENTS

Berne Convention Implementation Act

Of major importance to American copyright law has been the United States' efforts to adhere to the Berne Convention for the Protection of Literary and Artistic Works. On February 18, 1988, Register of Copyrights Ralph Oman testified before the Senate Subcommittee on Patents, Copyrights and Trademarks in favor of Berne adherence and on July 11, 1988, before the Senate Foreign Relations Committee. Among the reasons given by the Register for joining Berne were increased U.S. trade leverage, enhanced political credibility, and aid in fighting international piracy. Both the House adherence bill, H.R. 4262, and the Senate adherence bill, S. 1301, took the minimalist approach to joining the Berne Convention—that is, as few changes as possible would be made to the current U.S. copyright law. Although H.R. 4262 and S. 1301 were substantially alike, S. 1301 proposed to amend §411(a) of the Copyright Act by eliminating the requirement of registration before filing an infringement suit. Both the Register of Copyrights and The Librarian of Congress opposed the amendment of §411 (a) as proposed in S. 1301. As a result a compromise was reached between House and Senate bills providing for a two-tiered registration system. H.R. 4262, as amended, continues the requirement of registration for Berne Convention works whose country of origin is the United States. (Note: The Berne Convention Implementation Act of 1988 passed the Senate by unanimous vote on October 5, 1988, and the House by voice vote on October 12, 1988. The Senate ratified the treaty on October 20, 1988.)

Moral Rights

The Register testified before the House Subcommittee on Courts, Civil Liberties and the Administration of Justice on June 21, 1988, regarding H.R. 3221, the Visual Artists Rights Act of 1987, H.R. 2400, the Film Integrity Act of 1987, and an amendment to H.R. 4867, the National Film Preservation Act of 1988. Shortly following the hearing, Subcommittee Chairman Rep. Robert Kastenmeier introduced H.R. 4897, the Film Disclosure and Preservation Act of 1988. H.R. 3221, introduced by Rep. Edward Markey, would grant visual artists a right to prevent distortion, mutilation, or other alteration of their works, as well as a right to receive royalties when their works are resold. A similar bill, S. 1619, was introduced in the Senate by Sen. Edward Kennedy and has moved to the full Judiciary Committee for consideration. H.R. 2400, introduced by Rep. Richard Gephardt, would create a federal moral right on behalf of the principal director and principal screenwriter of a motion picture. H.R. 4897, Rep. Kastenmeier's film preservation bill, would require disclosure and labeling of motion pictures which have been altered.

National Film Registry

An amendment to the Department of Interior appropriations bill, H.R. 4867, introduced by Rep. Robert Mrazek, creates a National Film Registry for motion pictures deemed culturally, historically or aesthetically significant. The Librarian of Congress, in consultation with the National Film Preservation Board, whose members are selected by the Librarian, will select up to 25 films per year for inclusion in the Registry. Registry films which are subsequently colorized or materially altered, as defined by the Act, must bear a label disclosing such change and stating that it was done without participation of the principal director, screenwriter, and other creators of the original film. The bill Pub. L. 100-446, was signed into law on September 27, 1988.

Satellite Home Viewer Act

In the area of broadcast television, H.R. 2848, introduced by Rep. Robert Kastenmeier, creates a compulsory license for the retransmission of superstation and network signals by satellite carriers for private home viewing by satellite dish owners. The Register testified before the House Subcommittee on Courts, Civil Liberties and the Administration of Justice on January 27, 1988, in favor of the bill. (An amended version of the bill passed the House of Representatives on October 19, 1988, and the Senate on October 20, 1988.)

Source Licensing

Sen. Strom Thurmond introduced S. 698, which is designed to aid local television stations by changing the current system for licensing performance rights in copyrighted music embodied in the soundtrack of non-network programs broadcast on television. The bill would shift responsibility for licensing the music performance rights from local broadcasters to program producers. The Register testified before the Senate Subcommittee on Patents, Copyrights and Trademarks on November 10, 1987, in general opposition to the bill.

Must Carry

S. 2529, introduced by Sen. Dennis DeConcini, would amend the Copyright and Communications Acts to provide for limited cable compulsory licenses for cable operators conditioned on compliance with the Federal Communications Commission's most recent 1987 "must carry" rules. A companion bill, H.R. 4293, was introduced in the House by Rep. John Bryant. No hearings were held on the bills.

Record Rental Amendment Act

On May 5, 1988, the Register testified before the House Subcommittee on Courts, Civil Liberties

and the Administration of Justice regarding H.R. 4310, introduced by Rep. Robert Kastenmeier, which would extend the sunset provision of the Record Rental Amendment Act of 1984 for a period of 5 years. A companion Senate bill, S. 2201, provided for an unlimited extension of the Act. The House of Representatives passed H.R. 4310 on June 7, 1988, and the Senate passed S. 2201 on August 1, 1988. A compromise was reached between the two Houses to extend the Act for a period of 8 years, and an amended S. 2201, reflecting the compromise, passed the House of Representatives on September 27, 1988. (The bill passed the Senate on October 21, 1988.) A bill providing for the protection similar to the Record Rental Act has been offered for computer software. S. 2727, introduced by Sen. Orrin Hatch, would give copyright owners of a computer program an additional right to control rentals of programs by licensees. Hearings were held on the bill on August 24, 1988.

Industrial Designs

Bills providing for protection for industrial designs were introduced in both the House and Senate during the fiscal year. S. 791, introduced by Sen. Dennis DeConcini and Sen. Orrin Hatch, and H.R. 1179, introduced by Rep. Carlos Moorhead and Rep. Hamilton Fish, Jr., would extend to creators of original designs of useful articles, which are intended to be attractive or distinct in appearance, a new form of intellectual property protection based upon modified copyright principles. Hearings were held for S. 791 on March 26, 1988, and June 23, 1988, for H.R. 1179, with the Register submitting only a written statement at both hearings.

Semiconductor Chip Protection

On November 9, 1987, President Reagan signed into law the provisions of S. 442, which amends §914 of the Semiconductor Chip Protection Act of 1984. Section 914 authorizes the Secretary of

Commerce to issue interim orders providing mask work protection to nationals, domiciliaries, and sovereign authorities of a foreign nation. The amendment extends the Secretary's authority to July 1, 1991.

Other Legislation

S. 1785, introduced by Sen. Alan Dixon, would amend §601 of the Copyright Act and provide for a permanent extension of the manufacturing clause. H.R. 5177, introduced by Rep. Howard Berman and Rep. Michael DeWine, would amend §§504 and 505 of the Copyright Act to increase the range of statutory damages from \$250/\$10,000 to \$500/\$20,000 and impose a mandatory award of attorneys' fees in certain situations. The doubling of the statutory damage amounts, however, was accomplished as a part of the Berne Convention Implementation Act of 1988 that was enacted.

Although Berne adherence was the major piece of copyright legislation affecting international copyright relations, an amendment to the resurrected trade bill, H.R. 4848, introduced by Rep. Dan Rostenkowski, contains some intellectual property reforms. The bill would make it unlawful to import articles that infringe U.S. patents, copyrights, trademarks, mask works, and patented processes. The bill also would require identification and investigation of foreign countries that deny "adequate and effective" intellectual property protection and makes intellectual property rights play a more prominent role in U.S. trade relations. The bill was signed by the President on August 23, 1988, Pub. L. 100-418. And, in the Uruguay Round of the General Agreement on Tariffs and Trade, the European Community Commission presented a detailed intellectual property protection proposal which places the European Community alongside the United States and Japan in advocating tough new GATT rules to strengthen worldwide protection of intellectual property rights.

JUDICIAL DEVELOPMENTS

Copyright Office Litigation

The Register of Copyrights did not abuse his discretion by refusing to register a claim to copyright in the videogame "BREAKOUT", according to the district court for the District of Columbia. The decision in *Atari Games Corp. v. Ralph Oman, Register of Copyrights*, No. 88 Civ. 0021 (JHP) (D.D.C. filed May 25, 1988), led plaintiff to file a "motion for reconsideration and to amend judgment" which was denied in a decision filed August 18, 1988, in the district court. Atari filed an appeal with the Court of Appeals for the D.C. Circuit on August 24, 1988, continuing to protest the office's refusal to register on the basis that "BREAKOUT" lacks the minimal amount of original creative expression required for copyright protection under the copyright statute.

The Register's refusal to register a claim to copyright in a textile fabric design of familiar symbols was challenged in *Jon Woods Fashions, Inc. v. Curran*, No. 85 Civ. 3203 (MJL) (S.D.N.Y. filed April 19, 1988). The action to compel registration was pending at the close of fiscal year 1987. On April 13, 1988, the court granted the Register's motion for summary judgment, dismissing the action because (1) there was no issue of fact, and (2) the Register's decision not to register the design was entitled to the court's deference.

Also pending final decision at the end of the last fiscal year was *Brandir International, Inc. v. Cascade Pacific Lumber Co., d/b/a Columbia Cascade Co.*, 834 F.2d 1142 (2d Cir. 1987), a case in which the Register was named as a third party defendant under 17 U.S.C. §411(a). The appellate court upheld the lower court's grant of summary judgment for defendant on the case's copyright issue, thereby affirming the Register's refusal to register a claim to copyright in a ribbon-shaped bicycle rack. Registration was denied because the rack contained no pictorial, graphic, or sculptural features that were separable from the utilitarian aspects of

the article.

For a discussion of the *Cablevision* case, see the section on "Cablevision and the Licensing Division" presented earlier in this report.

Subject Matter of Copyright

Elements of a psychometric personality test, reflecting originality, creative intellectual effort, and substantial judgment, are deserving of copyright protection, under the district court's ruling in *University of Minnesota v. Applied Innovations, Inc.*, 685 F.Supp. 698 (D. Minn. 1987). In response to infringement charges, defendant admitted copying plaintiff's test statements, but claimed the statements were too short to be copyrightable. The court held that the test statements were not unprotectible "short phrases" as defined in 37 CFR § 202.1(a). Plaintiff was awarded damages and injunctive relief.

Building an imitation of a dwelling depicted in copyrighted architectural plans does not constitute infringement of those plans. Thus the court in *Demetriades v. Kaufman*, 680 F.Supp. 658 (S.D.N.Y. 1988), issued a preliminary injunction, denying further use of infringing architectural plans in construction of a home. But the court refused to enjoin the actual construction process itself. Relying on the doctrine set forth in *Baker v. Selden*, 101 U.S. 99 (1879), the court held that without the benefit of a design patent, the copyright owner of the plans does not have a protectible interest in the useful article depicted in the plans.

A district court found that artistic elements of television commercials, such as rapid-edit close-up shots, are copyrightable in *Chuck Blore & Don Richman Inc. v. 20/20 Advertising Inc.*, 674 F.Supp. 671 (D. Minn. 1987). In this case, plaintiff claimed that defendant's television commercials were infringing copies of its commercials. Although the two sets of advertisements touted different products, the court noted that the "total concept and feel" of the two series of spots were substantially

similar. Extrinsically, they were similar as well, both having the same actress as the star. The court denied defendant's motion for summary judgment.

Cable Television

In *National Broadcasting Company, Inc. v. Copyright Royalty Tribunal*, 848 F.2d 1289 (D.C. Cir. 1988), the plaintiff challenged the CRT's award of cable copyright royalties to the syndicator/distributor rather than the creator/producer of the "Little House on the Prairie", a non-network TV program. The CRT's conclusion that 17 U.S.C. §111 was designed to protect "the owner whose interests are directly thwarted by cable retransmission" was held to agree with Congress' intent in enacting the statute. In denying the petition to review, the Court of Appeals stressed that although the CRT has the authority to distribute royalty fees under 17 U.S.C. §§111 (d)(4), 801(b)(3), it has no authority to construe contracts conveying copyrights among parties.

Pacific & Southern Co., Inc. v. Satellite Broadcast Networks, Inc., No. 1:87-CV-357-RHH (N.D. Ga. Aug. 18, 1988), concerned defendant's retransmission of WXIA, an NBC affiliated television station owned and operated by the plaintiff. Defendant SBN received over-the-air broadcast signals of stations including WXIA, then scrambled and retransmitted them via satellite to home satellite dish owners who paid defendant for the service. SBN argued it was a "cable system" eligible for a compulsory license under 17 U.S.C. §111, and that it could therefore retransmit WXIA's protected programming if it paid royalty fees to the Copyright Office. The court disagreed, looking to the language of §111 on its face, and finding SBN's facilities did not meet the definition of a "cable system" as set forth in the copyright statute. The court also found no implied intent by Congress in the legislative history of the 1976 Act to stretch the definition to include the defendant's activities.

Notice, Deposit and Registration

Forry, Inc. v. Neundorfer, Inc., 837 F.2d 259 (6th Cir. 1988) presented issues regarding registration and the validity of the copyright notice on micro-processor chips containing a copyrighted computer program. The Sixth Circuit affirmed the lower court's issuance of a preliminary injunction against the defendant.

On the registration issue, the court held that plaintiff, as the surviving corporation formed by a merger between the original copyright owner and another corporation, owned all of both corporations' assets under state law, and was not required to record a transfer of copyright under 17 U.S.C. §205(d).

As to the notice issues, (1) the court affirmed the lower court's holding that a notice consisting of the symbol "(C)" instead of a "©" was adequate; (2) plaintiff complied with the notice provisions of 17 U.S.C. §405(a)(2) by affixing proper notice to copies of the program distributed after discovery of the omission of the notice, even though plaintiff did not attempt to add notice to copies already distributed; (3) copyright notice affixed to the underside of the chip, between the chip and the circuit board, was adequate to protect the program under 17 U.S.C. §401(c), since anyone trying to copy the program would have to remove the chip from the board, thereby making the notice clearly visible.

The question of what constitutes a "reasonable effort" to cure omission of notice under §405(a) arose again in *Disenos Artisticos E Industriales, S.A. v. Work*, 676 F.Supp. 1254 (E.D.N.Y. 1987). Plaintiff distributed 31 porcelain figurines without notice in the U.S. over a period of several years. When omission was discovered, plaintiff attempted to place proper notice on all figurines manufactured in the future, but failed to place notice on 150,000 pieces of the work manufactured, but not yet sold to the public. Relying on *Shapiro & Son Bedspread Corp. v. Royal Mills Associates*, 764 F.2d 69 (2d Cir. 1985), the court ruled that mere prospective efforts

to cure omission of notice do not meet the "reasonable effort" standard, and stressed that when *no* effort is "made to add proper notice to all copies, no cure is accomplished." This opinion conflicts with that of the Sixth Circuit in *Forry, supra*, where the plaintiff was held to comply with §405(a) even though no attempt was made to add notice to copies of computer chips already distributed to the public. In this case, the district court dismissed DAISA's claims as a matter of law, with the determination that the figurines had been injected into the public domain.

Infringement Actions and Sovereign Immunity

The Court of Appeals for the Fourth Circuit considered whether the Eleventh Amendment of the Constitution provides immunity to a state educational institution, its governing board, and one of its officials as sued in her official capacity, on a claim for damages under the Copyright Act. In *Richard Anderson Photography v. Deborah Brown; Radford University*, 852 F.2d 114 (4th Cir. 1988), plaintiff Anderson contracted with Radford University, through its Director of Public Information and Relations, Deborah Brown, to take photographs to be used in a student prospectus. Anderson alleged that some of his copyrighted photos were used by Radford in other projects, thus violating his exclusive rights under 17 U.S.C. §§106(1), (2), (3), and (5). The Fourth Circuit affirmed a lower court ruling which found that Congress did not intend to abrogate states' Eleventh Amendment sovereign immunity when it enacted the Copyright Act, so that a cause of action for damages cannot be brought against a state for copyright violations.

As to whether a state official, acting with discretion in her official capacity, may be sued for copyright violations, the court found that a state may not "give its agent the authority to commit torts without civil recourse." Therefore, a state official may be sued in her individual capacity for claimed copyright violations.

Works Made for Hire

Traditionally a controversial issue, the "work made for hire" doctrine was examined once again in *Community for Creative Non-Violence v. Reid*, 846 F.2d 1485 (D.C. Cir. 1988). Here the plaintiff CCNV commissioned the defendant Reid to sculpt a contemporary version of the nativity. Both CCNV and Reid registered claims to copyright in the statue in the Copyright Office. The district court found for the plaintiff, interpreting 17 U.S.C. §§101 and 201 to mean that the employer owns the copyright in a work if he was the "motivating factor" in the production of the sculpture, or he had the "right to direct and supervise" the work.

The D.C. Circuit, however, followed the approach of *Easter Seal Society for Crippled Children and Adults of Louisiana, Inc. v. Playboy Enterprises*, 815 F.2d 323 (5th Cir. 1987), *cert. denied*, 56 U.S.L.W. 3666 (Mar. 29, 1988), stating that an independent contractor's copyrightable work cannot be deemed a "work made for hire" unless it specifically falls under one of the nine designated categories listed in §101(2), and the parties have agreed in writing that the creation is a work for hire. Since "sculpture" is not listed in §101(2) and Reid qualified as an independent contractor, his sculpture was not a "work made for hire." The appeals court reversed and remanded the case to the district court to determine whether the sculpture was a joint work, and if so, who participated as authors.

New Uses of Copyrighted Works

The Ninth Circuit Court of Appeals was called upon to determine whether a license agreement conferring the right to exhibit a film "by means of television" includes the right to distribute videocassettes of the film. In *Cohen v. Paramount Pictures Corp.*, 845 F.2d 851 (9th Cir. 1988) plaintiff granted a film company the right to use his song in a movie. The terms of the 1969 agreement authorized use of the composition in the film which would be exhib-

ited in "motion picture theatres" and "by means of television," but did not grant the right to use the song in videocassette versions of the film. Videocassette recorders were not used in homes in 1969.

The court concluded that the parties could not have contemplated such use of the work at the time the license was signed, and the license should not "reap the entire windfall associated with the new medium." The license lacked language which could be interpreted as giving the defendant rights to exploit the composition by as yet unknown means. In addition, protection of the author's copyright was adjudged to be in keeping with the purposes of the Copyright Act. Therefore, the appeals court reversed the lower court's grant of summary judgment for the defendant and remanded the case.

INTERNATIONAL MEETINGS

Register of Copyrights Ralph Oman was in Munich October 6, where he delivered a lecture on copyright protection of computer programs under U.S. law at a meeting sponsored by the Max Planck Institute. On October 7 and 8, he was in Frankfurt for the Frankfurt Book Fair, where he attended the Association of American Publishers' luncheon, met privately with German scientific, technical, and medical publishers, and briefed the International Publishers Association on the U.S. mandatory deposit requirements and the Berne Convention.

Copyright Office General Counsel Dorothy Schrader was in Geneva October 5-8 for a jointly sponsored meeting of UNESCO and the World Intellectual Property Organization (WIPO), where nations discussed standards of protection for applied/industrial design. The meeting was one of a series of meetings UNESCO and WIPO have been holding to review the changing global, technological environment for the creation, exploitation, and personal use of copyrighted works. The

participating nations are attempting to develop nonbinding "principles" for use by national policymakers in devising solutions to copyright problems engendered by these changes.

On November 25-26, Mr. Oman and Policy Planning Advisor Lewis Flacks were in Geneva for a series of roundtable discussions on U.S. adherence to Berne, sponsored by WIPO for the benefit of the U.S. House of Representatives' Subcommittee on Courts, Civil Liberties and the Administration of Justice. Also attending were the Subcommittee Chairman Robert W. Kastenmeier, Ranking Minority Member Carlos J. Moorhead, as well as other members of the subcommittee. Specialists from numerous Berne-member nations discussed issues important to the subcommittee in considering U.S./Berne-adherence legislation. Issues examined included the place of the Berne Convention in international law, the moral rights of authors, the Berne Convention and high technology, and limitations on the exercise of copyright.

Mr. Oman and Mr. Flacks were in Geneva December 7-11 as members of the U.S. Delegation to the meeting of the Committee of Government Experts on the Printed Word.

Policy Planning Advisor Marybeth Peters was in Geneva March 7-11 for a conference of 36 nations, sponsored by WIPO, to discuss the possible establishment of an international register of audiovisual works. The benefits of such a register would be: to identify rights of owners in commercial transactions, to help combat piracy, and to facilitate the collective administration of rights. The United States would favor an international register provided it would complement and not displace or adversely effect our national registration system.

Ms. Schrader reported on recent copyright developments in North America at the International Copyright Society (INTERGU) meeting, held March 21-26 in Locarno, Switzerland.

Mr. Oman, Mr. Flacks, and Harriet Oler, Chief of the Examining Division, attended the April 18-22 meeting in Paris of the Committee of Govern-

ment Experts on Protection of Photographic Works, jointly sponsored by WIPO and UNESCO. The meeting was the seventh in a series to consider copyright protection for various classes of works, and an attempt to reach accord on nonbinding principles governing protection for the rights of creators, exploiters, and beneficiaries of copyright. During the meetings, Mr. Flacks also represented the United States at a one-day session of the Subcommittee of the Intergovernmental Committee of the Universal Copyright Convention to consider provisional changes in the Committee's election rules.

Mr. Flacks represented the Copyright Office on the U.S. delegation to the Committee of Experts on Measures Against Counterfeiting and Piracy meeting sponsored by WIPO in Geneva April 25-28, at which model anti-piracy legislative provisions were discussed.

The Register and Mask Work Unit Head Melissa Dadant were in Japan May 16-20 to discuss U.S. registration of mask works and other intellectual property issues. The visit was sponsored by Japan's Industrial Property Cooperation Center, a quasi-government organization responsible for the registration of semiconductor chips in Japan. Mr. Oman and Ms. Dadant also met with officials of the Ministry of International Trade and Industry, the Software Information Center, the Japanese Federation Against Copyright Theft, JASRAC—the Japanese composers' and authors' protection society, and the National Diet Library.

Mr. Oman headed the U.S. delegation, of which Ms. Schrader was also a member, to a review meeting on the progress of the preparatory work for a diplomatic conference for a multinational treaty concerning the protection of integrated circuits (also known as semiconductor chips and microchips) sponsored by WIPO May 30-June 1 in Geneva. The conference to negotiate and approve the integrated chips treaty is planned for the spring of 1989.

On June 24, the Register attended a meeting in Paris convened by the Director General of

UNESCO, where Mr. Oman assisted UNESCO in charting appropriate directions for its copyright activities.

Mr. Oman headed the U.S. delegation to the meeting of the Governmental Experts on the Evaluation and Synthesis of Principles on Various Categories of Works, sponsored by WIPO in Geneva June 27 to July 1. Mr. Flacks also served on the delegation. The meeting was the culmination of a 2-year cycle of meetings dealing with principles of protection of particular categories of copyrightable works, at which an effort was made to develop a synthesis of the prior work, leading to a unified set of common principles, with specific exceptions for specific categories of works.

Policy Planning Advisor William Patry was part of a U.S. delegation to Cairo, Egypt, and Ankara, Turkey, on July 3-9, to discuss copyright issues with government officials and private sector representatives. The delegation undertook serious negotiations toward establishing bilateral relations with Egypt and Turkey and toward generally improving the level of intellectual protection accorded U.S. works.

From July 13-16, Mr. Oman participated in a meeting in Munich of a small group of international experts called together by the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law to discuss new trends in international protection of intellectual property.

The Register participated as a panelist and made a presentation at the WIPO Forum on the Impact of Emerging Technologies on the Law of Intellectual Property, held September 14-16 in Geneva. The Forum examined the interrelationship of advanced or new technologies—such as biotechnology, computer technology, and transmissions by cable and satellite—and the law of intellectual property.

From September 26 to 28, the Register attended the meeting of the Governing Bodies of WIPO in Geneva. The meeting dealt with the review and approval of the upcoming program and budget of WIPO.

Respectfully submitted,

RALPH OMAN
*Register of Copyrights and
Assistant Librarian of Congress
for Copyright Services*

International Copyright Relations of the United States as of September 30, 1988

This table sets forth U.S. copyright relations of current interest with the other independent nations of the world. Each entry gives country name (and alternate name) and a statement of copyright relations. The following code is used:

Bilateral	Bilateral copyright relations with the United States by virtue of a proclamation or treaty, as of the date given. Where there is more than one proclamation or treaty, only the date of the first one is given.
BAC	Party to the Buenos Aires Convention of 1910, as of the date given. U.S. ratification deposited with the government of Argentina, May 1, 1911; proclaimed by the President of the United States, July 13, 1914.
UCC Geneva	Party to the Universal Copyright Convention, Geneva, 1952, as of the date given. The effective date for the United States was September 16, 1955.
UCC Paris	Party to the Universal Copyright Convention as revised at Paris, 1971, as of the date given. The effective date for the United States was July 10, 1974.
Phonogram	Party to the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms, Geneva, 1971, as of the date given. The effective date for the United States was March 10, 1974.
SAT	Party to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, Brussels, 1974, as of the date given. The effective date for the United States was March 7, 1985.
Unclear	Became independent since 1943. Has not established copyright relations with the United States, but may be honoring obligations incurred under former political status.
None	No copyright relations with the United States.

Afghanistan

None

Albania

None

Algeria

UCC Geneva Aug. 28, 1973
UCC Paris July 10, 1974

Andorra

UCC Geneva Sept. 16, 1955

Angola

Unclear

Antigua and Barbuda

Unclear

Argentina

Bilateral Aug. 23, 1934
BAC April 19, 1950
UCC Geneva Feb. 13, 1958
Phonogram June 30, 1973

Australia

Bilateral Mar. 15, 1918

UCC Geneva May 1, 1969

Phonogram June 22, 1974

UCC Paris Feb. 28, 1978

Austria

Bilateral Sept. 20, 1907

UCC Geneva July 2, 1957

SAT Aug. 6, 1982

UCC Paris Aug. 14, 1982

Phonogram Aug. 21, 1982

Bahamas, The

UCC Geneva Dec. 27, 1976

UCC Paris Dec. 27, 1976

Bahrain

None

Bangladesh

UCC Geneva Aug. 5, 1975

UCC Paris Aug. 5, 1975

Barbados

UCC Geneva June 18, 1983

UCC Paris June 18, 1983

Phonogram July 29, 1983

Belau

Unclear

Belgium

Bilateral July 1, 1891

UCC Geneva Aug. 31, 1960

Belize

UCC Geneva Sept. 21, 1981

Benin

(formerly Dahomey)

Unclear

Bhutan

None

Bolivia

BAC May 15, 1914

Botswana

Unclear

Brazil

BAC Aug. 31, 1915

Bilateral Apr. 2, 1957

UCC Geneva Jan. 13, 1960

- Phonogram Nov. 28, 1975
UCC Paris Dec. 11, 1975
- Brunei**
Unclear
- Bulgaria**
UCC Geneva June 7, 1975
UCC Paris June 7, 1975
- Burkina Faso**¹
(formerly Upper Volta)
Phonogram Jan. 30, 1988
- Burma**
Unclear
- Burundi**
Unclear
- Cambodia**
UCC Geneva Sept. 16, 1955
- Cameroon**
UCC Geneva May 1, 1973
UCC Paris July 10, 1974
- Canada**
Bilateral Jan. 1, 1924
UCC Geneva Aug. 10, 1962
- Cape Verde**
Unclear
- Central African Republic**
Unclear
- Chad**
Unclear
- Chile**
Bilateral May 25, 1896
BAC June 14, 1955
UCC Geneva Sept. 16, 1955
Phonogram March 24, 1977
- China**²
Bilateral Jan. 13, 1904
- Colombia**
BAC Dec. 23, 1936
UCC Geneva June 18, 1976
UCC Paris June 18, 1976
- Comoros**
Unclear
- Congo**
Unclear
- Costa Rica**³
Bilateral Oct. 19, 1899
BAC Nov. 30, 1916
UCC Geneva Sept. 16, 1955
UCC Paris Mar. 7, 1980
Phonogram June 17, 1982
- Cuba**
Bilateral Nov. 17, 1903
UCC Geneva June 18, 1957
- Cyprus**
Unclear
- Czechoslovakia**
Bilateral Mar. 1, 1927
UCC Geneva Jan. 6, 1960
UCC Paris Apr. 17, 1980
Phonogram Jan. 15, 1985
- Denmark**
Bilateral May 8, 1893
UCC Geneva Feb. 9, 1962
Phonogram Mar. 24, 1977
UCC Paris July 11, 1979
- Djibouti**
Unclear
- Dominica**
Unclear
- Dominican Republic**³
BAC Oct. 31, 1912
UCC Geneva May 8, 1983
UCC Paris May 8, 1983
- Ecuador**
BAC Aug. 31, 1914
UCC Geneva June 5, 1957
Phonogram Sept. 14, 1974
- Egypt**⁴
Phonogram Apr. 23, 1978
- El Salvador**
Bilateral June 30, 1908, by virtue of
Mexico City Convention, 1902
Phonogram Feb. 9, 1979
UCC Geneva Mar. 29, 1979
UCC Paris Mar. 29, 1979
- Equatorial Guinea**
Unclear
- Ethiopia**
None
- Fiji**
UCC Geneva Oct. 10, 1970
Phonogram Apr. 18, 1973
- Finland**
Bilateral Jan. 1, 1929
UCC Geneva Apr. 16, 1963
Phonogram Apr. 18, 1973
UCC Paris Nov. 1, 1986
- France**
Bilateral July 1, 1891
UCC Geneva Jan. 14, 1956
Phonogram Apr. 18, 1973
UCC Paris July 10, 1974
- Gabon**
Unclear
- Gambia, The**
Unclear
- Germany**
Bilateral Apr. 15, 1892
UCC Geneva with Federal Republic
of Germany Sept. 16, 1955
UCC Geneva with German Demo-
cratic Republic Oct. 5, 1973
Phonogram with Federal Repub-
lic of Germany May 18, 1974
UCC Paris with Federal Republic
of Germany July 10, 1974
SAT with Federal Republic of Ger-
many Aug. 25, 1979
UCC Paris with German Demo-
cratic Republic Dec. 10, 1980
- Ghana**
UCC Geneva Aug. 22, 1962
- Greece**
Bilateral Mar. 1, 1932
UCC Geneva Aug. 24, 1963
- Grenada**
Unclear
- Guatemala**³
BAC Mar. 28, 1913
UCC Geneva Oct. 28, 1964
Phonogram Feb. 1, 1977
- Guinea**
UCC Geneva Nov. 13, 1981
UCC Paris Nov. 13, 1981

Guinea-Bissau
Unclear

Guyana
Unclear

Haiti
BAC Nov. 27, 1919
UCC Geneva Sept. 16, 1955

Holy See
(See entry under Vatican City)

Honduras³
BAC Apr. 27, 1914

Hungary
Bilateral Oct. 16, 1912
UCC Geneva Jan. 23, 1971
UCC Paris July 10, 1974
Phonogram May 28, 1975

Iceland
UCC Geneva Dec. 18, 1956

India
Bilateral Aug. 15, 1947
UCC Geneva Jan. 21, 1958
Phonogram Feb. 12, 1975

Indonesia
Unclear

Iran
None

Iraq
None

Ireland
Bilateral Oct. 1, 1929
UCC Geneva Jan. 20, 1959

Israel
Bilateral May 15, 1948
UCC Geneva Sept. 16, 1955
Phonogram May 1, 1978

Italy
Bilateral Oct. 31, 1892
UCC Geneva Jan. 24, 1957
Phonogram Mar. 24, 1977
UCC Paris Jan. 25, 1980
SAT July 7, 1981

Ivory Coast
Unclear

Jamaica
None

Japan⁵
UCC Geneva Apr. 28, 1956
UCC Paris Oct. 21, 1977
Phonogram Oct. 14, 1978

Jordan
Unclear

Kenya
UCC Geneva Sept. 7, 1966
UCC Paris July 10, 1974
Phonogram Apr. 21, 1976
SAT Aug. 25, 1979

Kiribati
Unclear

Korea

North Korea
Democratic People's Republic
of Korea
Unclear

South Korea
Republic of Korea
UCC Geneva Oct. 1, 1987
UCC Paris Oct. 1, 1987
Phonogram Oct. 10, 1987

Kuwait
Unclear

Laos
UCC Geneva Sept. 16, 1955

Lebanon
UCC Geneva Oct. 17, 1959

Lesotho
Unclear

Liberia
UCC Geneva July 27, 1956

Libya
Unclear

Liechtenstein
UCC Geneva Jan. 22, 1959

Luxembourg
Bilateral June 29, 1910
UCC Geneva Oct. 15, 1955
Phonogram Mar. 8, 1976

Madagascar
(Malagasy Republic)
Unclear

Malawi
UCC Geneva Oct. 26, 1965

Malaysia
Unclear

Maldives
Unclear

Mali
Unclear

Malta
UCC Geneva Nov. 19, 1968

Mauritania
Unclear

Mauritius
UCC Geneva Mar. 12, 1968

Mexico
Bilateral Feb. 27, 1896
UCC Geneva May 12, 1957
BAC Apr. 24, 1964
Phonogram Dec. 21, 1973
UCC Paris Oct. 31, 1975
SAT Aug. 25, 1979

Monaco
Bilateral Oct. 15, 1952
UCC Geneva Sept. 16, 1955
Phonogram Dec. 2, 1974
UCC Paris Dec. 13, 1974

Mongolia
None

Morocco
UCC Geneva May 8, 1972
UCC Paris Jan. 28, 1976
SAT June 30, 1983

Mozambique
Unclear

Nauru
Unclear

Nepal
None

Netherlands
Bilateral Nov. 20, 1899
UCC Geneva June 22, 1967
UCC Paris Nov. 30, 1985

- New Zealand**
Bilateral Dec. 1, 1916
UCC Geneva Sept. 11, 1964
Phonogram Aug. 13, 1976
- Nicaragua**³
BAC Dec. 15, 1913
UCC Geneva Aug. 16, 1961
SAT Aug. 25, 1979
- Niger**
Unclear
- Nigeria**
UCC Geneva Feb. 14, 1962
- Norway**
Bilateral July 1, 1905
UCC Geneva Jan. 23, 1963
UCC Paris Aug. 7, 1974
Phonogram Aug. 1, 1978
- Oman**
None
- Pakistan**
UCC Geneva Sept. 16, 1955
- Panama**
BAC Nov. 25, 1913
UCC Geneva Oct. 17, 1962
Phonogram June 29, 1974
UCC Paris Sept. 3, 1980
SAT Sept. 25, 1985
- Papua New Guinea**
Unclear
- Paraguay**
BAC Sept. 20, 1917
UCC Geneva Mar. 11, 1962
Phonogram Feb. 13, 1979
- Peru**
BAC Apr. 30, 1920
UCC Geneva Oct. 16, 1963
SAT Aug. 7, 1985
Phonogram Aug. 24, 1985
- Philippines**
Bilateral Oct. 21, 1948
UCC status undetermined by UNESCO. (Copyright Office considers that UCC relations do not exist.)
- Poland**
Bilateral Feb. 16, 1927
UCC Geneva Mar. 9, 1977
UCC Paris Mar. 9, 1977
- Portugal**
Bilateral July 20, 1893
UCC Geneva Dec. 25, 1956
UCC Paris July 30, 1981
- Qatar**
None
- Romania**
Bilateral May 14, 1928
- Rwanda**
Unclear
- Saint Christopher and Nevis**
Unclear
- Saint Lucia**
Unclear
- Saint Vincent and the Grenadines**
UCC Geneva Apr. 22, 1985
UCC Paris Apr. 22, 1985
- San Marino**
None
- São Tomé and Príncipe**
Unclear
- Saudi Arabia**
None
- Senegal**
UCC Geneva July 9, 1974
UCC Paris July 10, 1974
- Seychelles**
Unclear
- Sierra Leone**
None
- Singapore**
Bilateral May 18, 1987
- Solomon Islands**
Unclear
- Somalia**
Unclear
- South Africa**
Bilateral July 1, 1924
- Soviet Union**
UCC Geneva May 27, 1973
- Spain**
Bilateral July 10, 1895
UCC Geneva Sept. 16, 1955
UCC Paris July 10, 1974
Phonogram Aug. 24, 1974
- Sri Lanka**
(formerly Ceylon)
UCC Geneva Jan. 25, 1984
UCC Paris Jan. 25, 1984
- Sudan**
Unclear
- Suriname**
Unclear
- Swaziland**
Unclear
- Sweden**
Bilateral June 1, 1911
UCC Geneva July 1, 1961
Phonogram Apr. 18, 1973
UCC Paris July 10, 1974
- Switzerland**
Bilateral July 1, 1891
UCC Geneva Mar. 30, 1956
- Syria**
Unclear
- Tanzania**
Unclear
- Thailand**
Bilateral Sept. 1, 1921
- Togo**
Unclear
- Tonga**
None
- Trinidad and Tobago**
Unclear
- Tunisia**
UCC Geneva June 19, 1969
UCC Paris June 10, 1975
- Turkey**
None
- Tuvalu**
Unclear
- Uganda**
Unclear
- United Arab Emirates**
None

United Kingdom

Bilateral July 1, 1891
 UCC Geneva Sept. 27, 1957
 Phonogram Apr. 18, 1973
 UCC Paris July 10, 1974

Upper Volta

(See entry under Burkina Faso)

Uruguay

BAC Dec. 17, 1919
 Phonogram Jan. 18, 1983

Vanuatu

Unclear

Vatican City

(Holy See)
 UCC Geneva Oct. 5, 1955
 Phonogram July 18, 1977
 UCC Paris May 6, 1980

Venezuela

UCC Geneva Sept. 30, 1966
 Phonogram Nov. 18, 1982

Vietnam

Unclear

Western Samoa

Unclear

Yemen (Aden)

Unclear

Yemen (San'a)

None

Yugoslavia

UCC Geneva May 11, 1966
 UCC Paris July 10, 1974
 SAT Aug. 25, 1979

Zaire¹

Phonogram Nov. 29, 1977

Zambia

UCC Geneva June 1, 1965

Zimbabwe

Unclear

¹ For works other than sound recordings, unclear.

² The government of the People's Republic of China views this treaty as not binding on the PRC. In the territory administered by the authorities on Taiwan the treaty is considered to be in force.

³ This country became a party to the Mexico City Convention, 1902, effective June 30, 1908, to which the United States also became a party, effective on the same date. As regards copyright relations with the United States, this convention is considered to have been superseded by adherence of this country and the United States to the Buenos Aires Convention of 1910.

⁴ For works other than sound recordings, none.

⁵ Bilateral copyright relations between Japan and the United States, which were formulated effective May 10, 1906, are considered to have been abrogated and superseded by the adherence of Japan to the Universal Copyright Convention, Geneva, 1952, effective April 28, 1956.

Number of Registrations by Subject Matter, Fiscal 1988

Category of material	Published	Unpublished	Total
Nondramatic literary works			
Monographs and machine-readable works	111,531	40,902	152,433
Serials	120,000		120,000
Total	231,531	40,902	272,433
Works of the performing arts, including			
musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	40,447	119,091	159,538
Works of the visual arts, including			
two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, and works of applied art	39,664	20,764	60,428
Sound recordings	9,408	19,239	28,647
Grand total	321,050	199,996	521,046
Renewals			43,830
Total, all copyright registrations			564,876
Mask work registrations			925

Number of Registrations Cataloged by Subject Matter, Fiscal 1988

Category of material	Total
Nondramatic literary works	
Monographs and machine-readable works	153,102
Serials	120,185
Total	273,287
Works of the performing arts, including	
musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	158,553
Works of the visual arts, including	
two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, and works of applied art	69,125
Sound Recordings	21,679
Renewals	44,763
Total, all claims cataloged	567,407
Documents recorded	10,127

 Information and Reference Services, Fiscal 1988

Direct reference services	
In person	24,702
By correspondence	232,068
By telephone	233,112
	<hr/>
Total	¹ 489,882
Search requests received	8,856
Titles searched	224,790
Search reports prepared	9,552
Additional certificates	7,608
Other certifications	1,341
Deposits copied	1,794

¹ Includes 655 in-person services, 710 correspondence services and 2,500 telephone reference services provided by the Licensing Division.

Summary of Copyright Business, Fiscal 1988

Receipts	Claims	Fees
Copyright registrations at \$10	578,924	\$5,789,240
Renewals at \$6	48,467	290,802
Total claims and fees therefrom	627,391	6,080,042
Fees for recording documents		257,160
Fees for certified documents		83,858
Fees for searches made		133,476
Fees for special handling		438,400
Fees for expedited services		37,012
Fees for registering mask works at \$20		20,300
Fees for 407 deposits at \$2		828
Fees for other services (photocopying, etc.)		8,927
Total fees exclusive of copyright registration claims		979,961
Total fees		\$7,060,003
Transfers		
Fees transferred to appropriation		7,000,000
Fees transferred to miscellaneous receipts		7,602
Total fees transferred		\$7,007,602

Disposition of Copyright Deposits, Fiscal 1988

Category of material	Received for copyright registration and added to copyright collection	Received for copyright registration and forwarded to other departments of the Library	Acquired or deposited without copyright registration	Total
Nondramatic literary works				
Monographs and machine-readable works	100,994	159,497	14,998	275,489
Serials	1	240,369	234,322	474,692
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips				
	134,893	43,965	566	179,424
Sound recordings	19,221	9,855	165	29,241
Works of the visual arts, including two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, commercial prints and labels, and works of applied art				
	64,869	1,699	0	66,568
Cartographic works	173	4,272	72	4,517
Total, all deposits	320,151	459,657	250,123	1,029,931

Estimated Value of Materials Transferred to the Library of Congress

	Items accompanying copyright registration	Items submitted for deposit only under 407	Total items transferred	Average unit price	Total value of items transferred
Books	100,024	14,998	115,022	\$35.34	\$4,064,877
Books, periodicals (for Exchange and Gift)	95,417	41,855	137,272	3.00	411,816
Periodicals	204,313	192,467	396,780	6.94	2,753,653
Motion Pictures	5,501	300	5,801	1	1,532,200
Music	24,914	101	25,015	22.00	550,330
Sound Recordings	2,538	165	2,703	10.00	27,030
Maps	4,150	72	4,222	26.00	109,772
Prints, pictures, and works of art	1,674	0	1,674	18.00	30,132
Total	438,531	249,958	688,489		\$9,479,810
	4,640	Video @ \$ 80.00 =	\$ 371,200		
	1,161	Films @ \$1,000.00 =	\$1,161,000		
	5,801		\$1,532,200		

*Financial Statement of Royalty Fees for Compulsory Licenses for Secondary
Transmissions by Cable Systems for Calendar Year 1987*

Royalty fees deposited	\$153,097,478.30	
Interest income paid on investments	4,753,133.17	
		\$157,850,611.47
Less: Operating costs	\$703,320.00	
Refunds issued	154,565.27	
Investments purchased at cost	156,644,275.29	
Copyright Royalty Tribunal cost for services	250,000.00	
		\$157,752,160.56
Balance as of September 30, 1988		98,450.91
Face amount of securities purchased		160,475,000.00
Cable royalty fees for calendar year 1987 available for distribution by the Copyright Royalty Tribunal		\$160,573,450.91

*Financial Statement of Royalty Fees for Compulsory Licenses for
Coin-Operated Players (Jukeboxes) for Calendar Year 1988*

Royalty fees deposited	\$5,921,794.50	
Interest income paid on investments	453,514.47	
		\$6,375,308.97
Less: Operating costs	\$243,168.00	
Refunds issued	5,138.00	
Investments purchased at cost	6,043,494.55	
		\$6,291,800.55
Balance as of September 30, 1988		83,508.42
Face amount of securities purchased		5,642,000.00
Estimated interest income due September 30, 1989		497,244.52
Jukebox royalty fees for calendar year 1988 available for distribution by the Copyright Royalty Tribunal		\$6,222,752.94

Copyright Registrations, 1790-1988

	District Courts ¹	Library of Congress ²	Patent Office ³			Total
			Labels	Prints	Total	
1790-1869	150,000					150,000
1870		5,600				5,600
1871		12,688				12,688
1872		14,164				14,164
1873		15,352				15,352
1874		16,283				16,283
1875		15,927	267		267	16,194
1876		14,882	510		510	15,392
1877		15,758	324		324	16,082
1878		15,798	492		492	16,290
1879		18,125	403		403	18,528
1880		20,686	307		307	20,993
1881		21,075	181		181	21,256
1882		22,918	223		223	23,141
1883		25,274	618		618	25,892
1884		26,893	834		834	27,727
1885		28,411	337		337	28,748
1886		31,241	397		397	31,638
1887		35,083	384		384	35,467
1888		38,225	682		682	38,907
1889		40,985	312		312	41,297
1890		42,794	304		304	43,098
1891		48,908	289		289	49,197
1892		54,735	6		6	54,741
1893		58,956		1	1	58,957
1894		62,762		2	2	62,764
1895		67,572		6	6	67,578
1896		72,470	1	11	12	72,482
1897		75,000	3	32	35	75,035
1898		75,545	71	18	89	75,634
1899		80,968	372	76	448	81,416
1900		94,798	682	93	775	95,573
1901		92,351	824	124	948	93,299
1902		92,978	750	163	913	93,891
1903		97,979	910	233	1,143	99,122
1904		103,130	1,044	257	1,301	104,431
1905		113,374	1,028	345	1,373	114,747
1906		117,704	741	354	1,095	118,799
1907		123,829	660	325	985	124,814
1908		119,742	636	279	915	120,657
1909		120,131	779	231	1,010	121,141
1910		109,074	176	59	235	109,309
1911		115,198	576	181	757	115,955
1912		120,931	625	268	893	121,824
1913		119,495	664	254	918	120,413
1914		123,154	720	339	1,059	124,213

Copyright Registrations, 1790-1988

	District Courts ¹	Library of Congress ²	Patent Office ³			Total
			Labels	Prints	Total	
1915		115,193	762	321	1,083	116,276
1916		115,967	833	402	1,235	117,202
1917		111,438	781	342	1,123	112,561
1918		106,728	516	192	708	107,436
1919		113,003	572	196	768	113,771
1920		126,562	622	158	780	127,342
1921		135,280	1,118	367	1,485	136,765
1922		138,633	1,560	541	2,101	140,734
1923		148,946	1,549	592	2,141	151,087
1924		162,694	1,350	666	2,016	164,710
1925		165,848	1,400	615	2,015	167,863
1926		177,635	1,676	868	2,544	180,179
1927		184,000	1,782	1,074	2,856	186,856
1928		193,914	1,857	944	2,801	196,715
1929		161,959	1,774	933	2,707	164,666
1930		172,792	1,610	723	2,333	175,125
1931		164,642	1,787	678	2,465	167,107
1932		151,735	1,492	483	1,975	153,710
1933		137,424	1,458	479	1,937	139,361
1934		139,047	1,635	535	2,170	141,217
1935		142,031	1,908	500	2,408	144,439
1936		156,962	1,787	519	2,306	159,268
1937		154,424	1,955	551	2,506	156,930
1938		166,248	1,806	609	2,415	168,663
1939		173,135	1,770	545	2,315	175,450
1940		176,997	1,856	614	2,470	179,467
1941		180,647				180,647
1942		182,232				182,232
1943		160,789				160,789
1944		169,269				169,269
1945		178,848				178,848
1946		202,144				202,144
1947		230,215				230,215
1948		238,121				238,121
1949		201,190				201,190
1950		210,564				210,564
1951		200,354				200,354
1952		203,705				203,705
1953		218,506				218,506
1954		222,665				222,665
1955		224,732				224,732
1956		224,908				224,908
1957		225,807				225,807
1958		238,935				238,935
1959		241,735				241,735
1960		243,926				243,926

Copyright Registrations, 1790-1988

	District Courts ¹	Library of Congress ²	Patent Office ³			Total
			Labels	Prints	Total	
1961		247,014				247,014
1962		254,776				254,776
1963		264,845				264,845
1964		278,987				278,987
1965		293,617				293,617
1966		286,866				286,866
1967		294,406				294,406
1968		303,451				303,451
1969		301,258				301,258
1970		316,466				316,466
1971		329,696				329,696
1972		344,574				344,574
1973		353,648				353,648
1974		372,832				372,832
1975		401,274				401,274
1976		410,969				410,969
1976 Transitional qtr. ⁴		108,762				108,762
1977		452,702				452,702
1978		⁵ 331,942				⁵ 331,942
1979		429,004				429,004
1980		464,743				464,743
1981		471,178				471,178
1982		468,149				468,149
1983		488,256				488,256
1984		502,628				502,628
1985		539,165				539,165
1986		560,212				560,212
1987		581,276				581,276
1988		565,801				565,801
Total	150,000	21,849,972	55,348	18,098	73,446	22,073,418

¹ Estimated registrations made in the offices of the Clerks of the District Courts (source: pamphlet entitled *Records in the Copyright Office Deposited by the United States District Courts Covering the Period 1790-1870*, by Martin A. Roberts, Chief Assistant Librarian, Library of Congress, 1939).

² Registrations made in the Library of Congress under the Librarian, calendar years 1870-1897 (source: *Annual Reports of the Librarian*). Registrations made in the Copyright Office under the Register of Copyrights, fiscal years 1898-1971 (source: *Annual Reports of the Register*).

³ Labels registered in Patent Office, 1875-1940; Prints registered in Patent Office, 1893-1940 (source: memorandum from Patent Office, dated Feb. 13, 1958, based on official reports and computations).

⁴ Registrations made July 1, 1976, through September 30, 1976, reported separately owing to the statutory change making the fiscal years run from October 1 through September 30 instead of July 1 through June 30.

⁵ Reflects changes in reporting procedure.