

87th

ANNUAL REPORT OF THE
REGISTER OF COPYRIGHTS

For the fiscal year ending September 30

1984

LIBRARY OF CONGRESS / WASHINGTON / 1985

**Library of Congress Catalog Card Number 10-35017
ISSN 0090-2845 Key title: Annual report of the Register of Copyrights**

**This report is reprinted from the
Annual Report of the Librarian of Congress
for the fiscal year ending September 30, 1984**

**For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402**

Contents

The Copyright Office	1
Reaching Out	1
Consultative Management	1
Reporting to the U.S. Congress	2
Monitoring Intellectual Property Abroad	2
Semiconductor Chip Protection Act of 1984	2
Workload and Production	3
Acquisitions and Processing Division	3
Examining Division	3
Information and Reference Division	3
Records Management Division	4
Cataloging Division	4
Licensing Division	4
Copyright Office Regulations	5
Cable Television	5
Microfilming Documents	5
Compendium of Copyright Office Practices	5
Legislative Developments	6
Record Rental	6
Cable and Communications	6
Works Made for Hire	6
Semiconductor Chips	6
Protecting U.S. Intellectual Property Rights	7
Other Legislative Activities	7
Judicial Developments	7
International Focus	14
Tables	
International Copyright Relations of the United States as of September 30, 1984	17
Number of Registrations by Subject Matter of Copyright, Fiscal 1984	22
Disposition of Copyright Deposits, Fiscal 1984	23
Estimated Value of Materials Transferred to the Library of Congress	24
Financial Statement of Royalty Fees for Compulsory Licenses for Secondary Transmissions by Cable Systems for Calendar Year 1983	25
Financial Statement of Royalty Fees for Compulsory Licenses for Coin-Operated Players (Jukeboxes) for Calendar Year 1984	25
Copyright Registrations, 1790-1984	26

“To promote the Progress of Science and useful Arts”

Report to the Librarian of Congress by the Register of Copyrights

THE COPYRIGHT OFFICE

"People serving people," the theme of a photomontage mounted during fiscal 1984 in the halls of the Copyright Office, is also the phrase that best describes the Copyright Office during that year. For it was a year in which the office reached out to the communities it served—to authors and creators of original works, to the international copyright community, and to the Congress of the United States, as well as to its own staff.

REACHING OUT

The Copyright Office was host to many international visitors this fiscal year. In November 1983, before the Intergovernmental and Berne Convention executive meetings on international copyright issues, guests arrived at the Copyright Office to share their concerns about issues as diverse as home video and audio recording, computer software protection, and the Brussels Satellite Convention. In June 1984, when the office hosted a symposium on the sources of international copyright law, distinguished guests from various executive agencies attended as well as guests from overseas.

In February 1984 the Copyright Office, at the request of the committees of the Senate and House of Representatives that deal with issues relating to copyright, hosted a Congressional Copyright and New Technologies Symposium which brought together congressional representatives with futurists, representatives of high-tech industries, and copyright experts. Register of Copyrights David Ladd welcomed the opportunity to provide a forum where issues could be approached "not polemically, but thoughtfully." The symposium featured exhibits of new technologies ranging from satellite disks to optical and audio laser-read disks.

Using new technologies to communicate about technological issues, the Copyright Office in March 1984 cosponsored a teleconference that allowed participants in five cities across the United States to listen and speak via satellite-transmitted video and audio connections. Working together with *Legal Times* and *Law and Business, Inc.*, and in cooperation with the Copyright Society of the United States of America and the American Intellectual Property Law Association, the Copyright Office invited participants to consider "Software Protection: The U.S. Copyright Office Speaks on the Computer/Copyright Interface" at the Hall of Flags of the U.S. Chamber of Commerce in Washington, D.C., and in four other cities. Teleconference panelists discussed the registration of software, copyrightability of data bases, international protection of computer software, and recent developments in these areas of the law.

In the Copyright Office preparations were made for a major permanent exhibit displaying the many contributions that the concept of copyright has made to American letters, art, and commerce. Entitled "By Securing to Authors: Copyright, Commerce, and Creativity in America," the exhibit features landmark copyright cases as well as unusual items illustrating those cases, one of the most notable of which is the "Maltese Falcon."

During the fiscal year the Copyright Office developed and began using a multiprojector slide show entitled "Authors, Artists, and Copyright." The show emphasizes both the importance of copyright to authors and artists and the complexities of copyright registration.

CONSULTATIVE MANAGEMENT

Fiscal 1984 was the year in which the Copyright Office took major steps toward establishing

consultative management as the dominant view among managers and staff and toward improving productivity based on this model. In July 1984, management representatives of the Copyright Office signed a three-year agreement with AFSCME Locals 2910 and 2477 to extend the life of the Labor/Management Working Group organized to consult weekly on staff concerns.

Consultative management, defined as a clear articulation of employee involvement in an organization's goals and efforts toward those goals, was proposed by the Copyright Office management team in 1981 as a solution to ongoing backlogs and other problems related to productivity. Initial workshops held in 1982 with Copyright Office management crystallized a commitment to installing consultative management as a *modus operandi*. The office followed up that commitment by offering training in the techniques of consultative management to all managers and staff.

Task forces organized along the principles of consultative management attacked problems associated with Copyright Office automation, redesign of application forms, and reorganization of document registration. A pilot project for recording documents began in September 1984, and another for handling serials on a product-line basis is scheduled for fiscal 1985.

REPORTING TO THE U.S. CONGRESS

In September 1984 the Copyright Office submitted a report to the United States Congress entitled "To Secure Intellectual Property Rights in Foreign Markets." The report, requested by Senator Patrick J. Leahy, a member of the Senate Subcommittee on Patents, Copyrights, and Trademarks, Committee on the Judiciary, and Congressman Michael Barnes, chairman of the Subcommittee on Western Hemisphere Affairs, House Committee on Foreign Affairs, dealt with the piracy of American works, including books, sound recordings, and motion pictures, in various regions of the world. The report, which identified and described problem areas and provided a specific agenda for congressional action,

was presented to the Congress by Register of Copyrights David Ladd at a hearing on September 25.

MONITORING INTELLECTUAL PROPERTY PROTECTION ABROAD

During fiscal 1984 the Register of Copyrights visited Mexico, Canada, Taiwan, Singapore, and the People's Republic of China, where he conferred with local officials on issues related to the protection of intellectual property. In March Mr. Ladd delivered a lecture entitled "Securing the Future of Copyright: A Humanist Endeavor" at the annual meeting of the International Publishers Association in Mexico City, and in April he headed a U.S. trade delegation visiting Taiwan and Singapore, where the progress of measures to curb international piracy was the subject of much discussion. In the People's Republic of China, where he participated in a training program on copyright sponsored by UNESCO, Mr. Ladd found promising progress toward the goal of developing a copyright law in the next five years.

SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

Fiscal 1984 saw the development of protection for a new form of intellectual property—the semiconductor chip. In October Congress gave final approval to the Semiconductor Chip Protection Act of 1984 and sent it to the President for signature. The new act, which becomes part of Title 17 of the United States Code, the title which houses the Copyright Act of 1976, confers an entirely new kind of short-term federal protection to the intricate circuit designs that computer-chip manufacturers spend millions of dollars to develop. Because the new act is to be administered by the Copyright Office, the office devoted much effort this year not only to advising the House and Senate copyright committees on the best form of the act, but also to developing in-house procedures for administering the new law. The new law provides for a ten-year

term of protection after mandatory registration with the Copyright Office.

WORKLOAD AND PRODUCTION

Acquisitions and Processing Division

As the office took steps toward improved control over the registration process through installation of an online tracking system dubbed COINS III (Copyright Office In-Process System), the Acquisitions and Processing Division undertook a major reorganization to adapt to the new system. Several units were combined into one, and certain functions were transferred between sections so that assignment of tasks would correspond more closely to the COINS processing sequence. The Examining and Scheduling Unit and Master Index Unit are to be combined into a Data Preparation and Recording Unit that will perform the initial input of information.

The first half of COINS III began operation in February 1984 when a full Receipt in Process record was created for all deposit account claims received. The cash phase of COINS III is to be installed in fiscal 1985.

The Copyright Acquisitions Unit continued to add significantly to the collections of the Library of Congress as new emphasis was placed on works of local history and genealogy, as well as on Hebraic works. The unit monitors works published with a notice of copyright of which two copies by law should be deposited with the Library of Congress. A successful demand for the "Dick Cavett Show" was completed; other cases were referred to the Department of Justice for legal action.

Examining Division

During a year in which the number of annual registrations completed exceeded half a million for the first time in the history of the Copyright Office, the Examining Division continued to seek ways to increase its efficiency while maintaining a high level of quality. Streamlined pro-

cedures both for examining and for reporting progress enabled the division to maintain currency in most sections.

A pilot project for the recordation of documents related to copyright was introduced in the Renewals and Documents Section and featured cooperation between the Examining and Cataloging divisions and an effort to experiment with a product-line approach.

The chief of the Examining Division and several staff members took part in the planning for the implementation of the Semiconductor Chip Protection Act of 1984 in the Copyright Office. Examining Division staff members were responsible for procedures, development of an application form, and the drafting of a circular.

The Examining Division office issued final practices and guide letters for works that were published without a copyright notice or with a defective notice more than five years before receipt in the Copyright Office.

Another issue dealt with this year was the problem of confidential treatment for computer programs containing trade secrets. Requests for special relief from other deposit requirements also increased during the year, and requests for special handling reached an all-time high. Three major task groups convened to solve problems related to application forms, examining practices, and staff suggestions. Other staff members served on interdivisional task groups.

The division welcomed Grace Reed, executive officer, as interim division chief from September 1983 to March 1984, and Harriet Oler, formerly senior attorney-adviser on the staff of the general counsel, as chief beginning in March.

Information and Reference Division

Increasing both the quality and quantity of service to the public remained the most important task of the Information and Reference Division in fiscal 1984. The division handled a 34 percent increase in calls to the hotline recorders in the Public Office and an increase of 17 percent in inquiries made about the services of the Certifications and Documents Section, without an

increase in personnel. To solve the problem of continually engaged information lines, a contract for a phone system which will include an automatic call distributor with queuing capabilities was awarded near the end of the fiscal year.

New publications issued during the year included *Copyright Registration for Sound Recordings*, *Copyright Registration for Computer Programs*, and *The Copyright Card Catalog and the Online Files of the Copyright Office*. Certificates of copyright registration were also designed and printed, providing an alternative to hand-stamped or photocopied certificates.

The Reference and Bibliography Section created new procedures to respond to the many requests for searches of Copyright Office records, including a "blitz" procedure calculated to complete more basic searches. The Certifications and Documents Section worked out new procedures to deal with the increasing number of "missing elements" cases.

During the year Joan Doherty, assistant chief, served as acting chief until the appointment of Winston Tabb, previously assistant chief of the General Reading Rooms Division, as chief in March 1984. Both the chief and assistant chief served on various task groups and were responsible for coordinating several facets of a major Copyright Office exhibit scheduled to open in December 1984. Implementation of the Semiconductor Chip Protection Act of 1984 and an effort to revise the present application forms were also a concern of the division office.

Records Management Division

During fiscal 1984 the Records Management Division began implementing its retention schedule for deposits by arranging for a reselection by Library of Congress selecting officials of Copyright Office deposits. Collections which were transferred en masse to the Library included sheet music (to the Music Division), early title pages (to the Rare Book and Special Collections Division), videotaped choreography (to the Performing Arts Library), and the last of the Yiddish dramas (to the Hebraic Section). Another

major move of deposits during the year involved the transfer of hundreds of boxes of duplicate prints and labels to the National Park Service.

Even with the removal of these deposits and others to the main collections of the Library of Congress, the Deposit Copy Storage Unit grew closer to reaching maximum occupancy of its space as more than 270,000 deposit copies were added to the Deposit Collection during the year.

The microfilming of certain deposits continued apace as the Preservation Section completed the filming of music from 1870 to 1885 and of unpublished lectures. One of the most interesting items in the latter category was the original manuscript of the "I Have A Dream" speech of Martin Luther King, Jr.

The introduction of presealed certificate paper in the registration process improved the efficiency of the Certificate Production Unit and enhanced the quality of its products.

Cataloging Division

It was a year of cooperation for the Cataloging Division—cooperation with AFSCME 2910 in inaugurating a new promotion plan to allow staff members to gain a higher rating after demonstrating skills, and cooperation with other divisions in organizing a Documents Pilot Project to process documents on a product-line basis.

During January and February the automated systems equipment was updated as eighty-four new terminals were tested and installed in the division. Six issues of the *Catalog of Copyright Entries* in microfiche were published and twenty-seven additional issues were prepared for publication.

Licensing Division

Changes in copyright policies regarding compulsory licenses made 1984 a year of challenge for the Licensing Division. To deal with the major rate adjustment put into effect by the Copyright Royalty Tribunal in late 1982 and upheld by the courts in December 1983, the divi-

sion established a Cable TV Task Force that developed policies, schedules, and forms to handle the increased efforts that the special royalty computations entailed. The division continued to be responsible for the more than \$157 million in royalty fees held for copyright owners pending regular distribution by the Copyright Royalty Tribunal. Preparations were made during the year to develop automated accounting and licensing systems.

The Licensing Division also developed an audiovisual presentation on the compulsory license systems to show to public groups such as jukebox owners and cable television system operators. Late in the fiscal year the Librarian of Congress accepted the Amusement and Music Operators Association's donation of a 1948 Rock-Ola vintage jukebox for permanent display in the Licensing Division.

COPYRIGHT OFFICE REGULATIONS

Cable Television

During the fiscal year, several regulations were published pursuant to section 111 of the Copyright Act, which prescribes conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works. Obtaining a compulsory license requires the filing in the Copyright Office of Notices of Identity and Signal Carriage Complement and Statements of Account, as well as submission of royalty fees. During the fiscal year, several regulations were published pursuant to section 111. Initially, on April 2, 1984, the office published a final regulation revising and clarifying certain requirements governing the form and content of Notices of Identity and Signal Carriage Complement and Statements of Account. A later interim regulation followed on April 16, 1984, implementing the Copyright Royalty Tribunal's October 20, 1982, cable rate adjustment. The interim regulation, notifying cable systems of revised forms and procedures and providing guidance to them regarding payment of royalties, was published, with minor changes, as a final regulation on June

29, 1984. On August 20, 1984, the cable regulations were amended to extend from 60 to 120 days, the period following normal filing deadlines during which the Copyright Office would refund overpayments of royalties at the request of cable systems for the accounting period ending June 30, 1984.

Microfilming Documents

By notice published in the *Federal Register* of August 7, 1984, the Copyright Office announced that it had decided, effective July 9, 1984, to discontinue its practice of microfilming documents and any accompanying material, including transmittal letters, upon their receipt in the office. Thereafter, the office would microfilm only recorded documents submitted under section 205 of Title 17, U.S. Code. The policy was changed when the office determined that the former practice was not an effective method of handling these materials. Members of the public had experienced difficulty in using the microfilmed documents, and material unrelated to a recorded document was often microfilmed with the document so that it was not possible to determine what indeed had been recorded. As a result of the change of policy, recorded documents can now be made publicly available on a more timely basis than was previously possible.

Compendium of Copyright Office Practices

On June 4, 1984, the Copyright Office gave the public notice that it intends to issue a new *Compendium of Copyright Office Practices* under the Copyright Act of 1976, designated as *Compendium II*. The public was invited to submit written comments on the proposed new edition of this manual, which is intended primarily for the use of the staff of the Copyright Office as a general guide to its examining and related practices. The first *Compendium* was issued a number of years ago to reflect office practices under the Copyright Act of 1909, as amended.

LEGISLATIVE DEVELOPMENTS

Record Rental

On June 27, 1984, Rep. Don Edwards introduced the Record Rental Amendment of 1984, H.R. 5938, 98th Cong., 2d Sess. (1984), a successor bill to H.R. 1027. In the same Congress the Senate passed similar legislation, S. 32, 98th Cong., 1st Sess. (1983). These bills, which are supported by the Copyright Office, would amend the "first sale" doctrine, codified in 17 U.S.C. section 109(a), so as to require the consent of copyright owners before sound recordings could be commercially rented. The House bill, which has a five-year sunset provision, expressly exempts nonprofit libraries and educational institutions from inclusion and would permit copyright owners of the underlying musical work to share proportionately in the royalties from rentals. The House and Senate versions differ in two significant respects: the Senate version would be a permanent amendment which would apply the criminal provisions of the Copyright Act to violations of the record rental amendment, while the House version is of limited duration and does not provide for criminal penalties for unauthorized rental or lending of copyrighted sound recordings. The Senate version was enacted and signed into law as P.L. 98-450 by President Reagan on October 4, 1984.

Cable and Communications

The second session of the 98th Congress also saw the introduction of two substantially identical bills, H.R. 5878 and H.R. 6164, by Representatives Robert W. Kastenmeier and Jack F. Kemp, respectively, which would amend the provisions of the Copyright Act relating to the Copyright Royalty Tribunal. Specifically, the bills would decrease from five to three the number of members of the tribunal, provide for the appointment to the tribunal of a general counsel and chief economist, and streamline judicial review of tribunal decisions. The bills also contain criteria intended to guide the tribunal in

future adjustments of copyright royalty rates for cable television.

Works Made for Hire

Two identical bills were introduced in the 98th Congress to amend the copyright law regarding works made for hire. S. 2138, 98th Cong., 1st Sess. (1983), introduced by Sen. Thad Cochran, and H.R. 5911, 98th Cong., 2d Sess. (1984), sponsored by Rep. Barney Frank, would amend the work made for hire provision of the act by deleting specific categories of works from the list of works subject to work made for hire agreements. Additionally, the term employee in the act would be redefined to comply with federal tax withholding laws.

Semiconductor Chips

Semiconductor chips were given intellectual property protection for the first time in the Semiconductor Chip Protection Act of 1984. A Senate bill, S. 1201, 98th Cong., 2d Sess. (1984), would have given chips copyright protection. A House bill, H.R. 5525, 98th Cong., 2d Sess. (1984), by contrast, provided for a sui generis form of protection. A compromise version later passed the Senate as S. 1990 and the House as H.R. 6163; the latter will go to President Reagan for signature. Under this bill, sui generis protection is accorded under the aegis of neither patent nor copyright. However, the act amends Title 17 of the U.S. Code by adding a new Chapter 9, and the Register of Copyrights has been given the responsibility of administering the new act. The act protects the three-dimensional layered circuitry designs of semiconductor chips, known as mask works, against unauthorized duplication for a term of ten years. Protection begins on the date of registration of the mask work or the date of first commercial exploitation, whichever occurs earlier. The protection terminates if an application for registration is not filed within two years after the date of first commercial exploitation. Unauthorized duplication would be

permitted solely for the purposes of teaching, analyzing, or evaluating concepts or techniques embodied in the mask work, circuitry, or organization of the components used in the mask work. The act is fully effective upon enactment, but the registration and enforcement mechanisms are held in abeyance for sixty days to allow adequate time for the Copyright Office to prepare to receive applications for registration.

Protecting U.S. Intellectual Property Rights

The Intellectual Property Rights Protection and Fair Trade Act of 1984, S. 2549, 98th Cong., 2d Sess. (1984), and two similar bills introduced in the House—H.R. 5324, 98th Cong., 2d Sess. (1984) and H.R. 5634, 98th Cong., 2d Sess. (1984)—would condition preferred trade status with the United States, under the Trade Act of 1974, on the protection by certain beneficiary developing countries of U.S. patent, copyright, and trademark rights. H.R. 4288 would amend the infringement provisions of the copyright law to provide that no copyright owner otherwise entitled to relief from infringement would be denied relief or deemed guilty of misuse or illegal extension of its copyright unless its conduct violated the antitrust laws. H.R. 6024 would amend the definition of publication in the Copyright Act to provide that the presence of a notice of copyright on a work does not in itself constitute publication or public disclosure; this bill would further amend the act to provide for expansive protection of computer software. None of these measures were enacted.

Other Legislative Activities

Sen. Strom Thurmond introduced the National Productivity and Innovation Act of 1983, S. 841, 98th Cong., 1st Sess. (1983). Dorothy M. Schrader, the general counsel of the Copyright Office, testified before the Senate Judiciary Committee in support of this bill, which would have modified the antitrust laws with respect to the censuring of copyrighted works permitting scrutiny under a rule of reason inquiry. The House

introduced a companion bill, H.R. 3878, 98th Cong., 1st Sess. (1983), which differed from the Senate version. The House amendment would have substituted the text of H.R. 5041, 98th Cong., 2d Sess. (1984), for the Senate version. A conference of the two houses resulted in a new version, the National Cooperative Research Act of 1984, signed into law as P.L. 98-462 in the second session of the 98th Congress. The new law provides for similar rule-of-reason analysis for joint research and development ventures, and limits recovery for antitrust violations to actual damages and reasonable attorney's fees if the U.S. Attorney General and Federal Trade Commission are notified of the joint venture. Sen. Charles McC. Mathias, Jr., also introduced the National Commission on the Public Lending of Books Act of 1983, S. 2192, 98th Cong., 1st Sess. (1983), to establish a commission to study the feasibility of compensating authors for the lending of their books by lending institutions.

The Brussels Satellite Convention adherence was reported out of the Senate Foreign Relations Committee on September 25, 1984, and was ratified by the full Senate in the twilight hours of the 98th Congress. The convention obligates a contracting state to "take adequate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor for whom the signal emitted to or passing through the satellite is not intended." The choice of method of implementation is left to each state. The state's obligations cease, however, subsequent to the authorized terrestrial distribution of a satellite-derived signal. Moreover, the convention expressly does not apply to signals which "are intended for direct reception from the satellite by the general public."

JUDICIAL DEVELOPMENTS

The Copyright Office is involved in three cases challenging the validity of its regulations with respect to the liability of cable systems for secondary retransmission of primary broadcasts. In late 1983, the Court of Appeals for the District of Columbia, in *National Cable Television*

Association v. Copyright Royalty Tribunal, 724 F.2d 176 (D.C. Cir. 1983), upheld the rate adjustment of the Copyright Royalty Tribunal (CRT) as applied to distant signal carriage and syndicated program exclusivity. The CRT rate adjustments were made under authority of the Copyright Act and resulted from the decision of the Federal Communications Commission (FCC) to deregulate those aspects of cable carriage of distant signals. The court held that the CRT used its expert judgment to devise what it considered fair and reasonable royalty rates to reflect the FCC rule changes. The Copyright Office then issued regulations to implement the changes in royalty rates made by the CRT.

In an action for a declaratory judgment, *National Cable Television, Inc. v. Columbia Pictures Industries, Inc.*, Civ. No. 83-2785 (D.D.C. 1983), the plaintiff asked the court to decide the manner in which royalty payments must be calculated under section 111 of the Copyright Act, in order for the plaintiff to retain its compulsory license to retransmit copyrighted broadcast material owned by the defendants. At issue is the method of calculating the gross receipts on which the cable system must pay royalties for "tiers" of service that are supplied to subscribers in addition to the "basic service." The additional tiers of service may contain nonbroadcast programming, for which the cable system pays a fee, as well as distant broadcast signals which are governed by the compulsory license. The plaintiff believes that cable systems are permitted by the Copyright Act to allocate the subscriber fees for the additional tiers of service between nonbroadcast and distant broadcast signals and that royalties must be paid only on that portion of the fees ascribable to the retransmission of distant broadcast signals. The defendants take the position that all revenues received from any tier in which any broadcast programming appears, should be considered "gross receipts" for broadcast retransmission. The Copyright Office regulations support this position. Defendants also insist that "Form 3" systems, those with semiannual "gross receipts" in excess of \$214,000, should be required to pay a royalty calculated as though all customers elected to

subscribe to all optional tiers of service containing one or more broadcast signals, even though not all subscribers to the lowest tier subscribe to the optional tiers. In April the defendants' motion to dismiss was denied, and the court ordered plaintiff to join the Copyright Office as a defendant in the action since its regulations address the tiering issue. The Copyright Office has filed a motion for summary judgment with a supporting brief. In a parallel case, *Cablevision Systems Development v. Motion Picture Association of America, Inc.*, Civ. No. 83-1655 (D.D.C. 1983), plaintiff seeks a declaratory judgment that it is correct in its interpretation that section 111 of the Copyright Act requires the payment of royalties based only on the revenues received from its "basic service" tier to which all its customers must subscribe if they are to receive any cable service. The defendants' position is similar to that of the defendants in the NCTA case. The Copyright Office has also been made a party defendant in this case. Suit was brought against the Register of Copyrights in *Cox Cable Tucson, Inc. v. David Ladd*, Civ. No. 84-534 (D.C. Ariz. 1984), for review of the Copyright Office final regulation issued on June 29, 1984 (49 Fed. Reg. 26722). The regulation was issued to implement a rate adjustment authorized by the Copyright Royalty Tribunal as a result of the FCC's partial deregulation of the cable industry. Plaintiff objected to one particular aspect of the regulations, i.e., the circumstances under which it is permissible to add a new television signal as a replacement for a "grandfathered signal" (a distant signal that a cable system was authorized to carry under the rules of the FCC before March 31, 1972, which was in excess of the distant signal complement authorized by the 1972 regulations). The Copyright Office regulations provide that the substituted signal would be considered a "newly added signal" and be subject to the new 3.75 percent rate established by the tribunal for such signals. Plaintiff believes that like signals substituted for "grandfathered signals" should not be treated as "newly added signals" since no change in the number or kind of signal carriage results. At year's end, the Copyright Office had

replied to the complaint and submitted interrogatories to the plaintiff.

During the fiscal year the Copyright Office entered several cases under the authority of section 411(a) of the Copyright Act, which permits the Register of Copyrights to become a party in an infringement action involving a work which was refused registration. *Brandir International, Inc. v. Columbia Cascade Timber Co.*, Civ. No. 84-1411 (S.D.N.Y.), was one such case in which the works involved were actually bicycle racks that had been submitted for registration under the title "Ribbon Sculpture." Earlier in the year the court heard arguments on the defendant's motion for a change in venue, but the year ended without any ruling on the motion. Likewise, the Copyright Office has entered *Duffey-Moses Design v. Sunset Productions, Inc. et al.*, Civ. No. 83-5365 ER (C.D. Cal.), to explain to the court its refusal to register a claim to copyright in a de minimis logo for a television magazine. The Copyright Office motion for summary judgment was denied without prejudice, and the plaintiff has filed an amended complaint. In all probability, the Copyright Office will renew its motion for summary judgment early next year. The third case in this category in which the Copyright Office is involved is *Designpoint Industries, Ltd. v. Bolivar Arellano Trading Corp.*, 83 Civ. 9132 (CLB) (S.D.N.Y.). The work, in this instance, consists of the words "Puerto Rico" with two curved lines beneath them printed on a "muscle" shirt. This case went to trial and after hearing Copyright Office testimony the judge held the design not copyrightable and dismissed the copyright issue.

In a suit brought against the Copyright Office, *United Christian Scientists v. David Ladd*, Civ. No. 83-3486 (D.D.C. 1984), the plaintiff sought a declaratory judgment to declare unconstitutional a private law that grants copyright to the trustees under the will of Mary Baker Eddy in various editions of the work *Science and Health with Key to the Scriptures* by Mary Baker Eddy. *Science and Health* is the text used for the study, teaching, and practice of Christian Science. The plaintiffs allege that the private law violates the Copyright Clause, the Fifth Amendment, and the

First Amendment of the Constitution, and that *Science and Health* is "inherently uncopyrightable" since it embodies the teachings and faith of Christian Science. The Copyright Office filed a motion to dismiss on the grounds that the complaint failed to state a claim for which relief can be granted, fails to join a party required by federal rules to be joined, namely the copyright proprietor, and does not allege a case or controversy with defendant David Ladd, Register of Copyrights. The motion to dismiss as to defendant David Ladd was granted.

As the fiscal year ended *The Authors League of America, Inc. v. David Ladd*, 82 Civ. 5731 (S.D.N.Y. Aug. 30, 1982) was still in the preliminary stage of discovery. The suit was brought by the plaintiff, questioning the constitutionality, under the First and Fifth Amendments of the U.S. Constitution, of the "manufacturing clause" of the copyright law. The provision in question prohibits, with certain exceptions, the importation into and public distribution in the United States of copies of any work consisting preponderantly of copyrighted nondramatic literary material in the English language authored by nationals or domiciliaries of the United States, if the copies are manufactured in any country other than the United States or Canada. The plaintiff alleges that this prohibition violates the First Amendment by restricting the importation and distribution of First Amendment protected literary works and that it violates the Fifth Amendment by imposing a discriminatory prohibition on importation and distribution of a restricted class of works.

In *David Ladd v. Law & Technology Press*, Civ. No. 83-6855 TJH (C.D. Cal.), the Register of Copyrights brought suit to enforce the deposit requirements of section 407 of the Copyright Act. That section requires, unless excused by Copyright Office regulation, the deposit for use of the Library of Congress of copies of works published with notice of copyright in the United States. The works in question are technical journals. Judgment was entered in favor of the Register, and the defendant has filed a notice of appeal. Defendant's position has been that section 407 violates the First Amendment right of

free speech by imposing a deposit requirement for the enjoyment of copyright in the work and that section 407 has been enforced in a discriminatory manner.

The Copyright Office became involved in *American Express Credit Corp. v. XRT, Inc.*, Civ. No. 83-5603 (E.D. Pa.), when the defendant secured a temporary restraining order which required the office to refuse access to deposits submitted for registration of the claims that were being litigated between the parties. The deposits allegedly contained trade secret material. The parties, including the Copyright Office, reached a settlement which resulted in cancellation of the registrations in question and return of the deposit copies to the defendant.

An omission of the copyright notice was held to be curable in *Innovative Concepts in Entertainment, Inc. v. Entertainment Enterprises, Ltd.*, 576 F. Supp. 457 (E.D.N.Y. 1983). In this case the plaintiff omitted notice of copyright on its coin-operated miniature hockey game because its legal counsel did not advise it of the availability of copyright protection. Plaintiff did not become aware of the possibility of copyright protection until it consulted other counsel after the first publication without notice had occurred. Notice was then added and copyright registrations were made. The court said it was not aware of any cases deciding the issue of an omission of notice resulting entirely from a mistake of law. The court said such an omission is "deliberate" and cited the legislative history of section 405(a)(2) of the Copyright Act of 1976 for the proposition that a work published without copyright notice will still be protected for at least five years, whether the omission was partial or total, deliberate or unintentional. It said that the allowance in section 405(a)(2) of a period as lengthy as five years in which to cure an omission suggests that Congress wished to be solicitous of the actual intent of the author. *Sherry Manufacturing Co. Inc. v. Towel King of Florida, Inc.*, 220 U.S.P.Q. 855 (S.D. Fla. 1983), also involved the issue of omission of the copyright notice, but there the court held that pictures of designs printed on towels depicted in a catalog did not constitute a publication of the

designs and, therefore, need not contain notices of copyright to preserve the copyright. The court did not elaborate on this conclusion. It said further that in any event plaintiff added notices to its catalog after discovery of its omission, and that hence the notice was valid in any case.

A district court denied copyright protection to a telephone company's white-page directory in *Hutchinson Telephone Company v. Fronteer Directory Company of Minnesota, Inc.*, 586 F.Supp. 911 (D. Minn. 1984). The court said that, in general, white page listings meet the requirements of the Copyright Act and are protectible by copyright. It stated, however, that under the facts in this case, protection is not warranted. The court observed that the copyright law was enacted to encourage works of the intellect and to secure the general benefits which inure to the public through the author's labors, and that in the present case the plaintiff's publication of its white pages is a requisite condition to the operation of its state-guaranteed monopoly. The court said it is guided by the purposes of the law, and must consider these purposes in determining whether a particular work is copyrightable and that, because the plaintiff is required by law to publish its white pages, allowing copyright protection would only extend the benefit of plaintiff's monopoly and would not serve any purpose of the Copyright Act; as a result, the court felt compelled to conclude that plaintiff's white pages do not constitute an original work of authorship within the meaning of the act. In another interesting decision, the copyrightability of maps submitted to the Interstate Commerce Commission as part of the filing of statutorily mandated tariff schedules was upheld in *Rand McNally v. Fleet Management Systems*, CCH Copr. L. Rptr. 25,624 (N.D. Ill. Dec. 31, 1983); the defendant argued to no avail that since carriers and shippers are expected to know the contents of the filed tariffs they have the force of law, and that consequently they are similar to a statute or judicial opinion, both of which are uncopyrightable. The Court of Appeals for the Fifth Circuit found fault with the district court's analysis in *Apple Barrel Productions, Inc. v. Beard*, 730 F.2d 384 (5th Cir.

1984), where the plaintiff claimed copyright in its original expression of the idea for a country music show performed by children. The plaintiff applied for copyright registration in the work as a whole, not in its component parts. The district court, however, did not view the show as a whole but divided it into its component parts of script, design, and format and concluded that since the parts were not separately copyrightable the show in its entirety was not subject to copyright protection. On appeal the court disagreed with this analysis and held that despite the fact that the individual parts of the show were not copyrightable in themselves, the work was protectible as a compilation. Copyrightability was also the issue in *Lone Ranger Television, Inc. v. Program Radio Corporation*, CCH Copr. L. Rptr. 25,691 (9th Cir. July 26, 1984), where the court found that the defendant's duplicating, remixing, and distribution of plaintiff's uncopyrighted tapes constitutes the making of a derivative work based on the underlying copyrighted scripts. Plaintiff's tapes were created before the 1972 phonorecord amendment and were therefore not protected by federal statutory copyright. However, the scripts on which plaintiff's tapes were based were all copyrighted. The court found that defendant's activity resulted in new derivative works based on the copyrighted scripts in the same manner as if the defendant had worked from the scripts. Copyrightability of a computer operating program was the issue in *Apple Computer, Inc. v. Formula International, Inc.*, 725 F. 2d 521 (9th Cir. 1984). The district court had held that copyright protects computer programs of all types, whether they are operating programs or application programs. The defendant argued on appeal that operating programs, because they control the internal operation of the computer, were only "ideas" or "processes" and therefore not copyrightable. The Court of Appeals said that the legislative history reveals that defendant's arguments were considered and rejected by Congress when copyright protection was extended to computer programs. The 1975 *Final Report of the National Commission on New Technological Uses of Copyrighted Works* (the CONTU Report) stated that there should be no distinc-

tion between programs which are used in the production of further copyrighted works and those which are not. The Congress enacted CONTU's recommendations in amending the Copyright Act in 1980 to include computer programs explicitly.

The right to exercise control over the work was emphasized as a key element in finding a "work for hire" relationship in a number of cases. The Court of Appeals for the Second Circuit in *Aldon Accessories Ltd. v. Spiegel, Inc.*, 738 F.2d 548 (2d Cir. 1984), upheld the instructions given to the jury in the district court that "within the scope of employment," in the present Copyright Act, means a person acting under the direction and supervision of the hiring author, at the hiring author's instance and expense. The instruction said that it does not matter whether the "for hire" creator is an employee in the sense of having a regular job with the hiring author. What matters is whether the hiring author caused the work to be made and exercised the right to direct and supervise the creation. In *Schmid Brothers, Inc. v. W. Goebel Porzellanfabrik K.G.*, CCH Copr. L. Rptr. 25,687 (E.D.N.Y. June 20, 1984) the issue was whether Sister Berta Hummel created certain artistic works as an "employee for hire" of her convent. The court said that the essential factor determining whether a work is made by an "employee for hire" is whether the employer had the right to direct and supervise the actual performance of the work. It said further that even if her relationship to the convent was one of employee and employer for some purposes, her contributions to the figurines in question were not made as an employee for hire since she had full artistic control over the works which bore her name. In a replevin action to recover possession of photographic negatives made at plaintiff's request at her home, an Illinois state court in *Sykee v. Roulo*, 461 N.E. 2d 480 (Ill. App. Ct. 1984), had to decide if the photographs were works made for hire. It said that the crucial question is whether the plaintiff had the right to control the work even if she did not exercise it. The court noted that the evidence showed that the plaintiff did exercise control over the manner in which the photographs

were made and that the inference was that the photographs were produced by the defendant in the capacity of an employee for hire. In *Arthur Retlaw & Associates, Inc. v. Travenol Laboratories, Inc.*, 582 F.Supp. 1010 (N.D. Ill. 1984), the plaintiff published a newsletter on behalf of defendant. The court said that there is a presumption that the copyright belongs to the person at whose instance and expense the work was done and that this presumption can only be rebutted by an express "contractual reservation to the contrary." Plaintiff claimed there was an "understanding" that it was to own the copyright. The court said that an "understanding" does not satisfy the requirement of the law that the parties must expressly agree to the ownership in a written instrument.

In seemingly similar circumstances, the courts reached different conclusions on the need to record a document regarding a transfer of copyrights before suit can be brought. In *Northern Songs, Ltd. v. Distinguished Productions, Inc.*, 581 F. Supp. 638 (S.D.N.Y. 1984), defendant sought dismissal of the infringement action against it, contending that plaintiff had failed to comply with the recordation requirements for transfers under the Copyright Act in that the recorded documents did not contain the name of the songs involved in the suit. The court ruled for the plaintiff, stating that the import of the recordation requirements of the law is to provide record notice of transfers before suit is brought. The court said further that the effectiveness of transfer documents is not related to the question of notice and that in the present case the defendant had actual notice of the transfers and the alleged failure to receive constructive notice under the act cannot constitute a bar to an infringement suit. In *Patch Factory, Inc. v. Broder*, 586 F. Supp. 132 (N.D.Ga. 1984), the defendant asked for dismissal of the action because plaintiff had not alleged recordation of the copyright transfer document by which it acquired the copyright. The court said that section 205(d) of the Copyright Act explicitly mandates recordation of the transfer of rights in a copyright as a prerequisite for filing suit where such transfer is the basis of the suit. The court refused to per-

mit a supplemental pleading alleging submission of the document to the Copyright Office, reasoning that receipt of a transfer document in the Copyright Office does not mean the document is automatically accepted for recordation. The case was dismissed for lack of subject matter jurisdiction. In *Meta-Film Associates, Inc. v. MCA, Inc.*, 586 F. Supp. 1346 (C.D. Ca. 1984), the court said that the literal language of section 205(d) of the Copyright Act suggests that recordation is a condition precedent to instituting of a suit, but that the courts have not strictly construed the filing requirements of the act. The court stated that subsequent recordation will be allowed to relate back, so that the assignee acquires a right to sue as of the date of the filing of the action. In a New York state court case, *Myers v. Waverly Fabrics*, CCH Copr. L. Rptr. 25,684 (Sup. Ct. N.Y. May 22, 1984), the court ruled that while a nonexclusive license permitting defendant to reproduce plaintiff's design was not required to be in writing under the Copyright Act since it did not constitute a transfer of ownership, the nonexclusive license in this case was required to be in writing under the New York Statute of Frauds since, by its terms, it could not be performed within one year of its making. The complaint was dismissed.

The much-publicized Supreme Court decision in *Sony Corporation of America v. Universal City Studios, Inc.*, 104 S.Ct. 774 (1984), was rendered during the fiscal year. The case involved the off-air home videotaping for private use of television programs, many of which were copyrighted. The copyright proprietor had brought suit against the manufacturers, distributors, and retail vendors of videocassette recorders used to tape the works off the air. The district court held for the defendants, and the Court of Appeals for the Ninth Circuit reversed by holding that Congress did not intend to create a blanket exemption for home videorecording, as was done for home sound recording, and that home videorecording was not a fair use. It held further that the corporate defendants were guilty of contributory infringement on the ground that home videotape recorders are manufactured, advertised, and sold for the primary purpose of

reproducing television programming, virtually all of which is copyrighted. The Supreme Court reversed in a five-to-four decision, holding that the sale of videocassette recorders to the general public does not constitute contributory infringement of the copyrights in the broadcast material. The record below had shown that the predominant use of home videocassette recorders was for time shifting. The Court said that the sale of copying equipment, like the sale of other articles of commerce, does not constitute contributory infringement if the product is widely used for legitimate, unobjectionable purposes. The Court also indicated that the time shifting was fair use.

In another case involving alleged noninfringing use, *Atari v. JS&A Group*, CCH Copr. L. Rptr. 25,613 (N.D. Ill. Dec. 6, 1983), the defendant was charged with contributory copyright infringement because of its sale of a device called Prom Blaster. The purpose of the device was to make duplicate copies of computer programs used in video games. The device could copy plaintiff's games among others. The defendant argued that copying the video games is legal and that, even if it is not, the court may not enjoin the sale of the Prom Blaster because it has other uses that are lawful. As to the second defense the court said that Prom Blaster can perform only two functions, to copy other's video games or duplicate the plaintiff's games. The court said that the test is not whether the Prom Blaster has some noninfringing use, but whether it has a substantial noninfringing use. The court found that it did not. The court further found that the purpose of section 117 of the Copyright Act, which permits the owner of a computer program to make an additional copy for archival purposes, is to protect the use of a computer program against the risk of destruction or damage by mechanical or electrical failure. The court ruled that the defendant failed to bring itself within the section 117 exception, since it did not show that the programs intended to be duplicated by the Prom Blaster were susceptible to destruction through mechanical or electrical failure when used in the video games.

In *Consumers Union of United States, Inc. v. General Signal Corp.*, 724 F.2d 1044 (2d Cir.

1983), the defendant used verbatim language in its television advertisements that was from plaintiff's copyrighted publication. The defendant's advertisements stated that its Regina vacuum cleaners were found by Consumers Union to be the highest rated of their kind. Consumers Union sought injunctive relief to prevent such use on the grounds of copyright infringement. The district court granted an injunction which was later vacated by the Court of Appeals for the Second Circuit, which found the defendant's use to be a fair use. The court said that in some cases an advertiser may copy some excerpts from a copyrighted work to advance his commercial interests as long as the purpose is to report factual information and that since *Consumer Reports* is "primarily informational rather than creative," the scope of permissible use is greater. The court said that the defendant used Consumers Union's exact words in the interest of accuracy, not piracy, and that use of the exact words may be the only valid way to precisely report the evaluation. Fair use in news reporting was the issue in *Diamond v. Am-Law Publishing Corp.*, CCH Copr. L. Rptr. 25,627 (S.D.N.Y. Jan. 4, 1984). The plaintiff, an attorney, wrote a letter to the defendant taking issue with an article which appeared in defendant's magazine. The defendant published an excerpt of the letter in its magazine, disregarding the plaintiff's instruction that the letter could only be printed in full. The court found that the defendant's use of the letter was legitimate news reporting relating to the type of news featured in the magazine and that the plaintiff had no right to impose the condition that only the entire letter could be printed. Fair use in news reporting was also an issue in *Guccione and Penthouse International, Ltd. v. Flynt*, CCH Copr. L. Rptr. 25,669 (S.D.N.Y. June 1, 1984), where the defendant published plaintiff's copyrighted photograph as an illustration in an article claiming that the plaintiff had frequently been photographed with nude models. The court found that the unauthorized publication of a single photograph was not a taking of a substantial part of plaintiff's published work which consists of a large number of photographs, and that there was no showing that the

defendant's use affected the market value of plaintiff's magazine, where the photograph originally appeared. In a trial on the merits in *Financial Information v. Moody's*, CCH Copr. L. Rptr. 25,617 (S.D.N.Y. Jan. 10, 1984), the court concluded that the defendant's use of plaintiff's collected data was a fair use. The plaintiff collects and publishes daily information regarding the redemption of bonds. At the end of the year all of the daily information is gathered and published in a single work. The court held that both the daily and yearly compilations were copyrightable. The court found that the defendant uses the plaintiff's published data as one of its sources in creating its own reports. Also, the court stated that the facts on the plaintiff's individual cards are in the public domain, and that the plaintiff's compilations, which were the basis of the copyright claims, were not copied. In *City Consumer Services, Inc. v. Horne*, 100 F.R.D. 740 (D. Utah, Dec. 21, 1983), the plaintiff sought to prevent defendant from obtaining its records by discovery by claiming copyright in its compilation of the records. The court said it appeared that plaintiff's compilation of records is worthy of protection under the copyright law, but the court ruled that the defendant's examination of such work is a fair use. In *WPOW, Inc. v. MRLJ Enterprises*, 584 F. Supp. 132 (D.D.C. 1984), the court found defendant's copying of site specifications submitted by plaintiff to the Federal Communications Commission as part of an application for a license to construct a radio transmitting facility was not a fair use. Although the defendant had argued that construction specifications for a specific site would necessarily have to be similar, the court found that a number of different engineering solutions could be proposed for that site and that plaintiff's report was protectible as an original expression of its idea. The court said the FCC rules, which may encourage competing applications to be similar, cannot affect the protection afforded by the Copyright Act to an engineering firm's original work product.

In a case involving an interpretation of the termination of transfers provision of the copyright law, *Harry Fox Agency, Inc. v. Mills Music, Inc.*,

720 F.2d 733 (2d Cir. 1983), the author's heirs terminated their license with Mills Music pursuant to section 304(c)(6) of the statute. Mills had licensed recording rights to a record producer, and the question was whether Mills has any right to the royalties earned by the derivative recording after Mills's license had been terminated. The court held that the derivative works exception goes only to the maker of the derivative work, namely the record producer, and that the benefit from the continued use of the license goes only to the author's heirs. During the fiscal year, certiorari was granted by the Supreme Court, with oral argument scheduled early in the next term of the Court.

The Court of Appeals for the Second Circuit handed down an important decision with respect to the activities of performing rights societies when it found in *Buffalo Broadcasting Company, Inc. v. American Society of Composers, Authors and Publishers*, CCH Copr. L. Rptr. 25,710 (Sept. 18, 1984), that the plaintiff, an independent television station, did not present evidence to sustain a conclusion that the blanket licensing to perform copyrighted music involved in this case is an unlawful restraint of trade. Several years before the court had reached the same conclusion in regard to network stations in *Columbia Broadcasting System, Inc. v. American Society of Composers, Authors and Publishers*, 620 F.2d 930 (2d Cir. 1980), cert. denied, 450 U.S. 970 (1981).

INTERNATIONAL FOCUS

The Copyright Office continued to be concerned with issues that were international in impact. Early in the fiscal year Assistant Register of Copyrights Anthony Harrison traveled to Geneva to represent the United States at a meeting of a panel of the General Agreements on Tariffs and Trade (GATT). The issue before the panel was the extension in the United States of a manufacturing clause in the copyright law, an extension which several nations of the European Economic Community claimed was illegal.

In September 1983 a forum on public lending rights was held in the Whittall Pavilion. Copyright Office General Counsel Dorothy Schrader was one of the speakers at the forum, which included a number of international guests. The forum listened to discussions of the public lending rights laws that already exist in ten countries.

In November 1983 the Copyright Office held a preliminary conference for visitors from more than a dozen countries attending meetings of the Intergovernmental Copyright and Berne Convention executive committees. The purpose of the preliminary conference was threefold: to allow a more leisurely exchange of views on current copyright issues before the more formal international meetings, to acquaint participants with significant legislative and policy initiatives within the United States, and to enable U.S. copyright specialists to learn of important new developments in Europe. The guests included representatives of the Federal Republic of Germany; the Patent Office in London, England; the Ministry of Justice of Austria; the Embassy of Australia; the Swiss Federal Intellectual Property Office; and Canada, France, and the United States. Issues discussed included off-air taping, computer software, piracy, and the Brussels Satellite Convention.

In March 1984 Register Ladd delivered a lecture entitled "Securing the Future of Copyright: A Humanist Endeavor" at the annual meeting of the International Publishers Association held in Mexico City.

In April 1984 Register of Copyrights David Ladd led a copyright delegation to Taiwan and Singapore to discuss the problems of copyright piracy with authorities in both states. Accompanying him were Lewis Flacks, policy planning adviser, and representatives from the Departments of Commerce and State, from the Office of the U.S. Trade Representative, and from the private sector. Mr. Ladd reported that the meetings had had positive results and that he had found reason to hope that both Taiwan and Singapore were "taking a good step forward" toward the development of stronger systems of copyright.

The origins and importance of international copyright law were the focus of a symposium held in the Copyright Office in June 1984. Guest speakers included Dr. Gyorgy Boytha, director of the Copyright Law Division of the World Intellectual Property Organization, Copyright Office staff, and various representatives of other governmental departments, as well as private attorneys.

After visiting the People's Republic of China in July to attend a copyright training seminar in Shanghai, Mr. Ladd predicted that the Chinese would develop a national copyright statute within three to five years. Speaking before the American Bar Association in Chicago in August, he commented that the Chinese clearly intend to develop a copyright statute that will fulfill the purposes of the bilateral Agreement on Trade Relations of 1979 and the Trade Act of 1974.

Important progress toward worldwide cooperation in the international protection of copyrighted programming carried by satellites was taken in late 1984 as the United States Senate worked toward ratification of the Convention Relating to Distribution of Programme-Carrying Signals Transmitted by Satellite, also known as the Brussels Satellite Convention. As unauthorized reception and distribution of television signals has become more widespread, interest in this convention, developed in 1974 and consisting of nine member states, has increased. The convention obligates contracting states to take adequate measures to prevent unauthorized distribution of programming carried by satellite on their territories.

In September 1984 the Register of Copyrights delivered to the United States Senate a major report entitled "To Secure Intellectual Property Rights in Foreign Markets." The report, which addressed the question of how the United States could protect the intellectual property interests of its nationals in foreign countries, had been solicited by Senator Patrick J. Leahy, a member of the Senate Subcommittee on Patents, Copyrights, and Trademarks, and by Congressman Michael Barnes, Chairman of the House Sub-

committee on Western Hemisphere Affairs of the Committee on Foreign Affairs. The 169-page report dealt with the piracy of American works, including books, sound recordings, and motion pictures, in various regions of the world; the problems of fostering adoption of copyright laws throughout the world to accommodate new technologies for use of copyrighted works; and the avenues to those ends, both in unilateral action

on the part of the United States and by international organizations dealing with copyright.

Respectfully submitted,

DAVID LADD
*Register of Copyrights and
Assistant Librarian of Congress
for Copyright Services*

International Copyright Relations of the United States as of September 30, 1984

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.
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 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

UCC Paris Feb. 28, 1978

Phonogram June 22, 1974

Austria

Bilateral Sept. 20, 1907

UCC Geneva July 2, 1957

Phonogram Aug. 21, 1982

Bahamas, The

UCC Geneva July 10, 1973

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

BelizeUCC Geneva Sept. 21, 1981¹**Benin**

(formerly Dahomey)

Unclear

Bhutan

None

Bolivia

BAC May 15, 1914

Botswana

Unclear

Brazil

Bilateral Apr. 2, 1957

BAC Aug. 31, 1915

UCC Geneva Jan. 13, 1960

UCC Paris Dec. 11, 1975

Phonogram Nov. 28, 1975

Brunei

Unclear

Bulgaria

UCC Geneva June 7, 1975

UCC Paris June 7, 1975

Burkina Faso

(formerly Upper Volta)

Unclear

- Burma**
Unclear
- Burundi**
Unclear
- Cambodia**
(See entry under Kampuchea)
- 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**
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**²
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
- 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**²
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**
Phonogram Apr. 23, 1978
For works other than sound recordings, none
- El Salvador**
Bilateral June 30, 1908, by virtue of
Mexico City Convention, 1902
UCC Geneva Mar. 29, 1979
UCC Paris Mar. 29, 1979
Phonogram Feb. 9, 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
- France**
Bilateral July 1, 1891
UCC Geneva Jan. 14, 1956
UCC Paris July 10, 1974
Phonogram Apr. 18, 1973
- Gabon**
Unclear
- Gambia, The**
Unclear
- Germany**
Bilateral Apr. 15, 1892
UCC Geneva with Federal Republic of Germany Sept. 16, 1955
UCC Paris with Federal Republic of Germany July 10, 1974
Phonogram with Federal Republic of Germany May 18, 1974
UCC Geneva with German Democratic Republic Oct. 5, 1973
UCC Paris with German Democratic Republic Dec. 10, 1980
- Ghana**
UCC Geneva Aug. 22, 1962
- Greece**
Bilateral Mar. 1, 1932
UCC Geneva Aug. 24, 1963
- Grenada**
Unclear
- Guatemala**²
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
- Honduras**²
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

Ivory Coast
 Unclear

Jamaica
 None

Japan²
 UCC Geneva Apr. 28, 1956
 UCC Paris Oct. 21, 1977
 Phonogram Oct. 14, 1978

Jordan
 Unclear

Kampuchea
 UCC Geneva Sept. 16, 1955

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

Kiribati
 Unclear

Korea
 Unclear

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
 BAC Apr. 24, 1964
 UCC Geneva May 12, 1957
 UCC Paris Oct. 31, 1975
 Phonogram Dec. 21, 1973

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

Mongolia
 None

Morocco
 UCC Geneva May 8, 1972
 UCC Paris Jan. 28, 1976

Mozambique
 Unclear

Nauru
 Unclear

Nepal
 None

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

New Zealand
 Bilateral Dec. 1, 1916
 UCC Geneva Sept. 11, 1964
 Phonogram Aug. 13, 1976

Nicaragua²
 BAC Dec. 15, 1913
 UCC Geneva Aug. 16, 1961

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
 UCC Paris Sept. 3, 1980
 Phonogram June 29, 1974

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

Philippines Bilateral Oct. 21, 1948 UCC status undetermined by Unesco. (Copyright Office con- siders that UCC relations do not exist.)	Solomon Islands Unclear	Trinidad and Tobago Unclear
Poland Bilateral Feb. 16, 1927 UCC Geneva Mar. 9, 1977 UCC Paris Mar. 9, 1977	Somalia Unclear	Tunisia UCC Geneva June 19, 1969 UCC Paris June 10, 1975
Portugal Bilateral July 20, 1893 UCC Geneva Dec. 25, 1956 UCC Paris July 30, 1981	South Africa Bilateral July 1, 1924	Turkey None
Qatar None	Soviet Union UCC Geneva May 27, 1973	Tuvalu Unclear
Romania Bilateral May 14, 1928	Spain Bilateral July 10, 1895 UCC Geneva Sept. 16, 1955 UCC Paris July 10, 1974 Phonogram Aug. 24, 1974	Uganda Unclear
Rwanda Unclear	Sri Lanka (formerly Ceylon) UCC Geneva Jan. 25, 1984 UCC Paris Jan. 25, 1984	United Arab Emirates None
Saint Christopher and Nevis Unclear	Sudan Unclear	United Kingdom Bilateral July 1, 1891 UCC Geneva Sept. 27, 1957 UCC Paris July 10, 1974 Phonogram Apr. 18, 1973
Saint Lucia Unclear	Suriname Unclear	Upper Volta (See entry under Burkina Faso)
Saint Vincent and the Grenadines Unclear	Swaziland Unclear	Uruguay BAC Dec. 17, 1919 Phonogram Jan. 18, 1983
San Marino None	Sweden Bilateral June 1, 1911 UCC Geneva July 1, 1961 UCC Paris July 10, 1974 Phonogram Apr. 18, 1973	Vanuatu Unclear
São Tomé and Príncipe Unclear	Switzerland Bilateral July 1, 1891 UCC Geneva Mar. 30, 1956	Vatican City (Holy See) UCC Geneva Oct. 5, 1955 Phonogram July 18, 1977 UCC Paris May 6, 1980
Saudi Arabia None	Syria Unclear	Venezuela UCC Geneva Sept. 30, 1966 Phonogram Nov. 18, 1982
Senegal UCC Geneva July 9, 1974 UCC Paris July 10, 1974	Tanzania Unclear	Vietnam Unclear
Seychelles Unclear	Thailand Bilateral Sept. 1, 1921	Western Samoa Unclear
Sierra Leone None	Togo Unclear	Yemen (Aden) Unclear
Singapore Unclear	Tonga None	Yemen (San'a) None
		Yugoslavia UCC Geneva May 11, 1966 UCC Paris July 10, 1974

Zaire
Phonogram Nov. 29, 1977
For works other than sound recordings, unclear

Zambia
UCC Geneva June 1, 1965

Zimbabwe
Unclear

¹ Belize notified the Director-General of Unesco on December 1, 1982, of its decision to apply "provisionally, and on the basis of reciprocity" the Universal Copyright Convention as adopted at Geneva on September 6, 1952, the application of which had been extended to its territory before the attainment of independence from the United Kingdom on September 21, 1981.

² Effective June 30, 1908, this country became a party to the 1902 Mexico City Convention, to which the United States also became a party effective 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.

³ 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 of Copyright, Fiscal 1984

Category of material	Published	Unpublished	Total
Nondramatic literary works			
Monographs and machine-readable works	113,020	34,156	147,176
Serials	113,603		113,603
Total	226,623	34,156	260,779
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips			
	37,744	102,442	140,186
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			
	29,280	13,515	42,795
Sound recordings	8,638	12,949	21,587
Grand total	302,285	163,062	465,347
Renewals			37,281
Total, all registrations			502,628

Disposition of Copyright Deposits, Fiscal 1984

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	96,852	99,981	9,637	¹ 206,470
Serials		227,206	225,381	² 452,567
Total	96,852	327,187	234,998	659,037
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips				
	123,763	43,560	197	167,520
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				
	34,770	39	179	34,988
Cartographic works		660	1,242	1,902
Total	34,770	699	1,421	36,890
Sound recordings	17,545	6,184	925	24,654
Total, all deposits	272,930	377,630	237,541	888,101

¹ Of this total, 23,522 copies were transferred to the Exchange and Gift Division for use in its programs.

² Of this total, 80,557 copies were transferred to the Exchange and Gift Division for use in its programs.

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 items transferred
Books	83,350	9,637	92,987	\$17.20	\$1,599,376
Books, periodicals (for Exchange and Gift)	48,711	55,368	104,079	2.27	236,259
Periodicals	193,126	169,993	363,119	3.43	1,245,498
Motion Pictures	7,312	616	7,928	480.00	3,805,440
Music	43,560	197	43,757	19.00	831,383
Sound Recordings	6,184	925	7,109	12.60	89,573
Maps	660	1,242	1,902	20.20	38,420
Prints, pictures, and works of art	39	179	218	12.10	2,637
Total	382,942	238,157	621,099		7,848,586
Total estimated value of materials					\$7,848,586
Fees transferred to appropriation					5,200,000
Fees transferred to miscellaneous receipts					180,500
Fees transferred to miscellaneous receipts for annual cost of Licensing Division					680,000
Total					13,909,686

*Financial Statement of Royalty Fees for Compulsory Licenses for Secondary
Transmissions by Cable Systems for Calendar Year 1983*

Royalty fees deposited	\$66,697,432.82	
Interest income paid on investments	3,978,798.47	
		\$70,676,231.29
Less: Operating costs	508,848.00	
Refunds issued	83,786.12	
Investments purchased at cost	69,922,863.76	
Copyright Royalty Tribunal cost for services	50,000.00	
		70,565,497.88
Balance as of September 30, 1984		110,733.41
Face amount of securities purchased		73,635,000.00
Cable royalty fees for calendar year 1983 available for distribution by the Copyright Royalty Tribunal		73,745,733.41

*Financial Statement of Royalty Fees for Compulsory Licenses for
Coin-Operated Players (Jukeboxes) for Calendar Year 1984*

Royalty fees deposited	\$4,788,715.00	
Interest income paid on investments	272,448.25	
		\$5,061,163.25
Less: Operating costs	134,216.00	
Refunds issued	5,485.00	
Investments purchased at cost	4,869,312.07	
		5,009,013.07
Balance as of September 30, 1984		52,150.18
Face amount of securities purchased		4,240,000.00
Estimated interest income due September 30, 1985		1,010,840.63
Jukebox royalty fees for calendar year 1984 available for distribution by the Copyright Royalty Tribunal		5,302,990.81

REPORT OF THE REGISTER OF COPYRIGHTS, 1984

Copyright Registrations, 1790-1984

	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, 1790-1984

	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, 1790-1984

	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
Total	150,000	19,603,518	55,348	18,098	73,446	19,828,964

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.