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ANNUAL REPORT OF THE REGISTER OF COPYRIGHTS

For the fiscal year ending September 30

1987

LIBRARY OF CONGRESS / WASHINGTON / 1988

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, 1987

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

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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

CHANGING TECHNOLOGIES

"Authors are continually finding new ways of expressing themselves, but it is impossible to foresee the forms that these new expressive methods will take," wrote the authors of House Report No. 94–1476, which accompanied the Copyright Act in 1976 as it went to the House floor for vote. Most of these "new ways" are made possible through the ever-changing technologies of what is often called the Information Age. For the Copyright Office, these new means of expression create problems – first, to determine if what is being created contains copyrightable authorship, and if so, to determine what type of copyright deposit is required. In fiscal 1987, the office dealt with a number of new types of claims, sought information and public comment on others, and issued a policy decision on yet another. As mandated by the copyright law, the office also sought to keep abreast of changes in library photocopying practices and the effects changing technologies are having on photocopying.

Digitized Typeface Designs

On October 19, 1986, a notice of inquiry was published in the *Federal Register* asking for public comment on the nature and extent of any copyrightable authorship in digitized typefaces. Typeface designs have been ruled uncopyrightable in the courts and refused registration in the office. It has been argued, however, that digital typeface designs represent data and encoded instructions that amount to copyrightable authorship. The office asked for public comment in five specific areas to assist it in determining whether claims in such materials are subject to copyright registration. After two extensions, the comment period was closed on July 20, 1987, and those comments were still being analyzed at the end of fiscal 1987.

Photocopying

The Copyright Office held a public hearing on April 8 and 9, 1987, to assist in preparing for the second five-year report to Congress on library photocopying. The copyright law requires the office to report to Congress every five years on the extent to which 17 U.S.C. 108 has achieved the intended balance between the rights of creators and the needs of users of copyrighted works that are reproduced by certain libraries and archives. At the hearing organizational representatives and individuals expressed their views on the effect of section 108 on their practices over the last five years and on new developments, including technological developments, that affect how libraries acquire, copy, and distribute works to their patrons. The report is due to be submitted to Congress early in 1988.

Colorization of Motion Pictures

After studying the forty-six comment letters received in response to a notice of inquiry, the Register concluded in a *Federal Register* announcement on June 22, 1987, that certain colorized versions of black-and-white motion pictures are eligible for copyright registration as derivative works. Those color versions that reveal a certain minimum amount of individual creative human authorship will be registered. The decision was a close, narrow one based on the assertion that the typical colorized film is the result of the selection of as many as 4,000 colors from a palette of 16 million colors. In examining such works for registration, examiners are to apply five criteria, including whether the

color selections were made by a human being from an extensive color inventory and whether the overall appearance revealed that the range and extent of colors were more than a trivial variation.

In addition, a proposed rule on deposit of computer colorized films, published June 24, 1987, would require deposit of a black-and-white print with the colorized version when the latter is submitted for registration. The black-and-white version would enhance the copyright examiner's ability to apply the criteria for registration of the colorized version. As fiscal 1987 ended, the office had received a number of comments on this deposit proposal but no final regulation had been issued.

Computer Screen Displays

The Copyright Office held a public hearing September 9 and 10 to assist the office in reviewing its registration and deposit practices for computer screen displays. The office has received an increasing number of claims to register textual and pictorial screen displays separate from the underlying programs that generate them. At the hearing, the office heard testimony on two questions: first, whether or not registration should be made for any screen displays apart from the underlying computer programs that generate them, and second, what should be required as the deposit if any registration is made for screen displays either separately or as part of a computer program. The office also expressed interest in the relationship between computer programs and the generation of a screen display, the technology and methodology of creating displays, and the distinctions, if any, between a textual and a pictorial display that relate to registration. The record was still open at the close of the fiscal year. A policy decision will be announced early in 1988.

Music Synthesizer Claims

The Examining Division's Performing Arts Section received an increasing number of copyright applications claiming authorship in such areas as "synthesized sounds," "drum programs," "synthesizer programs," "compilations of patches," and "sound sampling."

Many of the deposits represent settings for keyboard and guitar synthesizers and drum or rhythm machines that enable a user to produce certain sounds on a particular brand of instrument. In many cases, it is not clear whether applicants are seeking to register a computer program, the sound created by the instructions for setting or "programming" the instrument, or the data consisting of the settings themselves, which are often expressed numerically. Further, it is not clear whether there is sufficient authorship in terms of the choices available on a certain instrument that could support a claim to copyright or whether anyone using the same instrument or machine for the purpose of creating a given sound would necessarily arrive at the same settings or sounds.

The office is corresponding on claims such as these to determine what authorship the applicant is claiming and whether that authorship is copyrightable.

The difficulty for the Copyright Office lies in examining claims in sound samples according to established principles of copyrightability. To be registrable a work must contain at least a minimum amount of copyrightable authorship. While there are no hard and fast standards regarding the minimum number of notes, words, or sounds required for copyrightability, a work consisting of one second of actual sound that has been manipulated by a device presents enormous difficulties with respect to the traditional "minimum amount" of authorship required for a sound recording claim. Moreover, because copyright in a sound recording protects only against unauthorized dubbing of the work, applicants seeking to register a "sound"—the particular quality or timbre of a sampled sound—must be advised that the copyright law presently provides no such protection.

Mask Works

In fiscal 1987, the Mask Work Unit of the Examining Division experienced a 62 percent increase

in claim receipts. This increase followed the two-year anniversary of the Semiconductor Chip Protection Act on November 8, 1986, a date that triggered deadlines for mandatory registration within two years for mask works first commercially exploited since the law took effect.

In January, the staff of the Mask Works Unit and the division chief traveled to Allentown, Pennsylvania, to visit a chip manufacturing plant, at the invitation of the American Telephone and Telegraph Company. The visit and meetings were planned to demonstrate how difficult and expensive it is for that company (and others) to meet the current deposit requirement for visually perceptible representations of some mask works. Based on this information, the unit accepted under special relief, for the first time, a photograph of the top of a complex chip (greatly enlarged) for registration.

During fiscal 1987, the first chips made of garnet were received. Because garnet is not a semiconductor material, one claim was refused registration and another that had been registered was canceled. The unit also received the first claims in chips made of gallium arsenide. These chips, which are quite simple in design compared to silicon chips, were refused registration on *de minimis* grounds. However, the development of microwave technology should eventually yield more complex designs. These claims are under appeal.

COPYRIGHT OFFICE OPERATIONS

Automation

As in recent years, the Copyright Office continued to look at ways in which automation could increase the efficiency of daily activities. Early in fiscal 1987, all divisions received microcomputers to use for processing local files and to test for word processing. Some developed special uses. In the Information and Reference Division, the microcomputer was used to track the progress of requests through the Certifications and Documents Section. In the Examining Division, the microcomputer was used for internal tracking of referrals from the Cataloging Division; and in the Deposits and Acquisitions Division, use of the microcomputer resulted in more efficient, timely checks on the status of demand cases at all stages and was also used to produce statistics. The Examining Division created a Correspondence Task Group, which recommended the use of personal computers for all examiners to eliminate double keystroking in producing correspondence. In the Information and Reference Division, the Publications Section took its first step toward "desk-top publishing" with the purchase of several Macintosh computers and a laser writer printer.

In the Licensing Division, work continued through the year on the jukebox online system, as the staff worked with personnel from the Library's Automated Systems Office (ASO) in testing and modifying the system in preparation for its implementation in September. Along with quicker response time, the new system provides for a variety of additional reference reports that will be useful in managing the jukebox licensing program and in providing current and accurate data to the public. The system will also allow more efficient and faster production of certificates, enabling the division to meet the statutory time frames established for issuance of the jukebox certificates.

A Licensing Division Automation Planning Group was formed this year to review current operating procedures and to define the division's automation needs. Working with members of the Copyright Automation Group in the Register's Office, the group produced a User Requirements Report that was forwarded to ASO for review. The recommendations will eventually lead to full automation support for multiple-accounting and data-gathering functions in both the cable and jukebox licensing programs. ASO personnel also made progress in upgrading the cable address file, which is used in various mailings throughout the year to cable television systems. The planned enhancements to this program will reduce the staff time and effort necessary to maintain and update this continually changing database.

Staff from several divisions—Cataloging, Information and Reference, and Deposits and

Acquisitions, as well as the Copyright Automation Group—spent considerable time drafting and reviewing functional requirements related to the Library-wide Serials Management System. Plans currently involve inclusion of serials received under both sections 407 and 408 of the Copyright Act in this integrated serials issue management system.

An interdivisional task group headed by the assistant chief of the Information and Reference Division began looking into proposals for a system to replace the present manual stamping of registration numbers and, if possible, to create a system to replace the present certificate production procedures. The group met almost weekly from the beginning of the second half of fiscal 1987. All Copyright Office divisions, with the exception of the Licensing Division, are represented on the committee. By the end of fiscal 1987, this group had considered a variety of options for numbering certificates and deposit copies of registered works and had issued an invitation to vendors to supply the group with options for automating the numbering operation.

In April 1987, the Copyright Office, ASO, and Processing Services departmental management received approval from the Associate Librarian to make arrangements for distribution of copyright machine-readable records on magnetic tape and/or CDROM, based on the results of a survey conducted by King Research, Inc., on the possible demand for copyright registration information. Late in fiscal 1987, the Cataloging Division and Information and Reference Division staffs began developing requirements for a CDROM system that can accommodate the registration database storage, access, and retrieval needs for both internal Copyright Office staff and the general public.

Interdivisional Projects

Working closely with colleagues in the Examining, Information and Reference, and Receiving and Processing divisions, Cataloging Division representatives on the Referrals Task Force implemented new referral-processing procedures this year. Formulated over a two-year period, these procedures provide for timely resolution and control of problem registrations that are returned from cataloging to earlier processing stages for resolution. Through careful development of these procedures and by consistent monitoring of referred registrations, staff have succeeded in processing the majority of referrals within the required sixteen-week turnaround period.

Planning for a motion picture product line continued between the Examining and Copyright Cataloging divisions. The project will eventually handle the processing of approximately twelve thousand serialized motion picture registrations annually, by combining some of the duties of examining technicians and catalogers, thus eliminating duplicate handling of these claims. By the close of fiscal 1987, space planning—which involves an exchange of sites between the Renewals Section and the motion picture team—had been completed and important basic decisions had been made regarding procedures, including the task of numbering and updating product line claims on the automated in-process system. A supervisor from the Cataloging Division was detailed to the Examining Division to work on writing procedures for processing product line claims.

After several months of discussion and planning by the Information and Reference/Cataloging Standing Committee, a staff exchange training program between the two divisions began on October 6. In this program, information specialists and bibliographers from Information and Reference spend four weeks working in three cataloging sections, while catalogers spend two weeks each in the Reference and Bibliography Section and Information Section. The program has been highly successful in achieving its main objective of helping the creators and users of copyright registration records understand more about each other's roles and concerns.

Copyright Office Archive

To ensure that historically important records of the Copyright Office are preserved in an acces-

sible manner, staff from the Information and Reference Division and General Counsel's Office undertook a thorough review of hundreds of boxes of papers and deposits dating back to the nineteenth century. Memoranda, reports, and other records relating to topics of perennial interest to the Copyright Office were added to the office's Subject File, which was moved to the reference collection area.

Records having historical interest only—such as obsolete application forms and circulars and Register's annual reports—became the nucleus of one part of a newly created Copyright Office Archive, for which the Information and Reference Division assumed responsibility.

The second part of the archive comprises copyright deposits from class Gp (works of art) and is stored at the Library's Landover warehouse. Items chosen for this collection include Vera scarves, Jim Beam decanters, commemorative plates, and t-shirts. These artifacts will be of interest in the future as examples of the variety of forms in which Americans' creativity has been expressed.

Space and Accessibility

The Copyright Office faces increasing demands on its limited space as the number of registrations rises steadily each year. The Information and Reference Division, which is responsible for maintaining records and applications, faces special problems relating not only to storage but also to preservation and accessibility. A number of these concerns were addressed in fiscal 1987.

The Information and Reference Division made significant progress toward achieving its linked goals of controlling the copyright deposit collection and making copyright deposits available to other departments within the Library of Congress. Implementing the deposit retention policies established in 1983, the office made available for selection all Performing Arts (PA) and Sound Recording (SR) deposits received during the 1978–81 period. The collection of title pages, labels, cover letters, and related materials for the 1870–97 period was physically transferred to the Rare Book and Special Collections Division, which had been given titular control over these materials several years earlier. Furthermore, the Register established a five-year retention policy for "red file" (never registered) deposits, enabling the Copyright Office to make available numerous items that had been selected by the Library's selection officer during the preexamination screening process over the past thirty years.

The Task Group on Preservation of Applications, chaired by the chief of the Information and Reference Division, recommended that the office begin a systematic program of microfiliming applications received since 1978, an action approved in principle by the Copyright Office Operations Group. The microfilming is necessary to ensure the security and preservation of the information contained in the applications and to avoid outgrowing the storage space allotted for this collection.

In December the Information and Reference Division received and made available for public and staff use on 16-mm microfilm cartridges the cumulative catalog records for serials registered for copyright between 1978 and 1985. This microfilm replaces a massive collection of cards filed in sixteen separate alphabetical sequences—one for each six-month period since the new copyright law was implemented—and thus represents a signficant improvement in accessibility of these important records.

Conversion to Metered Mail

In fiscal 1987, due to a firm request from the U.S. Postal Service, the Copyright Office converted from a franked mailing system, where postage was estimated based on occasional samplings, to a metered system. The new system required the office to acquire machinery to sort the mail by weight, weigh the mail, and meter it. Due to the large volume of outgoing mail (approximately 600,000 pieces annually), conversion to the metered system required considerable effort on the part of the staff. In spite of initial

problems with the new equipment and existing envelope stock, which subsequently was replaced by a type more compatible with the new machinery, the Mail Unit eliminated its backlog and remains current.

Cataloging Division's Fortieth Anniversary

On November 12, the Copyright Cataloging Division hosted a celebration in honor of the fortieth anniversary of the formation of the division that was attended by current staff and many former staff members. Register of Copyrights Ralph Oman joined Elizabeth Dunne, former chief of the division, and Waldo Moore, former associate register for special programs, in delivering remarks recognizing the accomplishments of the many staff members whose skill and dedication have created an outstanding record of productivity and cataloging excellence.

Examining Division Lecture Series

The Examining Division continued its "View from the Other Side" lecture series. Participants during fiscal 1987 were: attorney and author William Patry, who spoke about fair use; Waldo Moore, recently retired associate register for special programs, whose reminiscences about his thirty-five years in the Copyright Office were entitled "Morsels from the Past"; Jack Valenti, President of the Motion Picture Association of America, and Nicholas Veliotes, former Ambassador to Egypt and President of the Association of American Publishers, who spoke about the importance of copyright to their associations and about various issues facing the film and book industries today. Other speakers were Peter Jaszi, a professor at American University's Washington College of Law, who discussed the evolution of the "look and feel" cases that have come before the courts during the last decade; and Roger Zissu, trial counsel to Harper & Row for the case of Harper & Row Publishers, Inc., v. Nation Enterprises, Inc. who discussed this case (involving Gerald Ford's memoirs) and the strategies used to overcome the fair use defense.

Visiting Scholar

Mrs. Hang Gao, who spent a month at the Copyright Office as a member of the delegation from the People's Republic of China in fiscal 1986, returned to the Copyright Office in fiscal 1987 as a visiting scholar. As a staff member of the National Copyright Administration of China, Mrs. Gao has played a role in drafting the first copyright law for the PRC. She is studying copyright law at several Washington, D.C., law schools. She is also involved in independent study on collective administration of rights, the U.S. copyright system, U.S. trade associations, and the international transactions of book publishers, motion picture companies, and record companies.

COPYRIGHT OFFICE REGULATIONS

Recordation of Documents

On October 2, 1986, the Copyright Office proposed regulations amending section 201.4(c)(1), relating to the recordation of transfers and other documents. The proposed rule would delete the requirement that reproductions of transfers and other documents submitted for recordation be accompanied by a sworn certification signed by one of the persons who executed the original document. Instead, the office would accept a sworn certification that the reproduction is a "true copy of the signed document" from a party to the original document, regardless of whether that person actually signed the document. The amendment is intended to alleviate the difficulty experienced by transferees who wish to record their copy of a document but are unable to locate the transferor.

Cable Television

Because of changes in communications law and methods of distributing copyrighted television

programming, the Copyright Office issued on October 15, 1986, a notice of inquiry on the definition of cable systems. Specifically, the question is whether satellite master antenna television systems and multichannel multipoint distribution services are entities that meet the definition of a "cable system" in section 201.11(a)(3) of the Copyright Office regulations. The notice of inquiry elicited public comment on all aspects of the status of these systems under the cable compulsory license. Because of the continued receipt of comment letters, the office extended the comment period, which closed shortly before the end of fiscal 1987.

Following the district court's invalidation of the regulatory definition of "gross receipts" in *Cablevision Company v. Motion Picture Association of America, et al.*, 231 U.S.P.Q. 203 (D. D.C. 1986) the office issued an amendment to its regulations on December 17, 1986, pending appeal of the case. Under the amended regulations, a cable system must declare whether, in figuring the gross receipts upon which its compulsory license fees are based, it allocates its receipts between broadcast and nonbroadcast programming where the two services are offered on a single tier for a single price. The system must also prepare and maintain a written explanation of the method of allocation used to exclude from gross receipts those revenues allegedly attributable to nonbroadcast signals.

In other cable regulatory action, the Copyright Office announced on July 29, 1987, that television signals entitled to mandatory carriage status under the Federal Communication Commission's former "must-carry" rules, where the mandatory carriage resulted from an amendment by the FCC in 1985 of its list of major television markets, are to be treated as local signals for purposes of the cable compulsory license.

Also on July 19, 1987, the Copyright Office issued "housekeeping" regulations that deleted the provisions concerning the filing by cable systems of notices of identity and signal carriage complement. The requirement that cable systems make such filings was removed from the copyright statute by the enactment of P. L. 99–397 (1986).

Retention of Deposits

On August 4, 1987, the office published a final rule on full-term retention of published deposits. Under section 704 of the copyright law, the office may destroy or transfer to other libraries the deposit of any published work that it no longer needs. The Copyright Office retains deposits of published works under its control for five years, except visual artworks, which are retained for ten years. The final rule specifies that for a fee of $135 depositors may provide for full-term retention of their deposits under the control of the Copyright Office and that "'full-term retention' means retention for a period of seventy-five years from the date of publication of the work."

Policy Decision: Conflicts of Interest

On March 30, 1987, the office published in the *Federal Register* a policy decision intended to avoid any apparent or real conflicts of interest between a government employee, the government, and an outside client or principal. The office announced that it will refuse to process any application, document, letter, or other request if either (1) it is signed by an employee of the office as a paid agent for another party or (2) the office has reason to believe that a Copyright Office employee has participated in providing a copyright-related service for monetary value. The office will return such communications to the copyright claimant with an explanation of the policy.

LEGISLATIVE DEVELOPMENTS

Copyright Bicentennial Commemoration

P.L. 99–523, to commemorate the bicentennial anniversary of the first patent and copyright laws, was enacted early in fiscal 1987. In a joint resolution on October 22, 1986, Congress directed that special recognition be given during 1990 to the bicentennial anniversary

through appropriate educational and cultural programs and activities.

Berne Convention

In the 100th Congress, three bills intended to alter the U.S. copyright law to bring it into conformity with the Berne Convention were introduced—H.R. 1623, introduced by Rep. Robert Kastenmeier on March 16, 1987; S. 1301, introduced on May 29, 1987, by Sen. Patrick Leahy; and H.R. 2962, introduced on July 15, 1987, by Rep. Carlos Moorhead.

All the bills aim at making the Copyright Act compatible with the Berne Convention, one of two international copyright treaties. They specify that the Berne Convention is not self-executing, add architectural works to the subject matter of protected works, and eliminate the mandatory copyright notice, a formality clearly forbidden by the convention. H.R. 1623 alone specifically provides for moral rights in works by individual authors. The Senate bill takes a minimalist approach, providing only what is deemed essential for compatibility with Berne and adopting the view that no changes are needed in U.S. law with respect to moral rights to comply with Berne requirements. A similar position on moral rights is taken in H.R. 2962. Unlike the other bills, S. 1301 eliminates registration as a prerequisite to suit, providing other incentives for timely registration.

In his testimony June 17 before the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Register of Copyrights Ralph Oman stated that Berne adherence was "the most important international copyright issue the United States has had to consider this century." The Register also predicted that the moral rights issue would prove problematic. By the close of the fiscal year, the House Subcommittee had held four hearings on the Berne implementation bills.

Moral Rights

Additional moral rights bills were offered in the 100th Congress, independent of the Berne bills. Two bills in this Congress provide a moral right for visual artists. S. 1619, and its companion, H.R. 3221, introduced by Sen. Edward Kennedy and Rep. Edward Markey, on August 6, and August 7, 1987, respectively, give authors of works of fine art a right to prohibit intentional distortion, mutilation, or destruction of their work. The bills also provide a 7 percent royalty for authors registered in the Copyright Office when their works are sold for more than 150 percent of the original purchase price.

On May 13, 1987, Rep. Richard Gephardt introduced H.R. 2400, "The Film Integrity Act of 1987." This legislative proposal gives screenwriters and directors of a motion picture the right of consent with respect to any alteration of the motion picture, including its colorization.

Work For Hire

S. 1223, introduced by Sen. Thad Cochran on May 19, 1987, would eliminate from section 101 of the Copyright Act most of the categories of works that can constitute a work for hire when they are specially ordered or commissioned. Except for motion pictures, only employees receiving salaries and other standard employment benefits could be employees for hire under the provisions of the bill.

Design Protection

Three bills, containing similar provisions, were introduced in the 100th Congress to protect industrial designs of useful articles. Rep. Carlos Moorhead introduced two bills, H.R. 379 and H.R. 1179, on January 6, 1987, and February 19, 1987, respectively. On March 26, 1987, Register Oman submitted a written statement on the Senate bill, S. 791, introduced by Sen. Dennis DeConcini on March 17, 1987. The Register noted that most industrial designs are not protected under U.S. intellectual property laws, and therefore the *sui generis* protection prescribed by S. 791 would fill this gap. The bill would give ten years of protection to creators of original

designs of useful articles that are intended to be attractive or distinctive in appearance. S. 791 bases industrial design protection on modified copyright principles, and the Copyright Office is the agency designated to administer the law. In his statement, Register Oman expressed concern about the breadth of the bill's coverage and offered drafting assistance to help fine-tune the legislation. Hearings were held in the Senate, but the bill had not been reported out of the subcommittee by the end of fiscal 1987.

Motion Picture Performance Rights

On May 14, 1987, Rep. Dan Glickman introduced H.R. 2429, the "Patients Viewing Rights Act," which exempts from copyright liability motion picture performances to inpatients in health care facilities. H.R. 2429 would permit private groups, such as parents groups, to show motion pictures without payment of license fees, but the health care facility itself could not provide the service. No hearings were held on this proposal during the fiscal year.

Source Licensing

On February 23, 1987, Rep. Frederick Boucher introduced H.R. 1195, and Sen. Strom Thurmond introduced identical legislation, S. 698, on March 10, 1987. These bills would prohibit syndicated television program rights from being conveyed to nonnetwork stations unless music performance rights were also conveyed. The bills would end the requirement that stations purchase a separate license to perform the music on the soundtrack. No hearings were held on either of these bills during fiscal 1987.

Rental of Computer Programs

On March 19, 1987, Rep. Patricia Schroeder introduced H.R. 1743 to prevent the rental, lease, or lending of a computer program without the copyright owner's consent. The bill is modeled after the Record Rental Act of 1984.

Scrambling of Television Signals

S. 889 and H.R. 1885 in the 100th Congress prescribe conditions for marketing certain satellite programming. The bills, introduced on March 30, 1987, by Sen. Albert Gore, Jr., and on March 31, 1987, by Rep. W.J. Tauzin, respectively, would require the FCC to develop standards for scrambling procedures and to investigate ways to improve access to networks by rural Americans. The bills would prohibit the Public Broadcasting Service and the Armed Forces Radio and Television Service from scrambling their signals at all. They would also require any system that scrambles its signals to make them available to earth station owners at fair prices to be promulgated under FCC rules. Hearings were held on S. 889 before the Senate Subcommittee on Communications on July 31, 1987.

Rep. Robert Kastenmeier introduced H.R. 2848, the "Satellite Home Viewer Copyright Act of 1987," on June 30, 1987. The bill would create an interim compulsory license for satellite carriers that retransmit superstations to earth station owners. The legislation's intent is to resolve the dilemma created by the possibility that the passive carrier exemption of the cable compulsory license in the Copyright Act does not apply to common carriers that sell or lease descrambling devices and also sell scrambled superstation signals to earth station owners. The bill's compulsory license would require satellite carriers retransmitting superstations to pay modest fees and file statements of account in the Copyright Office. Under the bill, the license would remain in effect for four years, after which time a negotiated rate would replace this scheme until the law expired at the end of 1995.

Trade and Intellectual Property

The Register of Copyrights testified on March 18, 1987, before the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice on trade issues raised by H.R. 3, an omnibus trade bill introduced by Rep. Richard Gephardt. Register Oman cautioned against adoption of

other regimes to enforce intellectual property rights to the detriment of the international conventions that now effectively govern international copyright.

As passed by the Senate on July 21, 1987, H.R. 3 eliminates the evidentiary requirement, under section 337 of the Tariff Act of 1930, that a domestic industry be efficiently and economically operated and requires only that imported material or goods would destroy or substantially injure a domestic industry. If a U.S. industry exists or is being established, imports that infringe a U.S. copyright or semiconductor chip product or sales after such imports would be unlawful under the bill. Among the several bills containing similar section 337 reforms are S. 468 and 486, introduced by Sen. Frank Lautenberg on February 4 and 5, 1987, respectively, and H.R. 2206, introduced on April 29, 1987, by Rep. Ben Erdreich.

The Senate version of H.R. 3 calls for the U.S. Trade Representative to monitor foreign intellectual property systems and creates an "Intellectual Property Institute" for training nationals of third world countries in intellectual property laws and policies. The institute would be directed by a board composed of representatives of the U.S. Trade Representative, the Commerce Department, the Agency for International Development, the Patent and Trademark Office, and the Copyright Office. The Secretary of Commerce would also designate representatives from the private sector as members of the institute's board of directors. The bill was scheduled to go to a conference committee to resolve the differences between the House and Senate versions at the end of the fiscal year.

On January 6, 1987, a Senate trade bill, S. 259, was introduced by Sen. Lawton Chiles. This bill creates a Department of Trade to promote economic growth, open foreign markets, and enhance the competitiveness of U.S. firms. Section 605 of the bill directs the Secretary of Trade to continuously monitor international trade to identify any countries that infringe or violate U.S. copyrights and mask works.

S. 335, introduced on January 20, 1987, by Sen. Pete Wilson, contains provisions aimed at providing equitable market access for U.S. companies relying on intellectual property protection. Under this bill, the U.S. Trade Representative would investigate whether foreign countries provide adequate and effective protection and then negotiate with "priority foreign countries" denying such protection to U.S. works.

H.R. 1651, introduced by Rep. Robert Kastenmeier, on March 17, 1987, would amend title 17 by including a new chapter on international copyright protection that directs the Register of Copyrights and the U.S. Trade Representative to identify foreign countries that are denying adequate and effective copyright protection to U.S. persons.

Rep. Paul Kanjorski introduced H.R. 2956 on July 15, 1987, to reactivate the manufacturing clause. Under the bill, a country could be exempted from the manufacturing requirements, but in order to qualify for exemption, it would have to be certified by the U.S. Trade Representative as providing adequate and effective means of protecting U.S. copyrights. If a country had no free trade agreement with the United States, the U.S. Trade Representative would also have to certify that the country imposed no nontariff trade barriers on printed material.

Digital Audio Tape Recorders

In addition to having been included in H.R. 3, "The Digital Audio Recorder Act of 1987" was offered as separate legislation in S. 506, introduced on February 5, 1987, by Sen. Albert Gore, Jr., and H.R. 1384, introduced March 3, 1987, by Rep. Henry Waxman. Digital audio recorder legislation also found its way into four other trade bills. These bills require the digital audio tape (DAT) recorders that are soon to be imported into the United States from Japan to be fitted with a "copy code scanner." The scanner interrupts the taping process when used with certain encoded phonorecords. The encoding and copycode system was developed to prevent duplication of compact disks on DAT recorders.

The Register testified on April 2, 1987, on the digital audio recorder provisions of H.R. 3 before

a joint meeting of the House and Senate subcommittees having oversight authority in copyright matters. Mr. Oman expressed reservations regarding whether a technological solution is the most effective and desirable method to avoid the potential threat of substantial home copying of high-quality recordings from DAT recorders. Instead, the Register favored a compulsory licensing system providing for a royalty on the blank tape and the recording devices.

Hearings on this issue were also held by the House Subcommittee on Commerce, Consumer Protection, and Competitiveness on May 14, 1987, and by the Senate Subcommittee on Communications on May 15, 1987. Although the DAT provisions were dropped from H.R. 3, H.R. 1384 was considered by its subcommittee. An amended version of the bill, with a one-year sunset provision, was reported to the full House Committee on Energy and Commerce on August 3, 1987. No further action had been taken on the legislation at the end of fiscal 1987.

Semiconductor Chip Protection

Two bills would extend the authority of the Secretary of Commerce to issue interim orders providing mask work protection to nationals, domiciliaries, and sovereign authorities of a foreign nation. These bills, S. 442, introduced by Sen. Patrick Leahy on February 3, 1987, and H.R. 1951, introduced by Rep. Robert Kastenmeier on April 6, 1987, amend the Semiconductor Chip Protection Act of 1984. Section 914 of the act authorizes the Secretary of Commerce to issue such interim orders, provided the foreign nation is making good-faith efforts toward legislation protecting U.S. mask works. The authority expires in November 1987. In a hearing before the Senate Subcommittee on Technology and the Law on February 26, 1987, the Register testified in support of the extension. He noted the transitional character of this period in which mask work intellectual property is developing and advised that the interim procedure serves international comity at this time. As fiscal 1987 ended, the Senate had passed S. 442. H.R. 1951 was ordered out of the House Committee on the Judiciary on September 29, 1987. The Senate bill extends the Secretary's authority for three years, while the House provides for a four-year extension.

Other Legislative Activities

Two bills were proposed to modify the antitrust laws to encourage licensing of intellectual property, H.R. 557 and S. 438 introduced on January 8 and February 3, 1987, by Rep. Hamilton Fish, Jr., and Sen. Patrick Leahy, respectively. These bills establish the rule of reason instead of a per se standard in determining whether agreements to convey copyright or mask work rights violate antitrust laws.

On August 7, 1987, Sen. Dennis DeConcini proposed S. 1626 to ensure that intellectual property licenses are not invalidated in bankruptcy. Recently a court allowed a licensor-debtor of the bankrupt estate to disavow an intellectual property license in an effort to secure more favorable license terms.

JUDICIAL DEVELOPMENTS

Copyright Office Litigation

The refusal of the Copyright Office to register a claim to copyright in a textile fabric design consisting of a grid pattern of 5/32-inch squares superimposed on 2-inch stripes was challenged in *Jon Woods Fashions, Inc. v. Curran*, Civ. A. No. 85–3203 (MJL) (S.D.N.Y. filed April 25, 1985), an action brought to compel registration. Originally filed in August of 1985, the Register's motion to dismiss the mandamus action or, in the alternative, for summary judgment was still pending before the court at the close of this fiscal year.

In *Cablevision Co. v. Motion Picture Association of America, Inc.*, and consolidated cases, 641 F.Supp. 1154 (D.D.C. 1986), the Copyright Office was ordered to amend its definition of "gross receipts" as contained in section

201.17(b)(1) of its regulations. It is this definition that serves as the basis for calculating royalties payable under section 111(d) of the Copyright Act. The court ruled that the revenues received from nonbroadcast programming, i.e., signals obtained by cable operators through privately negotiated contracts, must not be included in "gross receipts" for the purpose of computing statutory royalties, even where nonbroadcast signals are included on the same tier of services with broadcast signals for a single price. The decision has been appealed to the U.S. Court of Appeals for the District of Columbia Circuit. Appellate briefs have been filed, and the case has been set for oral argument in October 1987.

In *Brandir International, Inc. v. Cascade Pacific Lumber Co., d/b/a Columbia Cascade Co.*, No. 86-6260 (2d Cir.), plaintiff has appealed the judgment of the district court, which granted defendant's motion for summary judgment and thereby upheld the refusal of the Copyright Office to register a claim to copyright in a ribbon-shaped bicycle rack on the ground that it contained no separable copyrightable features independent of the shape of the utilitarian bicycle rack itself. The Copyright Office originally became a party to the action pursuant to section 411(a) of the Copyright Act. Oral argument was held before the Court of Appeals on March 2, 1987. No decision had come down by the end of the fiscal year.

Subject Matter of Copyright

Ownership of exclusive rights to the televised performances of players during major league baseball games constituted the primary issue in *Baltimore Orioles, Inc. v. Major League Baseball Players Association*, 805 F.2d 663 (7th Cir. 1986), *cert. denied*, 55 U.S.L.W. 3637 (March 24, 1987). Upholding the district court's finding that the telecasts were copyrightable works, the appellate court noted that the telecasts were original works of authorship fixed in tangible form simultaneously with their transmission and fully encompassed as audiovisual works within the statutory subject matter of copyright. However, the players maintained that their rights of publicity in their performances permit them to control telecasts of such performances made without their consent. They also contended that their performances are not copyrightable works because they lack sufficient artistic merit. Holding that aesthetic merit is not necessary for copyrightability, the Court of Appeals disagreed, pointing out that a recording of a performance generally includes creative contributions by both the director and other individuals for recording the performance, as well as the performance by the performers whose performance is captured. Judged by this standard, the court concluded that the players' performances possess the modest creativity required. Indeed, the fact "[t]hat the Players' performances possess great commercial value indicates that the works embody the modicum of creativity required for copyrightability."

As to the players' contention that the copyrighted telecasts of major league baseball games made without their express consent violate their rights to publicity in their performances, the court stated that "[s]ince the works in which the Players claim rights are fixed in tangible form and come within the subject matter of copyright, the Players' rights of publicity in their performances are preempted." It is "[b]ecause the right of publicity does not differ in kind from copyright, [that] the Players' rights of publicity in their performances cannot escape preemption." This is to say, that the "Players' rights of publicity in their performances are preempted [under 17 U.S.C. 301(a)] if they are equivalent to any of the bundle of rights encompassed in a copyright." Because the exercise of the copyright owners' right to broadcast telecasts of the games infringes the players' rights of publicity in their performances, "the Players' rights of publicity are equivalent to at least one of the rights encompassed by copyright, *viz.*, the right to perform an audiovisual work." Ownership of copyright in the televised performances was held to be vested in the baseball clubs as authors by virtue of their being the employers of the players whose performances fall within the scope of their employment as defined in the 1976 Act.

The copyrightability of unrelated 4-by-6-inch index cards published by a financial reporting service and containing printed information concerning municipal bonds was the principal issue in *Financial Information, Inc. v. Moody's Investors Service, Inc.*, 808 F.2d 204 (2d Cir. 1986), *cert. denied*, 55 U.S.L.W. 3216 (Oct. 6, 1987). Affirming the lower court's decision that the information contained on each card did not constitute a copyrightable compilation, the Court of Appeals pointed out that the researchers who prepared the cards "had five facts to fill in on each card—nothing more and nothing less," and although they sometimes did "minor additional research in order to find these facts, . . . little 'independent creation' was involved." Plaintiff's claim of misappropriation under state law was held to be the equivalent of an exclusive right under the Copyright Act, and hence preempted by that Act even though the municipal bond cards were not adjudged sufficiently original to qualify for copyright protection.

Cable Television

In *Home Box Office, Inc. v. Corinth Motel, d/b/a Holiday Inn*, 647 F.Supp. 1186 (N.D. Miss. 1986), the providers of subscription television entertainment programming brought an action to enjoin the unauthorized interception of their signals by means of satellite dish antenna equipment on defendant's premises. The court granted permanent injunctive relief, based upon violations of both the Copyright Act and the Federal Communications Act of 1934 (47 U.S.C. 605). Section 106(4) and (5) of the Copyright Act was violated by the unauthorized display of copyrighted programming to defendant's motel guests in separate places; section 111(b) was also violated by the unauthorized interception and secondary transmission to the public of a primary transmission not intended for reception by the public at large, such as, for example, pay television or cable programming.

The unauthorized use of satellite dish antennas to intercept cable television signals intended only for paying customers was also the basis of suit in *Quincy Cablesystems, Inc. v. Sully's Bar, Inc., d/b/a Sully's Bar*, 650 F.Supp. 838 (D. Mass. 1986), an action alleging the violation of both federal and state law. On defendants' motion to dismiss, the district court ruled that plaintiffs had standing to sue for violation of the Federal Communications Act of 1934, but their copyright claim was disallowed without prejudice in order that the plaintiff program provider could file an amended or supplemental complaint to cure certain jurisdictional defects, including failure to plead compliance with copyright registration requirements. A state law claim of conversion was held to be preempted by the Copyright Act for two reasons: first, because the television programming consisted of motion pictures and other audiovisual works, and hence falls within the subject matter of copyright as defined in sections 102 and 103 of the Act, and secondly, because the state law creates legal or equitable rights equivalent to any exclusive rights within the general scope of copyright as specified in section 106, such as, the rights of distribution, performance, and display.

Computer Programs

The copyrightability of the overall structure, sequencing, and arrangement or layout of audiovisual displays of a computer program for creating customized greeting cards, signs, banners, and posters was a major question in *Broderbund Software, Inc. v. Unison World, Inc.*, 648 F.Supp. 1127 (N.D. Cal. 1986). Asserting that copyright protection is not limited to the literal aspects of a computer program but extends to the overall structure, sequencing, and arrangement of the program, including its audiovisual screen displays, the court held that the "Print Shop" computer program involved expression that is distinguishable from its underlying idea and hence deserving of copyright protection. In point of fact, said the court, "the designer of any program that performed the same functions as 'Print Shop' had available a wide range of expression governed predominantly by artistic and not

utilitarian considerations." And indeed, in this case the structure, sequence, and layout of the program's audiovisual displays were "dictated primarily by artistic and aesthetic considerations, and not by utilitarian or mechanical ones." Consequently, these displays clearly fall within the definitional scope of pictorial or graphic works as set forth in the statute.

The copyrightability of a screen display generated by a computer program was the basic question in *Digital Communications Associates, Inc. v. Softklone Distributing Corp.*, 659 F.Supp. 449 (N.D. Ga. 1987). Plaintiff's predecessor in interest successfully marketed an asynchronous data communication system, one of whose elements was a distinctively designed "status screen" display, also called "Main Menu." The upper portion of the "status screen" contained an arrangement and grouping of parameter/command terms under various descriptive headings; the lower portion of the "status screen" can display a wide variety of text, including whatever the user may wish to cause to appear there. The bottom line of the screen is the "command" line which allows the user to enter commands or instructions to the computer to change the values at which it operates. Copyright registrations were obtained for the user manual, the computer program called Crosstalk XVI, and the "status screen." Registration of the latter was based upon a "compilation of program terms." Copyright notices appeared on every page of the user manual, in the computer program's source code, on the box in which the program diskette is packaged, and on the sign-on screen displayed when the program is turned on. Defendant ForeTec Development Corp., acting on the advice of legal counsel, marketed a computer program that performed the same functions as that of plaintiff and utilized a similar or identical status screen display, in the belief that the latter was not copyrightable. Plaintiff alleges that the copying of its "Main Menu" infringes both the copyright of its "status screen" and that of its computer program, Crosstalk XVI. Disavowing the position taken by the court in the *Broderbund* case, *supra*, as "overexpansive," the district court concluded that "copyright protection of a computer program does not extend to screen displays generated by the program." The court reasoned that since the same screen can be created by a variety of separate and independent computer programs, it cannot logically be considered a "'copy' of many different programs." Therefore, "copying of a program's screen displays, without evidence of copying of the program's source code, object code, sequence, organization or structure, does not state a claim of infringement [of the computer program]."

As to the "status screen" itself, the court pointed out that, even if it were to be characterized as a "blank form," it "clearly expresses and conveys information and, therefore, is copyrightable." For example, observed the court, the "arrangement of the commands under descriptive parameter headings aids the user in easier understanding of the availability, importance, and functioning of the various commands. Likewise, the highlighting and capitalizing of certain letters of the commands assist the user in knowing which symbols to enter to activate the various commands." On the other hand, "[b]y granting the plaintiff a copyright on the arrangement and design of the status screen, the court is not granting the plaintiff control over the ideas of a command driven program, a 'status' screen depicting the status of the program's operations, or the use of particular command terms or symbols." As to the nature of the "status screen," the court found it to be copyrightable as a "literary work" and a "compilation" of parameter/command terms rather than a "derivative" work, noting that the screen was designed and arranged prior to the writing of the source code for the computer program or any other specific work. Also noted was the fact that the Copyright Office registered the claim in the work as a "compilation."

Notice of Copyright

The failure of the plaintiff to satisfy the requirements of the Copyright Act of 1976 relating to the notice of copyright resulted in summary judgment for the defendants in *Long v. CMD*

Foods, Inc., 659 F.Supp. 166 (E.D. Ark. 1987), an action brought for infringement of a commercial label for seafood products which plaintiff had designed. Tens of thousands of boxes of seafood bearing the labels developed by plaintiff were distributed without notice and no attempt was made thereafter to add a notice. Addressing the curative provision in section 405(a) of the statute, the court ruled subsection (1) to be inapplicable inasmuch as *all* of the labels distributed lacked the notice. Subsection (2) was also found inapplicable because plaintiff failed to make reasonable efforts to remedy the omission. Observed the court: "Mere notification to the manufacturers, by telephone, that the labels were in dispute along with an admonition . . . not to use or publish the labels do not constitute 'reasonable effort' under the Act." Moreover, plaintiff "did not expend any amount of time or money to put a notice on the labels . . . did not even bother to have any labels printed with the notice and . . . waited over a year after the labels were first published to tell the manufacturers that the labels were in dispute . . . and did not make any effort to place any notice on the labels which were distributed to the public." Thus, ruled the court, any protection plaintiff might have had was forfeited, and the labels were dedicated to the public domain.

The same curative provision of the statute was likewise invoked by the plaintiff in *Lifshitz v. Walter Drake & Sons, Inc.; Lifshitz v. Etna Products Co., Inc.*, 806 F.2d 1426 (9th Cir. 1986), an action for unfair competition and copyright infringement involving the marketing of a mechanical culinary device with accompanying instruction sheet. Affirming the district court's entry of judgment notwithstanding the verdict for defendant Etna on the copyright claim, the Court of Appeals found that the requirements of 17 U.S.C. 405(a) had not been satisfied. Between 1979 and 1981, plaintiff distributed 6,000 copies of his product, representing about 40 percent of his total sales, without any copyright notice whatsoever. Thereafter, he added a notice containing the year date 1981 which was more than one year later than the year in which first publication occurred, and thus copies of his work bearing such a notice are deemed by statute to have been published without any notice. Plaintiff did not discover the error in date until the year after the final sales of his product. The court said that, since all copies of plaintiff's product "were distributed, actually or constructively, without any copyright notice," the exception provided in section 405(a)(1) did not apply. As to subsection (2), plaintiff fulfilled his registration requirement within the five-year period, but, in the judgment of the court, failed to make a reasonable effort to add a notice to copies previously distributed to the public. Specifically, plaintiff made no attempt to add the notice to some 3,000 copies still in the hands of his distributor and not yet actually distributed to the public. As to those copies remaining in the plaintiff's possession, the attempt to remedy the omission by adding a postdated notice failed because such notice constituted no notice at all under the provisions of 17 U.S.C. 406(b).

Against plaintiff's contention that defendant should not escape liability because (1) plaintiff substantially complied with the statutory requirements, (2) defendant was not misled by the errors in plaintiff's notice, and (3) defendant's infringement was willful, the Court of Appeals stated that one of Congress's main purposes in enacting section 405 of the present Act "was to encourage the use of proper copyright notice." To permit plaintiff to recover from a willful infringer notwithstanding the omitted or defective notice "would contravene this congressional intent by reducing the incentive to cure a defective one . . . . Where a party has failed to comply with the provisions of section 405(a), therefore, it cannot be permitted to assert liability merely because the infringement was willful."

In *Digital Communications Associates, Inc. v. Softklone Distributing Corp.*, discussed *supra*, defendants contended that plaintiff forfeited copyright protection in a computerized status screen display because the statutory notice did not appear on the screen itself. The district court ruled that the notice requirements were satisfied because the notice did appear on the "boot-up"

or sign-on screen, which immediately precedes the status screen and always appears before the user can call up the status screen. The court likened the sign-on screen to the title page of a book, and noted further that copyright notices were also placed on the pages of the user manual illustrating the status screen and that plaintiff had obtained registration within five years of the publication of the status screen.

Fair Use

The issue of whether the biographer of a renowned author has made "fair use" of his subject's unpublished letters arose on expedited appeal from an order of the district court denying a preliminary injunction sought by the writer in *Salinger v. Random House, Inc.*, 811 F.2d 90 (2d Cir. 1987), *cert. denied*, 56 U.S.L.W. (Oct. 6, 1987). The biographer used as an important source of material several of the plaintiff's unpublished letters which had been donated by the recipients or their representatives to the libraries of Harvard, Princeton, and the University of Texas. Noting that the common law appears to have denied the defense of "fair use" to unpublished works, the Court of Appeals remarked that the 1976 Act explicitly makes all of the rights protected by copyright, including the right of first publiction, subject to the defense of "fair use," without, however, determining the scope of that defense as applied to such works. Considering each of the four "fair use" factors set forth in the Act, the court was inclined to agree with the trial court's finding that the first factor, the purpose of the use, weighed in the biographer's favor. As to the nature of the copyrighted work, however, that factor was held to weigh heavily in the plaintiff's favor, bearing in mind, as the court observed, that the fact of the work being unpublished is a critical element of its "nature." The third factor, the amount and substantiality of the portion used, was likewise deemed to weigh heavily in the plaintiff's favor, and it was in dealing with this factor that the appellate court experienced its most serious disagreement with the lower tribunal, which seemed to have disregarded paraphrasings and concentrated only on direct quotations as evidence of copying. Thus, for example, the trial court rejected plaintiff's claim of infringement with respect to passages which embodied a "cliche" or ordinary "word-combination" lacking the required minimum level of creativity for copyright protection, whereas the Court of Appeals, conceding that the "ordinary" phrase "may enjoy no protection as such," contended nevertheless that "its use in a sequence of expressive words does not cause the entire passage to lose protection . . . [and hence] a copier may not quote or paraphrase the sequence of creative expression that includes such a phrase." The court analyzed all 59 of the passages from defendant's book cited by plaintiff as instances of infringing copying from 44 of his letters and found "a very substantial appropriation" of protected sequences constituting at least one-third of 17 letters and 10 percent of 42 letters. The taking was adjudged significant qualitatively as well as quantitively, the letters having been quoted or paraphrased on about 40 percent of the biography's 192 pages. Finally, an evaluation of the fourth "fair use" factor, namely effect on the market, resulted in a decision slightly favoring plaintiff. Upholding plaintiff's "right to protect the expressive content of his unpublished writings for the term of his copyright," the Court of Appeals reversed the district court judgment and remanded "with directions to issue a preliminary injunction barring publication of the biography in its present form."

In *Maxtone-Graham v. Burtchaell*, 803 F.2d 1253 (2d Cir. 1986), *cert. denied*, 55 U.S.L.W. 3770 (May 19, 1987), the issue on appeal was whether the district court properly granted summary judgment to copyright defendants on the basis of the affirmative defense of "fair use." Plaintiff had published a book of interviews with women discussing their experiences with abortion and unwanted pregnancy. Several years later defendant Burtchaell published a series of essays on abortion which included numerous verbatim quotations from plaintiff's interviews. Permission to quote extensively from the interview had been requested by defendant but was

denied. The Court of Appeals held that the "fair use" defense was properly sustained at the summary judgment stage with the facts considered in the light most favorable to plaintiff. The district court had found defendant's book included 4.3 percent of the words contained in plaintiff's work. Of the 325 pages of text in defendant's book, the title essay filled 60 pages and contained about 37,000 words, of which about 7,000 were direct quotations from plaintiff's interviews. The appellate court reached its decision after examining the four factors set forth in section 107 of the Copyright Act. Although 6,000 copies of defendant's book were sold for profit, its educational elements outweighed the commercial aspects, it being, in the court's words, "first and foremost an essay expressing a certain point of view on the abortion issue." As to the nature of plaintiff's book, it was essentially factual, and thus subsequent authors are entitled to rely more heavily on it as a valuable source for comment and criticism. Quantitatively, defendant's inclusion of 4.3 percent of the words in plaintiff's book was not deemed incompatible with a finding of fair use, especially since defendant did not appropriate the heart of the earlier work, which really did not have any identifiable core that could be appropriated. On the question of the effect on the market, the court stated that it was "abundantly clear" that defendant's book posed "no more than an insignificant threat of economic damage" to plaintiff, whose book had been published a full decade before the appearance of defendant's work and in fact was out of print when the latter was published. Moreover, the court found that "the two works served fundamentally different functions, by virtue both of their opposing viewpoints and disparate editorial formats." On the issue of defendant's alleged bad faith in using the quoted material despite plaintiff's denial of permission, the court refused to accept that characterization, pointing out that defendant obtained the material through legitimate channels, made repeated attempts to obtain permission to quote from it, was willing to pay the customary price, and "should not be penalized for erring on the side of safety."

INTERNATIONAL MEETINGS

Register of Copyrights Ralph Oman participated in the Subregional Workshop on Copyright and Neighboring Rights in New Delhi November 23–30. Thirty nations, including Great Britain, the Soviet Union, China, and Japan, sent delegates to the workshop, which was sponsored by the World Intellectual Property Organization (WIPO). The Register delivered a paper on the economic benefits that flow to developing countries from strong copyright laws, including increased foreign capital investment and the transfer of high-technology know-how.

Under the auspices of the U.S. Information Agency, the Register visited Burma, Korea, and Japan in January. He was in Burma January 15–19, where he discussed trade and intellectual property matters with the ministers of education, trade, and information, with private attorneys, and with writers. He then traveled to Seoul to participate in an educational seminar on the new Korean copyright law.

From January 24 to 29, Mr. Oman was in Japan for various meetings. In Fukuoka, he participated in a discussion program with businessmen, economists, and journalists on legal aspects of the new media, including the areas of satellite broadcasting and cable television. In Nagoya, he met with members of the Chamber of Commerce in charge of patents, trademarks, and copyrights for major industrial and business corporations. In Tokyo, he addressed a meeting on intellectual property attended by government officials, business executives, and members of the press and answered questions on a variety of intellectual property and trade matters.

Policy planning adviser Lewis Flacks was in Ottawa, Canada, January 20–22 for the third session of the U.S.A.-Canada Working Group on Intellectual Property as part of the negotiations for a Free Trade Area.

The Register was in Geneva March 6–12 as the U.S. representative to WIPO's Permanent Committee on Development Cooperation.

Policy planning adviser Chris Meyer was in Singapore March 23–27 for matters relating to the new Singapore copyright law.

Mr. Oman, general counsel Dorothy Schrader, and Melissa Dadant, head of the Mask Work Unit in the Examining Division, were in Geneva April 24–30 for the WIPO meeting of the Committee of Experts on Intellectual Property in Respect of Integrated Circuits. It was the committee's third meeting to discuss a draft international treaty to protect integrated circuits. An international treaty would protect the layout design of integrated circuits and allow signatory countries access to the chip designs of other signatory countries in accordance with the treaty's provisions. In 1984, the United States was the first country to pass a law protecting semiconductor chips. Since then, only Japan and Sweden have adopted similar laws, but many other industrialized countries support the treaty. Substantial disagreements between the developing nations and industrialized countries could block the proposed treaty.

Mr. Oman, Mr. Meyer, assistant register Anthony Harrison, policy planning adviser Marybeth Peters, and Harvey Winter, director of the Office of Business Practices, U.S. Department of State, were in the People's Republic of China May 1–20 as guests of the National Copyright Administration of China. The U.S. delegation visited Beijing, Xian, Shanghai, Guangzhou, and Shenzhen. Talks with the Chinese—which were described as extremely cordial, frank, and helpful in furthering bilateral copyright relations between the two nations—included two days of meetings with senior officials responsible for presenting China's proposed copyright legislation to its Congress. The delegation also presented technical lectures on copyright topics to numerous groups that will benefit from national copyright legislation, including officials of Chinese film, radio, TV, recording, computer, and publishing industries.

On June 3–4, Mr. Flacks and Ms. Peters were on the program of the Copyright Seminar at the New York Rights and Permissions Group conference with their Canadian counterparts in Ottawa. Ms. Peters discussed current copyright issues in the United States, and Mr. Flacks spoke on the range and effect of international treaties.

Mr. Oman headed the U.S. delegation to the biennial joint meetings of the Intergovernmental Committee of the Universal Copyright Convention (UCC) and the Executive Committee of the Berne Union, held in Geneva, June 22 to July 2. In addition to covering an agenda dealing with developments in the protection of computer programs, application of the compulsory licenses for reprint and translation by developing countries, the UCC's Intergovernmental Committee once again attempted—without clear success—to resolve the issue of revision of its election rules. Of particular interest to the committees was progress in the United States toward adherence to the Berne Convention. In addition to Mr. Oman's report on this issue, the committees heard from Matthew Gerson and David Beier, congressional advisers accompanying the delegation from, respectively, the staffs of Sen. Patrick Leahy and Rep. Robert W. Kastenmeier. Following the Berne-U.C.C. meetings, Mr. Oman represented the United States at the meeting of the Intergovernmental Committee of the Rome Convention (1961), which deals with protection of so-called "neighboring rights."

Mr. Oman, Ms. Schrader, and Mr. Flacks were in the Soviet Union July 20–24, where they met with officials of the Soviet Copyright Agency (VAAP) in Moscow and Leningrad. The purpose of the visits was to reopen communication with their Soviet counterparts through an exchange of ideas and information about their respective copyright laws and to discuss international copyright issues. They also met and discussed a wide range of cultural issues with the Soviet Minister of Culture, N. Zakharov.

From September 21 to 30, Mr. Oman served as an adviser on the U.S. delegation to the biennial meeting of the twenty-three Governing Bodies of WIPO in Geneva. The biennial meeting is especially important since it reviews and approves the program and budget of WIPO and its various intellectual property unions for the 1988–89 biennium, and the Register participated in the negotiations over the U.S. offer to host a diplomatic conference in Washington to adopt the Semiconductor Chip Treaty.

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, 1987

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
(formerly Upper Volta)
Unclear

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 [1]
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
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 [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 [3]
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 Democratic Republic Oct. 5, 1973
UCC Paris with Federal Republic of Germany July 10, 1974
Phonogram with Federal Republic of Germany May 18, 1974
SAT with Federal Republic of Germany Aug. 25, 1979
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

Holy See
(See entry under Vatican City)

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
SAT July 7, 1981

Ivory Coast
Unclear

Jamaica
None

Japan [4]
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
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
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 [2]
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

Zaire [5]
Phonogram Nov. 29, 1977

Zambia
UCC Geneva June 1, 1965

Zimbabwe
Unclear

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[1] 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.

[2] 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.

[3] For works other than sound recordings, none.

[4] 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.

[5] For works other than sound recordings, unclear.

Number of Registrations by Subject Matter, Fiscal 1987

Category of material	Published	Unpublished	Total
Nondramatic literary works			
Monographs and machine-readable works	125,237	40,029	165,266
Serials	119,643		119,643
Total	244,880	40,029	284,909
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	38,223	123,389	161,612
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	38,727	18,466	57,193
Sound recordings	12,060	19,919	31,979
Grand total	333,890	201,803	535,693
Renewals			45,583
Total, all copyright registrations			581,276
Mask work registrations			963

Number of Registrations Cataloged by Subject Matter, Fiscal 1987

Category of material	Total
Nondramatic literary works	
Monographs and machine-readable works	150,342
Serials	119,857
Total	270,199
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	169,808
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	45,869
Renewals	45,226
Total, all claims cataloged	531,102
Documents recorded	15,551

Information and Reference Services, Fiscal 1987

Direct reference services	
In person	27,388
By correspondence	224,484
By telephone	223,771
Total	[1] 475,643
Search requests received	9,337
Titles searched	131,254
Search reports prepared	7,828
Additional certificates	8,952
Other certifications	1,885
Deposits copied	3,497

[1] Includes 521 in-person services and 1,945 telephone and correspondence services provided by the Licensing Division.

Summary of Copyright Business, Fiscal 1987

Receipts	Claims	Fees
Copyright registrations at $10	555,457	$5,554,570
Renewals at $6	48,254	289,524
Total claims and fees therefrom	603,711	5,844,094
Fees for recording documents		289,852
Fees for certified documents		88,618
Fees for searches made		128,129
Fees for special handling		431,800
Fees for expedited services		44,321
Fees for registering mask works at $20		22,680
Fees for 407 deposits at $2		746
Fees for other services (photocopying, etc.)		5,284
Total fees exclusive of copyright registration claims		1,011,430
Total fees		6,855,524
Transfers		
Fees transferred to appropriation		6,500,000
Fees transferred to miscellaneous receipts		356,840
Total fees transferred		6,856,840

Disposition of Copyright Deposits, Fiscal 1987

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	95,594	159,969	13,023	268,586
Serials		241,288	245,528	486,816
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	133,246	38,203	408	171,857
Sound recordings	16,276	6,164	199	22,639
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	45,688	1,144	14	46,846
Cartographic works	113	3,387	1,454	4,954
Total, all deposits	290,917	450,155	260,626	1,001,698

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	100,204	13,023	113,227	$17.20	$1,947,504
Books, periodicals (for Exchange and Gift)	95,848	44,244	140,092	2.27	318,009
Periodicals	205,095	201,284	406,379	3.43	1,393,880
Motion Pictures	4,416	293	4,709		1,288,536
Music	19,404	115	19,519	19.00	370,861
Sound Recordings	1,944	199	2,143	12.60	27,002
Maps	3,320	1,454	4,774	20.20	96,435
Prints, pictures, and works of art	1,138	14	1,152	12.10	13,939
Total	431,369	260,626	69,995		5,456,166

3,681	Video @ $216.00 =	$795,096
1,028	Films @ $480.00 =	$493,440
4,709		1,288,536

Financial Statement of Royalty Fees for Compulsory Licenses for Secondary Transmissions by Cable Systems for Calendar Year 1986

Royalty fees deposited	$58,935,252.94	
Interest income paid on investments	2,964,300.50	
		$61,899,553.44
Less: Operating costs	552,750.00	
Refunds issued	78,285.03	
Investments purchased at cost	61,050,787.43	
Copyright Royalty Tribunal cost for services	200,000.00	
		61,881,822.46
Balance as of September 30, 1987		17,730.98
Face amount of securities purchased		61,375,000.00
Cable royalty fees for calendar year 1986 available for distribution by the Copyright Royalty Tribunal		61,392,730.98

Financial Statement of Royalty Fees for Compulsory Licenses for Coin-Operated Players (Jukeboxes) for Calendar Year 1987

Royalty fees deposited	$5,911,225.75	
Interest income paid on investments	522,450.77	
		$6,433,676.52
Less: Operating costs	252,680.00	
Refunds issued	8,188.75	
Investments purchased at cost	6,163,437.40	
		6,424,306.15
Balance as of September 30, 1987		9,370.37
Face amount of securities purchased		5,590,000.00
Estimated interest income due September 30, 1988		601,282.61
Jukebox royalty fees for calendar year 1987 available for distribution by the Copyright Royalty Tribunal		6,200,652.98

Copyright Registrations, 1790–1987

	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, 1790–1987

	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, 1790–1987

	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
Total	150,000	21,284,171	55,348	18,098	73,446	21,507,617

[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.

*U.S. GOVERNMENT PRINTING OFFICE: 1988-0-221-456