76th

ANNUAL REPORT OF THE REGISTER OF COPYRIGHTS

For the fiscal year ending June 30

1973

LIBRARY OF CONGRESS / WASHINGTON / 1974

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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

Some activity on the bill for the revision of the copyright law, a general increase in the workload, significant administrative changes in the Copyright Office, and important progress on the international scene—these were the major developments in the copyright field during fiscal 1973.

GENERAL REVISION OF THE COPYRIGHT LAW

The bill for the general revision of the copyright law was put before the 93d Congress with the introduction of S. 1361 on March 26, 1973, by Senator John L. McClellan, chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee. Except for certain technical changes, the new bill was identical with the measure introduced in the 92d Congress and was similar, other than for some few amendments, to the bill in the 91st Congress that was approved by the subcommittee in December 1969. A similar bill had been passed by the House of Representatives in April 1967.

Senator McClellan stated, in introducing the new bill, that the cable television issue had precluded progress on general revision and that another major issue, the photocopying of copyrighted works, was at present the subject of considerable attention. While expressing reservations about the value of further hearings, he indicated that the subcommittee would hear supplementary presentations on issues that might have been affected by recent developments. And, as the fiscal year ended, hearings were announced for July 31 and August 1, 1973, on library photocopying, general educational exemptions, the cable television royalty schedule, carriage of sporting events by cable television, and an exemption for recording religious music for broadcasts.

H.R. 8186, a bill for the general revision of the copyright law, identical with its Senate counter-

part, was introduced on May 29, 1973, by Representative Bertram L. Podell. No action was taken by the House on this bill during the fiscal year.

ADMINISTRATIVE DEVELOPMENTS

George D. Cary retired as register of copyrights in March 1973 after 35 years of government service, 26 of them in the Copyright Office. He had been deputy register of copyrights from 1961 until his appointment as register in September 1971.

The Librarian of Congress announced the appointment of Barbara A. Ringer as register of copyrights on September 7, 1973. Miss Ringer, an employee of the Copyright Office for more than 20 years and assistant register of copyrights from 1966 to 1972, was serving as director of the Copyright Division of UNESCO in Paris at the time of her appointment as register. She is expected to assume her duties as register in November 1973.

Abe A. Goldman, general counsel of the Copyright Office, has served as acting register of copyrights in the interval.

L. Clark Hamilton was named assistant register of copyrights in February 1973. Mr. Hamilton has had broad experience in legal work, in management, and in computer systems, both in private industry and in the government. Before assuming his new position, he was chief of the Library's Computer Applications Office.

While the uncertain future of copyright revision continues to hamper long-range planning in the Copyright Office, significant advances were made on two fronts in fiscal 1973.

Early in the fiscal year a management consulting firm began a study of the Copyright Office aimed at identifying areas where better methods could be used and proposing specific improvements. The firm submitted a report containing its recommendations, and steps have already been taken to implement a number of them. It is believed that these changes, and others that may follow, will allow the office to perform its functions more effectively and more quickly.

Further steps were taken toward automation of cataloging routines, an area where considerable progress had already been made in dealing with the registrations for sound recording. Detailed studies by the Library's Information Systems Office and the Copyright Office of the requirements for other classes of materials had begun before the fiscal year ended.

THE YEAR'S COPYRIGHT BUSINESS

Total copyright registrations for fiscal year 1973 amounted to almost 354,000, an alltime high. This is an increase of 3 percent over the previous year and 33 percent over the total figure a decade ago.

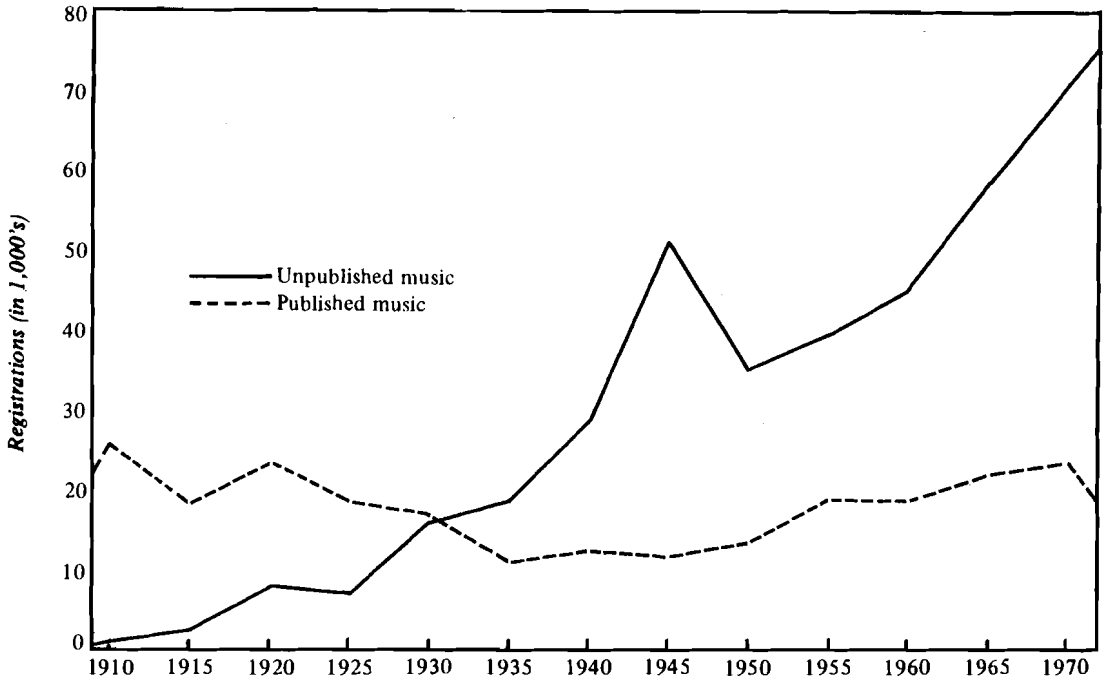
The class with the highest percentage of increase this year was sound recordings, which totaled almost 7,000. This category of material, which first became subject to statutory copyright protection on February 15, 1972, consists of sound recordings fixed and published on or after that date with the prescribed copyright notice. The total for fiscal 1973 was almost five times the number registered in the four and a half months of eligibility in fiscal 1972.

There was also a significant increase in registrations for periodicals, the total being 88,500, a gain of 5 percent over the previous year. Registrations for books, the largest single class, amounted to 104,500, an increase over last year of one percent.

Although music registrations decreased by 2 percent as against last fiscal year, the number of registrations for musical compositions since July 1, 1909, topped 3 million. It is appropriate at this point to note from the yearly registration statistics the ratio of published to unpublished music since statutory copyright first became available for unpublished musical works by the act of 1909. As the accompanying table reveals, the yearly totals for published music have gradually diminished, and the overall growth in music is attributable entirely to the growth in the number of registrations for unpublished works.

Among the smaller categories, there were increases in registrations of contributions to periodicals, dramas, maps, works of art, technical

Copyright registration of published and unpublished music, calendar years, 1909-72



This graph is based primarily on information in the Catalog of Copyright Entries, *which contain statistics for each calendar year. The graph shows the totals at five-year intervals.*

drawings, photographs, commercial prints and labels, and motion pictures other than photoplays; there were decreases in lectures, reproductions of works of art, prints and pictorial illustrations, and motion picture photoplays. There were more than 6,000 registrations for artistic designs embodied in useful articles, a drop of almost 3 percent; this kind of material constitutes at present 38 percent of the registrations in the art classes. Foreign registrations increased by more than 8 percent. And renewal registrations decreased by less than one percent.

Notices of Intention To Use decreased by 7 percent from the recordbreaking total of fiscal 1972 but remained extraordinarily high, almost 18,000 being recorded. There was also an 8-percent drop in Notices of Use. Assignments and related documents showed a slight increase.

Fees earned for copyright services during the fiscal year amounted to over $2.2 million. More than 127,000 separate remittances were scheduled, and almost 2,000 others were withheld from deposit for various reasons and returned to the remitter. A total of 453,000 pieces of incoming mail were processed, and 436,000 pieces of outgoing mail were dispatched.

The Copyright Office handled 397,000 applications for registration and documents submitted for recordation. Of these, 86 percent were accepted without correspondence; over 2 percent were rejected; and almost 12 percent were accepted after correspondence.

A total of over 2.6 million catalog cards were prepared. More than a million of these were added to the copyright card catalog, a record number for a single year; 61,000 were used by other departments of the Library of Congress; 244,000 were supplied to subscribers to the

Cooperative Card Service; and the rest were used in the preparation of the *Catalog of Copyright Entries.*

The Public Information Office received some 41,000 telephone calls, an increase of more than 30 percent over the previous fiscal year and double the number five years ago; it also answered 32,000 letters, an increase of 3 percent over last year. In addition, almost 5,000 visitors came to the Public Information Office, the largest number since 1969, when the Copyright Office was moved to the Crystal Mall Annex.

OFFICIAL PUBLICATIONS

Thirteen semiannual issues of the *Catalog of Copyright Entries* were published during the fiscal year. In addition, two of the parts, *Periodicals* (Third Series, Volume 25, Part 2, January-December 1971) and *Commercial Prints and Labels* (Third Series, Volume 26, Part 11B, January-December 1972), were published as annual accumulations. Also, during the year the Regulations of the Copyright Office were amended, as permitted by law, to increase the subscription price for all parts of the *Catalog,* effective with Volume 27, to $75; and the prices of the individual parts were raised accordingly.

Among the new pamphlets issued during the year was Circular 91, *Copyright Law of the United States of America,* which for the first time in recent decades provides the public with a free publication containing the full text of the current copyright statute.

COPYRIGHT CONTRIBUTIONS TO THE LIBRARY OF CONGRESS

Almost 571,000 articles were deposited in the Copyright Office in fiscal 1973. Of this number some 353,000, or 62 percent, were transferred to other departments of the Library of Congress, where they were available for accession to its collections or for shipment to other institutions in accordance with the Library's various exchange and gift programs.

LEGISLATIVE DEVELOPMENTS

Apart from the activity on the revision bill, the most significant legislative action during the fiscal year was the enactment of Public Law 92-566. Approved by President Nixon on October 25, 1972, this act, together with seven earlier acts of a similar nature, extends to the end of 1974 the second term of all copyrights in which the total regular term of 56 years would otherwise have expired between September 19, 1962, and December 31, 1974. The purpose of this series of enactments is to give the benefits of the extended term of protection contemplated in the revision bill to those works whose second terms would otherwise expire while the bill is under prolonged consideration.

Following announcement of the adherence by the Soviet Union to the Universal Copyright Convention, Senator McClellan, on March 26, 1973, introduced S. 1359, a bill to amend the copyright law by providing that a copyright secured to citizens or subjects of foreign nations, and the right to secure such copyright, shall vest in the author of the work, his executors or administrators, or his voluntary assigns, and that any such copyright or right to secure copyright shall remain their property "regardless of any law, decree or other act of a foreign state or nation which purports to divest the author or said other persons of the United States copyright in his work, or the right to secure it." In introducing the bill Senator McClellan stated that concern had been expressed that the Soviet adherence to the convention could be used to restrict publication in the United States of "works by Russian authors considered anti-Soviet," and that before "this legislation is processed by the Congress it will obviously be desirable to secure clarification of the intentions of the Soviet Government." Two bills identical with S. 1359 were also introduced in the House of Representatives–H.R. 6214 by Representative Jonathan B. Bingham on March 28, 1973, and H.R. 6418 by Representative Mario Biaggi on April 2, 1973.

Also on March 26 Senator McClellan introduced S. 1360, a bill to provide a remedy for postal interruptions in patent, trademark, and

copyright cases. The part relating to copyright would amend title 17 of the United States Code to provide that in any case in which the register of copyrights determines that material to be delivered to the Copyright Office by a particular date would have been received in due time "except for a general disruption or suspension of postal or other transportation or communications services, the actual receipt of such material in the Copyright Office within one month after the date on which the register determines that the disruption or suspension of such service has terminated, shall be considered timely."

S. 1 and S. 1400, bills to revise the criminal laws of the United States, would both make certain changes in the criminal provisions of the copyright statute. The most important such amendment in S. 1 would provide that criminal actions instituted under the copyright law must be filed within one year from the time the crime was committed; the present law specifies that such actions must be started within three years after the cause of action arose. The most significant change in title 17 of the United States Code provided by S. 1400 would be to increase the penalties for criminal infringement of copyrighted sound recordings.

On February 27, 1973, Representative Ogden R. Reid introduced H.R. 4850, a bill to establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries. The bill proposes establishment of a commission composed of the Librarian of Congress and 10 other members, who would report their findings to Congress and the President; the bill also proposes that "lending royalties," if found appropriate by the commission, would be provided by the federal government.

Bills for the taxation of sums received from the transfer of rights in literary, musical, and artistic property at capital gain rates have been introduced in each of the past several Congresses. Another such bill, H.R. 696, was introduced in the 93d Congress by Representative Edward I. Koch on January 3, 1973.

On that same date Representative Koch also introduced H.R. 697, to amend the Internal Revenue Code so as to permit a deduction at fair market value for charitable contributions of literary, musical, or artistic compositions, or similar property, by their creators. Similar bills have been introduced to permit a deduction for such contributions at 50 percent of fair market value (H.R. 3152 by Representative Wilbur D. Mills on January 29, 1973, and S. 1367 by Senator Frank Church on March 26, 1973), at 75 percent (H.R. 6764 by Representative John Brademas and S. 1510 by Senator Jacob K. Javits, both on April 10, 1973), or at 100 percent (S. 1613 by Senator Lee Metcalf on April 17, 1973).

Another bill introduced by Senator Javits on January 11, 1973, S. 320, would amend the Social Security Act to exclude from excess earnings the gain derived by the creator from sale or other disposition of literary, musical, or artistic compositions, or similar property.

H.R. 3483, introduced by Representative Reid on January 31, 1973, would exempt from taxation the income received by a nonresident alien who is a citizen of a developing country from his literary, artistic, or musical works. This exemption would expire after five years unless the developing country had meanwhile granted an equivalent exemption for citizens of the United States.

JUDICIAL DEVELOPMENTS

For the first time in several years no litigation was either begun or pending against the Register of Copyrights during fiscal 1973. In other respects, copyright litigation gave little evidence of waning. Among legal disputes attracting more than passing attention were those involving cable antenna television systems and the constitutional status of state laws designed to prevent the unauthorized duplication of sound recordings.

Subject Matter and Scope of Copyright Protection

A copyrighted sales contract agreement was the subject of an action for infringement and unfair competition in *Donald* v. *Uarco Business Forms,*

478 F.2d 764 (8th Cir. 1973). Affirming a judgment for the defendant on grounds that the wording of the contract agreement lacked sufficient originality for a valid copyright, the Court of Appeals observed that for the most part the form was "phrased in standard legal language," and moreover, in any event, the plaintiff "had knowledge of, and drew upon, legal forms which already existed in the public domain when he drafted his form." As to the copyright status of the form, a comment in a footnote was made that a "copyright certificate will be issued through a registration procedure in which the validity of the copyright is not examined," and that "such a certificate will not remain in force if the subject matter, which it purports to cover, is in the public domain."

A television service contract form containing three paragraphs of printed text was held uncopyrightable and the copyright claim invalid for lack of originality in *M. M. Business Forms Corp.* v. *Uarco, Inc.*, 347 F.Supp. 419 (S.D. Ohio 1972). Comparing the plaintiff's service contract with other previously published forms that were available to the author of the disputed form, the court stated that it was unable to find a distinguishable variation that was not merely trivial. The form was characterized as a "common garden variety chattel mortgage" containing "no creative and meaningful original work" capable of distinguishing a "simplistic legal arrangement from that which is presently subsisting in the public domain."

The point of contention in *Alberto-Culver Company* v. *Andrea Dumon, Inc.*, 466 F.2d 705 (7th Cir. 1972) was a commercial label for deodorant spray. Conceding that the label "as a pictorial composition" was copyrightable, the lower court had upheld copyright in the phrase "most personal sort of deodorant," but the judge reversed this ruling because such words constitute no more than "a 'short phrase or expression' which hardly qualifies as an 'appreciable amount of original text.' " Referring to approximately 30 words of text on the plaintiff's label, the court quoted approvingly the district judge's statement that "the textual part of a label generally requires different treatment than the pictorial aspects of the label," and that, if "the text is merely descriptive matter that does not aid or augment the pictorial illustration, it is not subject to copyright."

In an action for infringement concerning wall maps–*Champion Map Corp.* v. *Twin Printing Co.*, 350 F.Supp. 1332 (E.D.N.C. 1971)–the defense argued that the plaintiff should have obtained a separate copyright for a folding map which was similar to the plaintiff's wall map, except for its reduced scale and some deletions. The court overruled the argument, pointing out that the folding map was not entitled to separate registration, and noting the pertinent observation of another judge in a case on which defendant relied, that the "reduction in size by the use of a mechanical instrument is not an original idea. The omission of towns, highways or other markings superfluous for . . . [the mapmaker's] purpose is not an indication of originality."

The distinction between a general idea and its specific embodiment was stressed by the court in dismissing a complaint for the infringement of copyrighted buff-colored plastic statues of children in *Grossman Designs, Inc.* v. *Bortin*, 177 USPQ 627 (N.D. Ill. 1973). Holding that "only specific expressions of an idea may be copyrighted," the opinion noted that others "may utilize the same idea, plot or theme, but may not copy the specific expressions or portions thereof." Observing that the dolls of both plaintiff and defendant embodied the same basic theme or idea, the judge commented that "these are three universal child poses or activities which artists have been depicting for centuries. Plaintiff obviously has no monopoly on the representation of little boys on hobby horses, little girls standing in nightgowns or standing in nightgowns holding stuffed toys." Even if the plaintiff had been the first one to portray these ideas, "she would not secure a monopoly on them . . . by her copyright she obtained a monopoly only on her specific expression of these ideas."

The right of a courtroom reporter to profit from the sale of his transcripts was the issue in *Lipman* v. *Commonwealth of Massachusetts*, 175 F.2d 565 (1st Cir. 1973), a controversy growing out of the judicial inquest into the Kopechne

drowning at Chappaquiddick Island, Mass., on the night of July 18, 1969. The earlier judgment dismissing the reporter's complaint was vacated on the grounds that plaintiff had a legitimate property right in the transcripts. However, the court rejected plaintiff's claim of a common law copyright, with a significant observation about the nature of the authorship employed by a skilled stenotypist transcribing testimony: "Since transcription is by definition a verbatim recording of other persons' statements, there can be no originality in the reporter's product . . . ."

Publication

In an action for the infringement of common law rights in architectural drawings, judgment for the defendant was upheld on appeal because the plaintiff had distributed a series of more than 40 drawings to personnel of a construction firm for use in building a housing project, *Ballard H. T. Kirk & Associates, Inc.* v. *Poston,* 33 Ohio App.2d 117, 177 USPQ 92 (Ct. App. 1972). According to the opinion, the drawings were distributed without "any express restrictions, reservations or other limitations by means of an agreement, annotation on the plans, or otherwise, concerning the use and dissemination of such plans."

A different view was expressed in *Nucor Corp.* v. *Tennessee Forging Steel Service, Inc.,* 176 F.2d 386 (8th Cir. 1973), which was also an action for infringement of common law rights in construction plans. Reversing the lower court ruling that plaintiff had published its plans, the opinion declared that "a distribution of plans to potential contractors and subcontractors for bidding purposes does not constitute general publication" despite the fact that "the plans are not marked confidential, are not required to be returned, and can be obtained without paying a deposit." The court commented further on another aspect of the same issue: "We do not believe that displaying a building during or after construction, or publishing photographs of it, can be said to be the equivalent of publishing the building plans." Basically, a structure is the result of plans, and not a copy of them.

The issue of publication also arose in *Jones* v. *Spindel,* 196 S.E. 2d 22, 178 USPQ 303 (Ga. Ct. App. 1973), a suit for conversion of unpublished building plans for prefabricated houses. Affirming a judgment for plaintiff, the court held that the "filing of plans with a governmental authority to secure official approval was a publication for a limited purpose which did not cause loss of common law copyright."

In an action for infringement of copyrighted catalogs and pictorial prints, *National Council of Young Israel, Inc.* v. *Feit Company, Inc.,* 347 F. Supp.1293 (S.D.N.Y. 1972), the defendant claimed that the copyrights were forfeited because the plaintiff had licensed the printing and publishing of copies that were published without notice of copyright, although affixation of a proper notice had been made a condition of the permission to publish. The court found that there had been no abandonment and that the failure to police the licensee who published without notice did not indicate a purpose to surrender its copyrights.

The question of whether the sale of phonograph records of otherwise unpublished musical compositions constitutes a sufficient publication to divest the author of common law rights was presented to the court in *Rosette* v. *Rainbo Record Manufacturing Corp.,* 354 F. Supp. 1183 (S.D.N.Y. 1973), an action for infringement by the manufacture and sale of recordings containing children's songs and rhymes. The court pointed out that the common law protection reserved by §2 of the copyright law applied to unpublished works, including music, where no mechanical recordings have been made.

Observing that the "conditions for use of the musical composition on phonograph records are so well defined in the . . . Act of 1909 that it is unlikely that the Congress intended that contradictory principles of State law should survive," the judge was led to conclude "that the use of phonograph records without compliance with the Copyright Act bars claims for infringement, not because the record is a copy or a publication in the copyright sense, but because any other interpretation leads to conflict with the Federal statutory scheme."

Nevertheless, noted the opinion, "the failure to file notice of use does not bar the copyright owner forever." The position of the court was further clarified:

> I hold that the sale of phonograph records is not a divestment of common law rights [in unpublished music] by publication but that it does inhibit suit against infringers until the statutory copyright is obtained and the notice of use is filed. Thereafter . . . the statutory copyright owner may sue for subsequent infringement.

Notice of Copyright

In *L & L White Metal Casting Corp.* v. *Cornell Metal Specialties Corp.*, 353 F.Supp. 1170 (E.D.N.Y. 1972), an action for infringement of copyrighted metal castings used for pedestals, lamps, fixtures, and furniture, the court considered the question of whether the letters "L & L WMC" in the notice of copyright satisfied the requirements of section 19 of the statute (Title 17, U.S.C.) regarding the "name" of the copyright proprietor. The judge upheld the plaintiff's copyright, explaining that:

> White Metal has existed as either a company or a corporation for over 35 years in an industry in which there are apparently relatively few established manufacturers [between 30 and 40 manufacturers of castings]. In addition, L & L WMC is a registered trademark, White Metal has filed a state certificate permitting it to do business under these letters and the letters appear on all of its advertising brochures. Substantial compliance with the statute has been established.

Three-dimensional "wire and polyethylene plastic sculptured reproductions of tea roses," published and copyrighted in 1967, were the subject of a suit for infringement in *First American Artificial Flowers, Inc.* v. *Joseph Markovits, Inc.*, 342 F.Supp. 178 (S.D.N.Y. 1972). Copies of the work were marketed in 1969 with a notice containing a "1969" date. The court ruled that the discrepancy in dates was "not a significant deviation for present purposes" and that the copyright had not been forfeited. Moreover, there had been no prejudicial reliance on the erroneous date by innocent third parties.

The defendant's failure to be "misled or prejudiced" by an error in date in the notice on copyrighted rubber squeeze-toy dolls moved the court to award plaintiff a preliminary injunction in *Uneeda Doll Co., Inc.* v. *Regent Baby Products Corp.*, 355 F.Supp. 438 (E.D.N.Y. 1972). The difference in dates was apparently less than a year.

Registration

Plaintiff, in *Coca Cola Co.* v. *Gemini Rising, Inc.*, 346 F.Supp. 1183 (E.D.N.Y. 1972), sued for an injunction against the sale or distribution of a poster consisting of an enlarged reproduction of its registered trademark with the words altered so as to read: "Enjoy cocaine." The defendant relied upon its registered claim to copyright in the poster as a defense. In granting the injunction, the court noted that, notwithstanding the registration in Class K, the offending poster was "of questionable validity on its face under the Rules and Regulations of the Register of Copyrights." Having observed the prohibition in section 202.1(a) of the Regulations against the registration of words, short phrases, slogans, and the like, the judge took particular note of section 202.14(c) of the Regulations: "A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter . . . . registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent Office."

A certificate of copyright registration was held to establish "prima facie evidence" not only of "the validity of the copyright, ownership by the registrant, and initial publication with notice" but also of "originality" in the previously mentioned case of *Champion Map Corp.* v. *Twin Printing Co.* Granting the plaintiff's motion for summary judgment, the court commented that a "prima facie case is not overcome by a mere denial."

Ownership and Transfer of Rights

The ownership of rights in copyrighted music

was the principal issue in *Royalty Control Corp.* v. *Sanco, Inc.*, 175 USPQ 641 (N.D. Calif. 1972). The court denied defendant's motion to dismiss for lack of federal jurisdiction despite the fact that the suit presented no proper claim for infringement, pointing out that "Section 26 creates a rebuttable presumption of copyright in the employer." Noting further that the determination of ownership under section 26 raises the question of renewal rights under section 24, the opinion continued: "Where a work is made for hire, all renewal rights are in the employer-proprietor, not the employee-author."

Since "a substantial issue" existed concerning the employment relation of both parties, the determination of which would affect ownership as well as renewal rights, the court found an adequate basis for federal jurisdiction.

The question of jurisdiction also arose in *Hill & Range Songs, Inc.* v. *Fred Rose Music, Inc.*, 58 F.R.D. 185 (S.D.N.Y. 1972), an action for declaratory judgment to determine ownership of renewal copyrights in musical compositions of a deceased composer, the rights of the contending parties deriving respectively from the son and alleged widow of the composer. Denying the defendant's motion to dismiss (while granting its motion for change of venue), the judge ruled that federal jurisdiction is sustained because the controversy depends upon a determination of whether one of the assignors of rights is a "widow" within the meaning of section 24 of the copyright law. "The right to obtain a renewal copyright and the renewal copyright itself exist by reason of the Act and are derived solely and directly from it." This remains true even though marital status and the content of an assignment contract may be determined by state rather than federal law.

Infringement and Remedies

Columbia Broadcasting System, Inc. v. *Teleprompter Corp.*, 176 F.2d 338 (2d Cir. 1973), an appeal from a judgment dismissing the complaint in an action for copyright infringement of television programs, the issue concerned whether the defendant's CATV systems "perform" the copyrighted works they carry within the meaning of subsections 1(c) and 1(d) of the statute. The court, which affirmed in part and reversed and remanded in part, cited *Fortnightly Corp.* v. *United Artists, Inc.*, 392 U.S. 390 (1968), for the view that "a CATV reception service that receives broadcast signals off-the-air from an antenna or other receiving equipment erected within or adjacent to the community it serves, and distributes the programming received to subscribers, does not 'perform' the programs and, thus, is not subject to copyright liability, even though the subscriber could not otherwise receive the programs without the aid of CATV."

In formulating its decision, the court made a distinction:

> We hold that when a CATV system imports distant signals, it is no longer within the ambit of the Fortnightly doctrine, and there is then no reason to treat it differently from any other person who, without license, displays a copyrighted work to an audience who would not otherwise receive it. For this reason, we conclude that the CATV system is a 'performer' of whatever programs from these distant signals that it distributes to its subscribers.

According to the opinion, there is "no reason to attach legal significance, in terms of copyright liability, to the decision to utilize microwave links," since microwave is "merely an alternative" to cable transmission.

On the other hand, although "a precise judicial definition of a distant signal is not possible," in the absence of a contrary showing, a signal should be presumptively deemed distant "when initially received by the CATV system on an antenna or other receiving device located between the originating community and the CATV community." Moreover, "the distances we envision here are small, and . . . any system that locates its antenna more than a few miles from the CATV community should bear the burden of showing that the signals it receives and distributes are not in fact distant signals."

The compulsory license provisions of sections 1(e) and 101(e) of the statute were interpreted to support plaintiff's motion for preliminary injunction in *Fame Publishing Co., Inc.* v. *S & S*

Distributors, Inc., 177 USPQ 358 (N.D. Ala. 1973), an action against an unauthorized duplicator of sound recordings for infringement of copyrighted musical compositions. Citing *Duchess Music Corp.* v. *Stern*, 458 F.2d 1305 (9th Cir. 1972); *cert. denied*, 409 U.S. 847 (1972), the court ruled that defendant's compliance with the compulsory license provisions "was of no force or effect" because the use made of plaintiff's music "is not a 'similar use' as the term is used in 17 U.S.C. §1(e), but is an 'identical use' . . . not sanctioned by §1(e). A compulsory licensee acquires no right to duplicate or reproduce the recordings of another. Anyone who seeks to rely on the compulsory license premium must hire some musicians, take them into a studio and make his own recording."

A contrary view was held in *Jondora Music Publishing Co.* v. *Melody Recordings, Inc.*, 351 F.Supp. 572 (D.N.J. 1972), a suit involving the mechanical rights in copyrighted music, where the judge granted the defendant's motion to vacate a writ of seizure and dissolve the injunction, commenting that the opinion in the above mentioned *Duchess Music* case does not state the law.

The judge said that the prohibition against unauthorized copying of recordings "clearly was not the law when Duchess was decided. Neither performance nor recording was copyrightable. It might have been unethical, . . . to 'steal' a recording of a performance and thereafter sell it as your own. But clearly the licensee-manufacturer had no claim under the Copyright Act." As far as congressional intent is concerned in Public Law 92-140 regarding application of the compulsory license provisions to duplicators, the opinion explained it this way:

> Congress could have simply amended §1(e) by excluding from the benefits thereof those making an 'exact' or 'identical' copy of a preexisting recording. Thus, if Congress had desired to make all duplicators immediately liable for infringement of musical composition copyrights, it easily could have done so by restricting the compulsory license privilege in some fashion.

Dismissal of a suit against sound recording duplicators for infringement of copyrighted music was put on antitrust grounds in *Edward B. Marks Music Corp.* v. *Colorado Magnetics, Inc.*, 357 F.Supp. 280 (W.D. Okla. 1973). The court found that the plaintiff's marketing and pooling arrangements were "an abuse and misuse" of its copyright monopoly, amounting to an attempt to deny the defendant the right to take advantage of the compulsory license provisions of the law. Holding that the defendant had not infringed the plaintiff's music, and, by filing its Notices of Intention to Use and tendering royalty payments accordingly, had fully complied with sections 1(e) and 101(e) of the statute, the court berated the plaintiff's conduct "in using its copyright monopoly for the purpose of advancing unfounded accusations of copyright infringement and threats of infringement litigation. . . ."

In *C. M. Paula Co.* v. *Logan*, 355 F.Supp. 189 (N.D. Tex. 1973), designs on copyrighted greeting cards and note paper purchased at retail prices by defendant were transferred to ceramic plaques for sale. Each plaque received its design from a separately purchased copy of the work. Denying injunctive relief, the judge explained that "without copying there can be no infringement of copyright." The defendant's process "results in the use of the original image on a ceramic plaque; . . . [it] is not a 'reproduction or duplication.' " The opinion further observed that once the copyright owner has sold or otherwise disposed of copies of his work, the law " 'gives him no further right of control over the use or disposition of the individual copies. . . .' "

The previously mentioned case of *First American Artificial Flowers, Inc.* v. *Joseph Markovits, Inc.*, concerning the alleged infringement of three-dimensional plastic reproductions of tea roses, confronted the court with the question of what inferences should be drawn from an allegation of access and similarity. Denying plaintiff's motion for preliminary injunction, the judge cautioned that "any two devices purporting to represent a natural prototype or archetype are likely to be similar, quite apart from any copying. Thus, a copyright on a work which bears practically a photographic likeness to the natural article, as here, is likely to prove a relatively weak copyright. This is not to say that, as a matter of

law, infringement of such a copyright cannot be inferred from mere similarity of appearance, but only that the plaintiff's burden will be that much more difficult to sustain because of the intrinsic similarities of the copyrighted and accused works."

A suit for infringement of a squeeze-toy doll occasioned the enunciation of different criteria in the aforementioned case of *Uneeda Doll Co., Inc.* v. *Regent Baby Products Corp.* Saying that the fact of copying was plain, the court awarded plaintiff a preliminary injunction even though "the aesthetic impression [made by the copies] is not the same," and despite the fact that the "differences in the two dolls are plain enough and . . . one would not be mistaken for the other." Although the infringer "has not copied the whole, . . . [nor] sought by his differences to disguise or hide the fact of copying," the opinion continued,

> observation of the two dolls together would convince an observer that one depends on the other, not merely unimportant features but the purposive combination of features that characterizes the body of the doll and comprises a considerable part of its character and appeal.

The exemption in section 104 of the statute for performances "given for charitable or educational purposes and not for profit" was a basic issue in *Robert Stigwood Group Limited* v. *O'Reilly,* 346 F.Supp. 376 (D. Conn. 1972), an action for infringement of the copyrighted dramatico-musical rock opera *Jesus Christ Superstar.* Granting plaintiff's motion for preliminary injunction, the court observed: "The mere fact that the many professional performers [employed by defendant's rock company] are under the direction of a few priests cannot turn a professional touring company into a church choir." Nor is the group "a vocal society since the lay performers are professionals selected for their singing and musical abilities, and not because of homogeneous beliefs, charitable motives or religious affiliation." The court observed that section 104 "includes within its boundaries an opera or a rock opera."

Another defense raised was the right to the free exercise of religious beliefs under the first amendment of the Constitution, to which the court responded that "the 'free exercise' does not include the wholesale appropriation of another's literary, artistic and musical works. In the balance must be weighed the constitutional right of authors to have 'the exclusive right' to their 'writings.' "

In *Twentieth Century Music Corp.* v. *Aiken,* 356 F.Supp. 271 (W.D. Pa. 1973), an action for copyright infringement was brought against a restaurant for the unauthorized playing of background music by means of a single radio set connected to five separate speakers located in various areas used by customers as well as part of the premises occupied by employees. Noting that at least one of the performing rights societies did not require a license as a matter of policy where a single standard radio set is used in small commercial establishments, the court awarded judgment to the plaintiff on grounds that there had been "a performance for 'profit,' " explaining that the decision would be fully supported regardless of whether the background music is designed to facilitate employee performance and efficiency or to give pleasure to customers.

A preliminary injunction was granted on motion in an action for copyright infringement of the characters in narrative cartoon comics, including "Mickey Mouse," in *Walt Disney Productions* v. *The Air Pirates,* 345 F.Supp. 108 (N.D. Calif. 1972). Addressing the question of whether a cartoon character really constitutes the story being told, the court said:

> After all, the character is graphically represented many, many times, in the course of each series of panels [drawings]. The facial expressions, position and movements represented may convey far more than the words set out as dialogue in the 'balloon' hovering over the character's head, or the explanatory material appended. It is not simply one particular drawing, in one isolated cartoon 'panel' for which plaintiff seeks protection, but rather it is the common features of all of the drawings of that character appearing in the copyrighted work.

Unfair Competition and Other Theories of Protection

The constitutionality of a California statute making the unauthorized duplication of sound re-

cordings a criminal offense arose on a writ of certiorari in *Goldstein* v. *California,* 412 U.S. 546 (1973). Neither the source of the original recordings nor the manufacturer of the tapes had been misrepresented. Upholding the state statute and affirming the petitioners' conviction in a 5-to-4 decision, Chief Justice Warren E. Burger, speaking for the majority, explained that the court's prior decisions in *Sears, Roebuck & Co.* v. *Stiffel Co.,* 376 U.S. 225 (1964) and *Compco Corp.* v. *Day-Brite Lighting,* 376 U.S. 234 (1964) "have no application in the present case, since Congress has indicated neither that it wishes to protect, nor to free from protection, recordings of musical performances fixed prior to February 15, 1972." Indeed, "[u]ntil and unless Congress takes further action with respect to recordings fixed prior to February 15, 1972, the California statute may be enforced against acts of piracy such as those which occurred in the present case."

"In regard to mechanical configurations," observed Chief Justice Burger,

> Congress had balanced the need to encourage innovation and originality of invention against the need to insure competition in the sale of identical or substantially identical products. The standards established for . . . patent protection . . . indicated not only which articles . . . Congress wished to protect, but which configurations it wished to remain free. The application of state law in these cases . . . disturbed the careful balance . . . drawn and . . . gave way under the Supremacy Clause of the Constitution. No comparable conflict . . . arises in the case of recordings of musical performances. In regard to this category . . . Congress has drawn no balance; rather, they have left the area unattended, and no reason exists why the State should not be free to act.

Both dissenting opinions stressed the monopolistic implications of allowing state protection in perpetuity in derogation of a uniform and exclusive federal preemption. This view was summarized by Justice Thurgood Marshall:

> The business of record piracy is not an attractive one; persons in the business capitalize on the talents of others without needing to assess independently the prospect of public acceptance of a performance. But . . . [s]uch people do provide low-cost reproductions that may well benefit the public. In light of the presumption of Sears and Compco that congressional silence betokens a determination that the benefits of competition outweigh the impediments placed on creativity by the lack of copyright protection, and in the absence of a congressional determination that the opposite is true, we should not let our distaste for 'pirates' interfere with our interpretation of the copyright laws. I would therefore hold that, as to sound recordings fixed before February 15, 1972, the States may not enforce laws limiting reproduction.

A result contrary to that prevailing in the Supreme Court's decision in the *Goldstein* case had been reached a few weeks earlier in *Columbia Broadcasting System, Inc.* v. *Melody Recordings, Inc.,* 124 N.J. Super. 322, 306 A.2d 493 (1973), a class action brought by CBS on behalf of itself and "all other recording companies that produce, manufacture and sell musical performances on records and tapes." Granting the defendant's motion for summary judgment, the court concluded that the *Sears* and *Compco* cases are "controlling and dispositive" in making clear the "federal intendment" that "in the absence of patent . . . or copyright protection exact copies or duplicates [of pre-February 15, 1972, recordings] may be made by anyone."

INTERNATIONAL COPYRIGHT DEVELOPMENTS

The Union of Soviet Socialist Republics became the 64th adherent to the 1952 version of the Universal Copyright Convention, effective May 27, 1973. This was a historic event, since the Soviet Union had theretofore declined to adhere to any multilateral copyright treaty and had eschewed copyright relations with most of the other nations of the world.

On September 18, 1972, the United States deposited its instrument of ratification of the Universal Copyright Convention as Revised at Paris on July 24, 1971. The convention will come into force after 12 countries have adhered. The revised convention, in which the revisions deal primarily with the enumeration of the basic rights of authors and with special exceptions for developing countries, requires no implementing legislation in the United States, since the U.S. copyright law is already in conformity with it. The Senate, on August 14, 1972, had advised and

consented to ratification of the revised convention. Algeria, Cameroon, France, Hungary, and Sweden acceded to the revised Universal Copyright Convention during the fiscal year, bringing the total number of adherents to seven. The United Kingdom, the first adherent to the revised convention, had deposited its instrument of ratification in the previous fiscal year.

In acceding to the revised convention, Cameroon and Algeria also adhered to the 1952 version of the convention. Thus Cameroon became the 63d member of the 1952 convention, effective May 1, 1973, and Algeria becomes the 65th member, effective August 28, 1973. As a member of the U.S. delegation, Mr. Goldman, acting register of copyrights, participated in the meeting of the Third Committee of Governmental Experts on Problems in the Field of Copyright and the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations Raised by Transmission via Space Satellites. As a result of the meeting, which was held at Nairobi, Kenya, in July 1973, a new draft Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite was prepared, and a resolution was adopted recommending that a diplomatic conference be convened in 1974 for the purpose of concluding an international convention on this subject.

On April 11, 1973, President Nixon transmitted to the Senate, for ratification, the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, which was concluded at Geneva on October 29, 1971. Under the terms of this convention, adhering countries would provide international protection against the making or importation of unauthorized duplicates of phonograms (sound recordings) for distribution to the public. The President's message to the Senate recommended favorable consideration. This convention entered into force on April 18, 1973, among the five countries that had adhered to it by that date. It will become effective for later adherents three months after notification of the deposit of their instruments of adherence.

Respectfully submitted,

ABE A. GOLDMAN
Acting Register of Copyrights

International Copyright Relations of the United States as of June 30, 1973

Code: UCC — Party to the Universal Copyright Convention, as is the United States. The effective date is given for each country. The effective date for the United States was September 16, 1955.
BAC — Party to the Buenos Aires Convention of 1910, as is the United States.
Bilateral — Bilateral copyright relations with the United States by virtue of a proclamation or treaty. [1]
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.

Country	Status of copyright relations	Country	Status of copyright relations
Afghanistan	None	Egypt	None
Albania	None	El Salvador	Bilateral by virtue of Mexico City Convention, 1902
Algeria	Unclear	Equatorial Guinea	Unclear
Andorra	UCC Sept. 16, 1955	Ethiopia	None
Argentina	UCC Feb. 13, 1958; BAC; Bilateral	Fiji [3]	UCC Oct. 10, 1970
Australia	UCC May 1, 1969; Bilateral	Finland	UCC April 16, 1963; Bilateral
Austria	UCC July 2, 1957; Bilateral	France	UCC Jan. 14, 1956; Bilateral
Bahrain	None	Gabon	Unclear
Bangladesh	Unclear	Gambia	Unclear
Barbados	Unclear	Germany [4]	Bilateral; UCC with Federal Republic of Germany, Sept.,16, 1955
Belgium	UCC Aug. 31, 1960; Bilateral		
Bhutan	None		
Bolivia,	BAC	Ghana	UCC Aug. 22, 1962
Botswana	Unclear	Greece	UCC Aug. 24, 1963; Bilateral
Brazil	UCC Jan. 13, 1960; BAC; Bilateral	Guatemala	UCC Oct. 28, 1964; BAC
		Guinea	Unclear
Bulgaria	None	Guyanas	Unclear
Burma	Unclear	Haiti	UCC Sept. 16, 1955; BAC
Burundi	Unclear	Holy See	UCC Oct. 5, 1955
Cambodia	UCC Sept. 16, 1955	Honduras	BAC
Cameroon	UCC May 1, 1973	Hungary	UCC Jan. 23, 1971; Bilateral
Canada	UCC Aug. 10, 1962; Bilateral	Iceland	UCC Dec. 18, 1956
Central African Republic	Unclear	India	UCC Jan. 21, 1958; Bilateral
		Indonesia	Unclear
Chad	Unclear	Iran	None
Chile	UCC Sept. 16, 1955; BAC; Bilateral	Iraq	None
		Ireland	UCC Jan. 20, 1959; Bilateral
China [2]	Bilateral	Israel	UCC Sept. 16, 1955; Bilateral
Colombia	BAC	Italy	UCC Jan. 24, 1957; Bilateral
Congo	Unclear	Ivory Coast	Unclear
Costa Rica	UCC Sept. 16, 1955; BAC; Bilateral	Jamaica	Unclear
		Japan	UCC April 28, 1956
Cuba	UCC June 18, 1957; Bilateral	Jordan	Unclear
Cyprus	Unclear	Kenya	UCC Sept. 7, 1966
Czechoslovakia	UCC Jan. 6, 1960; Bilateral	Korea	Unclear
Dahomey	Unclear	Kuwait	Unclear
Denmark	UCC Feb. 9, 1962; Bilateral	Laos	UCC Sept. 16, 1955
Dominican Republic	BAC	Lebanon	UCC Oct. 17, 1959
Ecuador	UCC June 5, 1957; BAC	Lesotho	Unclear

Country	Status of copyright relations
Liberia	UCC July 27, 1956
Libya	Unclear
Liechtenstein	UCC Jan. 22, 1959
Luxembourg	UCC Oct. 15, 1955; Bilateral
Madagascar	Unclear
Malawi	UCC Oct. 26, 1965
Malaysia	Unclear
Maldives Islands	Unclear
Mali	Unclear
Malta	UCC Nov. 19, 1968
Mauritania	Unclear
Mauritius [5]	UCC Mar. 12, 1968
Mexico	UCC May 12, 1957; BAC; Bilateral
Monaco	UCC Sept. 16, 1955; Bilateral
Morocco	UCC May 8, 1972
Nauru	Unclear
Nepal	None
Netherlands	UCC June 22, 1967; Bilateral
New Zealand	UCC Sept. 11, 1964; Bilateral
Nicaragua	UCC Aug. 16, 1961; BAC
Niger	Unclear
Nigeria	UCC Feb. 14, 1962
Norway	UCC Jan. 23, 1963; Bilateral
Oman	None
Pakistan	UCC Sept. 16, 1955
Panama	UCC Oct. 17, 1962; BAC
Paraguay	UCC Mar. 11, 1962; BAC
Peru	UCC Oct. 16, 1963; BAC
Philippines	Bilateral; UCC tatus undetermined by UNESCO (Copyright Office considers that UCC relations do not exist.)
Poland	Bilateral
Portugal	UCC Dec. 25, 1956; Bilateral
Qatar	None
Romania	Bilateral
Rwanda	Unclear
San Marino	None
Saudi Arabia	None
Senegal	Unclear
Sierra Leone	Unclear
Singapore	Unclear
Somalia	Unclear
South Africa	Bilateral
Soviet Union	UCC May 27, 1973
Spain	UCC Sept. 16, 1955; Bilateral
Sri Lanka (Ceylon)	Unclear
Sudan	Unclear
Swaziland	Unclear
Sweden	UCC July 1, 1961; Bilateral
Switzerland	UCC Mar. 30, 1956; Bilateral
Syria	Unclear
Tanzania	Unclear
Thailand	Bilateral
Togo	Unclear
Tonga	None
Trinidad and Tobago	Unclear
Tunisia	UCC June 19, 1969
Turkey	None
Uganda	Unclear
United Arab Emirates	None
United Kingdom	UCC Sept. 27, 1957; Bilateral
Upper Volta	Unclear
Uruguay	BAC
Venezuela	UCC Sept. 30, 1966
Vietnam	Unclear
Western Samoa	Unclear
Yemen (Aden)	Unclear
Yemen (San'a)	None
Yugoslavia	UCC May 11, 1966
Zaire	Unclear
Zambia	UCC June 1, 1965

[1] Foreign sound recordings fixed and published on or after February 15, 1972, with the special notice of copyright prescribed by law (e.g., ℗ 1973 Doe Records, Inc.), may be entitled to U.S. copyright protection only if the author is a citizen of one of the countries with which the United States maintains bilateral relations as indicated above. Circular 56 offers further information on sound recordings.

[2] A citizen of China domiciled on Formosa (Nationalist China) or on the mainland (Red China) may secure U.S. copyright. Applications for registration must state that the author is a citizen of "China" or "Nationalist China."

[3] On December 13, 1971, Fiji notified UNESCO that it considers itself bound by the UCC from October 10, 1970.

[4] UCC relations are with the Federal Republic of Germany only. A citizen of Germany may secure U.S. copyright, regardless of whether or not he is domiciled in the Federal Republic of Germany. However, applications for registration must state that the author is a citizen of "Germany," "West Germany," "German Federal Republic," or the "Federal Republic of Germany."

[5] On August 20, Mauritius notified UNESCO that it considers itself bound by the UCC from March 12, 1968.

Number of Registrations by Subject Matter Class, Fiscal Years 1969-73

Class	Subject matter of copyright	1969	1970	1971	1972	1973
A	Books, including pamphlets, leaflets, etc.	83,603	88,432	96,124	103,231	104,523
B	Periodicals (issues)	80,706	83,862	84,491	84,686	88,553
	(BB) Contributions to newspapers and periodicals	1,676	1,943	1,884	2,004	2,074
C	Lectures, sermons, addresses	1,155	1,669	1,855	1,940	1,714
D	Dramatic or dramatico-musical compositions	3,213	3,352	3,553	3,838	3,980
E	Musical compositions	83,608	88,949	95,202	97,482	95,296
F	Maps	2,024	1,921	1,677	1,633	1,914
G	Works of art, models, or designs	5,630	6,807	7,916	7,901	8,621
H	Reproductions of works of art	2,489	3,036	3,047	3,434	3,190
I	Drawings or plastic works of a scientific or technical character	552	835	924	1,059	1,114
J	Photographs	936	1,171	1,160	1,140	1,354
K	Prints and pictorial illustrations	2,837	3,373	4,209	4,524	4,441
	(KK) Commercial prints and labels	4,798	5,255	4,424	4,118	4,216
L	Motion-picture photoplays	1,066	1,244	1,169	1,816	1,449
M	Motion pictures not photoplays	1,298	1,301	1,226	1,388	1,420
N	Sound recordings				1,141	6,718
R	Renewals of all classes	25,667	23,316	20,835	23,239	23,071
	Total	301,258	316,466	329,696	344,574	353,648

Number of Articles Deposited, Fiscal Years 1969-73

Class	Subject matter of copyright	1969	1970	1971	1972	1973
A	Books, including pamphlets, leaflets, etc.	164,958	174,519	189,887	203,875	206,671
B	Periodicals	160,707	166,976	168,114	168,463	176,142
	(BB) Contributions to newspapers and periodicals	1,676	1,943	1,884	2,004	2,074
C	Lectures, sermons, addresses	1,155	1,669	1,855	1,940	1,714
D	Dramatic or dramatico-musical compositions	3,563	3,751	3,993	4,216	4,538
E	Musical compositions	103,164	110,010	116,537	117,425	114,378
F	Maps	4,047	3,840	3,352	3,264	3,786
G	Works of art, models, or designs	9,688	11,736	13,894	13,590	14,843
H	Reproductions of works of art	4,811	6,046	6,056	6,821	6,313
I	Drawings or plastic works of a scientific or technical character	839	1,267	1,419	1,614	1,873
J	Photographs	1,565	2,080	2,056	2,063	2,471
K	Prints and pictorial illustrations	5,671	6,740	8,417	9,036	8,873
	(KK) Commercial prints and labels	9,595	10,510	8,846	8,235	8,408
L	Motion-picture photoplays	2,100	2,448	2,305	3,593	2,855
M	Motion pictures not photoplays	2,471	2,460	2,318	2,648	2,654
N	Sound recordings				2,282	13,388
	Total	476,010	505,995	530,933	551,069	570,981

Number of Articles Transferred to Other Departments of the Library of Congress [1]

Class	Subject matter of articles transferred	1969	1970	1971	1972	1973
A	Books, including pamphlets, leaflets, etc.	90,435	92,664	107,468	115,242	[2] 120,452
B	Periodicals	169,671	175,301	176,259	176,161	183,755
	(BB) Contributions to newspapers and periodicals	1,676	1,943	1,884	2,004	2,074
C	Lectures, sermons, addresses	0	0	0	0	7
D	Dramatic or dramatico-musical compositions	221	100	41	226	179
E	Musical compositions	25,021	25,235	25,567	21,275	22,517
F	Maps	4,102	3,946	3,352	3,264	3,796
G	Works of art, models, or designs	173	286	376	1,252	2,957
H	Reproductions of works of art	714	431	845	1,620	2,933
I	Drawings or plastic works of a scientific or technical character	2	0	0	0	10
J	Photographs	28	28	42	65	66
K	Prints and pictorial illustrations	819	370	614	499	52
	(KK) Commercial prints and labels	350	98	409	220	38
L	Motion-picture photoplays	52	63	4	64	67
M	Motion pictures not photoplays	132	153	111	183	331
N	Sound recordings				2,282	13,405
	Total	293,396	300,618	316,972	324,357	352,639

[1] Extra copies received with deposits and gift copies are included in these figures. For some categories, the number of articles transferred may therefore exceed the number of articles deposited as shown in the preceding chart.

[2] Of this total, 29,400 copies were transferred to the Exchange and Gift Division for use in its programs.

Gross Cash Receipts, Fees, and Registrations, Fiscal Years 1968-73

	Gross receipts	Fees earned	Registrations	Increase or decrease in registrations
1969	$2,011,372.76	$1,879,831.30	301,258	-2,193
1970	2,049,308.99	1,956,441.37	316,466	+15,208
1971	2,089,620.19	2,045,457.52	329,696	+13,230
1972	2,313,638.14	2,177,064.86	344,574	+14,878
1973	2,413,179.43	2,226,540.96	353,648	+9,074
Total	10,877,119.51	10,285,336.01	1,645,642	

Summary of Copyright Business

Balance on hand July 1, 1972			$ 536,258.04
Gross receipts July 1, 1972, to June 30, 1973			2,413,179.43
Total to be accounted for			2,949,437.47
Refunded		$ 113,754.34	
Checks returned unpaid		5,511.15	
Deposited as earned fees		2,245,348.22	
Deposited as undeliverable checks		6,841.10	
Balance carried over July 1, 1973			
Fees earned in June 1973 but not deposited until July 1973	$183,675.56		
Unfinished business balance	100,718.22		
Deposit accounts balance	290,175.57		
Card service	3,413.31		
		577,982.66	
			2,949,437.47

	Registrations	Fees earned
Published domestic works at $6	230,628	$1,383,768.00
Published foreign works at $6	5,025	30,150.00
Unpublished works at $6	83,077	498,462.00
Renewals at $4	23,071	92,284.00
Total registrations for fee		2,004,664.00
Registrations made under provisions of law permitting registration without payment of fee for certain works of foreign origin	11,838	
Registrations made under Standard Reference Data Act, P.L. 90-396 (15 U.S.C. §290), for certain publications of U.S. government agencies for which fee has been waived	9	
Total registrations	353,648	
Fees for recording assignments		37,135.00
Fees for indexing assignments		18,534.50
Fees for recording notices of use		21,073.00
Fees for recording notices of intention to use		65,609.00
Fees for certified documents		6,622.00
Fees for searches made		63,520.00
Card Service		9,383.46
Total fees exclusive of registrations		221,876.96
Total fees earned		2,226,540.96