
**THE 60TH ANNIVERSARY OF THE COPYRIGHT SOCIETY
OF THE UNITED STATES OF AMERICA**

by MARIA A. PALLANTE*

Good evening colleagues and guests. It is an honor to address you on the occasion of the 60th anniversary of the Copyright Society.

As I will explain, the Copyright Office has long enjoyed a meaningful bond with the Copyright Society, not only because the Office appreciates the copyright law and copyright lawyers, but because Former Register of Copyrights Arthur Fisher¹ helped to found the Society early in his tenure.

But first I would like to say a few words about this magnificent building. The Thomas Jefferson Building is one of the great landmarks of the Nation, named after a most visionary and accomplished president. As many of you know, Jefferson's personal collection of books is the core of the Library of Congress. This collection is on display for you to enjoy and is inspirational to say the least, although it can make people feel a bit — well — under-read.

The Librarian of Congress, James Billington, could not be here this evening, but I would like to thank him for making the Great Hall available for our celebration. I also want to recognize Associate Librarian Roberta Shaffer and her staff for so kindly opening the Library's main reading room to us and for sharing their literary and historical expertise for our enjoyment.

My remarks would be incomplete if I did not recognize the senior leaders of the Copyright Office and numerous Copyright Office alumnae who are in attendance because they are remarkable public servants.² And this evening would not have been possible without the vision and direction

*Maria A. Pallante is the Register of Copyrights of the United States and Director of the U.S. Copyright Office. This speech was delivered June 7, 2014, at the Copyright Society's 60th Anniversary Gala in the Library of Congress Great Hall, Thomas Jefferson Building. My thanks to senior counsel Erik Bertin for his assistance.

¹ Register of Copyrights 1951–1960.

² The Register identified the following Copyright Office staff: Jacqueline Charlesworth, Robert Kasunic, Karyn Temple Claggett, William Roberts, David Christopher, Doug Ament, Elizabeth Scheffler, Maria Strong, Sarang Damle, Erik Bertin, George Thuronyi and Robert Brauneis (2013-2014 Abraham L. Kaminstein Scholar-in-Residence). She recognized former Register Marybeth Peters and the following former staff: Jon Baumgarten, David Carson, Michele Woods, Shira Perlmutter, Steven Tepp, Mary Rasenberger, and Eric Schwartz. She also thanked the evening's organizers: Amy Nickerson and Rebecca Hinde from the Copyright Society

of the Copyright Society's officers, especially President Joseph Salvo and President-elect Eric Schwartz. Thank you.

Speaking of vision, did you know that the grand design of the Thomas Jefferson building is based on the Paris Opera House? It was constructed by the Army Corps of Engineers at a cost of \$6.34 million.³ When it opened in 1897, it was considered the most beautiful, educational, and interesting building in Washington. The size and scope of the structure, the exquisite artwork, and the fascinating sculpture left many Americans breathless.⁴ On July 29, 1897 a reporter for the *National Tribune* wrote, "[t]he building is both splendid and monumental."⁵ It "is the most imposing and beautiful . . . of any United States Department building or any building of like character in the world."⁶

It was this same year that Congress created the Copyright Office and the position of Register of Copyrights.⁷ The formal codification of the Office, and the copyright system in its care, in turn tightened the appointments process for the Librarian, which from then forward required Senate confirmation.⁸ Constitutional issues like these are very well known to members of the modern bar, but they do make the Congress of the late nineteenth century seem very exacting if not fairly prescient.⁹

Few would dispute that for many decades copyright law was an arcane subject practiced by a small group of lawyers in New York City and, later, Los Angeles. Practitioners had no professional organization and no periodical publication devoted exclusively to the subject. Law schools did not

staff, Syreeta Swann and David Rice from the Copyright Office, and Larry Stafford and Angela Newburn from the Library's special events office.

³ See *Thomas Jefferson Building*, ARCHITECT OF THE CAPITOL, <http://www.aoc.gov/capitol-buildings/thomas-jefferson-building> (last visited Sept. 26, 2014); *Creating the Thomas Jefferson Building*, ARCHITECT OF THE CAPITOL, http://www.capitol.gov/html/VGN_2010061494658.html (last visited Sept. 26, 2014).

⁴ See *id.*

⁵ Kate B. Sherwood, *The New Congressional Library*, NATIONAL TRIB., July 29, 1897, at 8, available at <http://chroniclingamerica.loc.gov/lccn/sn82016187/1897-07-29/ed-1/seq-8.pdf>.

⁶ *Id.*

⁷ See Act of Feb. 19, 1897, ch. 265, 29 Stat. 544, 545 (creating the office of the Register of Copyrights to "perform all duties relating to copyrights" under "the direction of the Librarian of Congress").

⁸ 2 U.S.C. § 136 (2012).

⁹ See 29 Cong. Rec. 388-89 (1896) (statement of Rep. Richardson) (referring to the Librarian and stating, "with respect to an office of this kind," Congress "should not depart from the constitutional provision that the President shall nominate and by and with the advice and consent of the Senate appoint"); See also Brief for the Federal Respondents in Opposition at 18-20, *Intercollegiate Broad. Sys., Inc. v. Copyright Royalty Bd.*, No. 12-928 (U.S. Apr. 26, 2013).

offer copyright law as course of study, with the notable exception of Professor Walter Derenberg's copyright class at New York University.¹⁰

In the early 1950s a group of practitioners and professors formed an informal organization in New York City known as the "The Copyright Circle" that met for lunch once a month.¹¹ The meetings were organized by Charles B. Seton, an attorney who represented, for example, Dick Clark, Beverly Sills, and the Boston Symphony Orchestra.¹²

The name of that organization, The Copyright Circle, gives us some idea of what it must have been like to be a copyright lawyer in those days: a small, closely knit community with a common interest in the arts. Indeed, the clever reference to the copyright symbol suggests that they had some of the same qualities that today's copyright practitioners are known for: creativity, wittiness, and above all, a love of the rules and technicalities that set copyright apart from other areas of the law.

Around the same time, the Copyright Office began compiling a monthly publication called the *Bibliographic Bulletin*, which was primarily intended for lawyers within the Office. The Bulletin was edited by the Office's Librarian, Miss Wilma Stine, and it covered recent legislation, court decisions, and legal publications on copyright.¹³

In March 1952, Register Arthur Fisher sent copies of The Bulletin to several members of the copyright bar. "It occurs to me that you might be interested in seeing a copy," he wrote. "Perhaps you will have suggestions as to omissions and additions for our next Bulletin. Any other ideas you have on the matter would be of interest."¹⁴ The response was extremely positive. And thus, on July 17, 1952, the Register mailed copies to a wider but select group of experts in the United States and abroad for further comment. Many urged the Office to issue the publication on a regular basis.¹⁵

Despite the favorable reviews, Register Fisher had misgivings about the project. He was a busy Register, after all, and public distribution would impose an administrative burden on his staff. He believed it would

¹⁰ See E. Gabriel Perle, *Copyright Law and the Copyright Society of the USA, 1950-2000*, 47 J. COPYRIGHT SOC'Y 397, 398 (2000). Also, during the Register's speech, the audience made known that Gala attendees Jon Baumgarten and Judith Saffer were students of Professor Derenberg.

¹¹ See Maria Danzilo, *The President's Message*, 50 J. COPYRIGHT SOC'Y at iii, iii (2003).

¹² See Perle, *supra* note 10, at 398; see also Charles B. Seton, N.Y. TIMES, Aug. 24, 2005.

¹³ See Richard S. MacCarteney, *De Origine*, 10 BULL. COPYRIGHT SOC'Y 297, 298 (1963).

¹⁴ *Id.*

¹⁵ See *id.* ("It was, according to one typical reply, 'of such great value that it should be continued at all cost to lawyers interested.'").

be preferable to start an independent organization.¹⁶ Thus, on November 7, 1952 the Copyright Office sent a questionnaire to the bar, asking for interest in an organization to be known as “The Copyright Society of the U.S.A.” for such purposes as might be agreed upon by its members.¹⁷

The Copyright Committee of the Bar Association of the City of New York appointed a subcommittee to work with the Copyright Office and decide questions of administration.¹⁸ On March 17, 1953, Register Fisher met with twelve individuals at the National Republican Club in New York. They agreed on the name for the organization, the name for its publication, and the fee for membership: \$25 for an annual membership and another \$10 for a subscription to the *Bulletin*.¹⁹

On May 22, 1953 the Board of Regents of the University of the State of New York issued a provisional charter, which allowed the Copyright Society to publish the *Bulletin* at the NYU Law Center.²⁰ The charter summarized the purpose of the organization as follows:

- To promote research in the field of copyright law and its history, and generally to promote research in the fields of the law and rights relating to literary products;
- To gather and disseminate information concerning literary products and the copyright or other protection thereof;
- To gather and preserve books, manuscripts, papers, documents, law and reports relating to literary products and copyrights or other protection thereof;
- To publish and distribute reports of the proceed[ing]s of the Society, bulletins, periodicals and other printed material in the field of literary products and the copyright or other protection thereof.²¹

By the end of that summer, the Copyright Society had 222 members and 339 subscriptions to the *Bulletin*.²² Thus, as Morton David Goldberg observed on the Copyright Society’s 20th Anniversary, the organization “grew out of what has become THE BULLETIN, and not vice versa.”²³

On June 15, 1953 — less than a month after it received its provisional charter — the Copyright Society published the first issue of *The Bulletin of*

¹⁶ See *id.* at 298-99.

¹⁷ See *id.* at 299.

¹⁸ See *id.*

¹⁹ See *id.* at 300.

²⁰ See *id.*

²¹ Perle, *supra* note 10, at 401-02.

²² MacCartney, *supra* note 13, at 301.

²³ Morton David Goldberg, *The Copyright Society of the U.S.A. Celebrates Twentieth Anniversary*, 21 BULL. COPYRIGHT SOC’Y 197, 198 (1974). Mr. Goldberg was in attendance at the 60th Gala.

the Copyright Society on June 15, 1953. It was a slim volume containing a mere twenty-six pages with an unassuming grey cover and a title printed in purple ink. But inside there was an ambitious message from the first President of the Copyright Society, Samuel W. Tannenbaum. He explained that the Copyright Society would endeavor “to publish as promptly as possible all pertinent information for ready reference by members of the Copyright Bar and all other persons or organizations interested in copyright.”²⁴

And quoting Cicero, he acknowledged that “The beginnings of all things are small.”²⁵

In the early years, you may be surprised to learn that there were few meetings for the members of the organization — other than the formal meetings which were required for the election of officers and trustees.²⁶ But in 1977 the organization sponsored the first Annual Meeting of the Copyright Society at the Concord hotel in the Catskills. Roughly forty people attended the two and a half day meeting, much of which focused on the “new law.” It was, according to one account, “an unqualified success.”²⁷

Of course, people and friendships are at the heart of the Copyright Society. In the words of my predecessor, Register Marybeth Peters, “The Society brings together incredibly talented, articulate, knowledgeable and genuinely nice people.”²⁸

And it is unique. On the 50th anniversary of the Copyright Society, then President Maria Danzilo wrote “[The Copyright] Society . . . is more than a bar association. It is the center of the copyright community in the United States, reaching out to industry, law firms, scholars, law students, and most recently, young students and the general public.”²⁹

Today, I imagine that Register Fisher and President Tannenbaum would be duly proud of the Copyright Society and the Journal that it produces. They would likely be fascinated by the state of the copyright law itself, from its ever incredible facts to its familiar concepts. And they would no doubt be impressed by the remarkable scale of legal talent in the field, like that which is represented here tonight.

²⁴ Samuel W. Tannenbaum, *Message from the President of the Copyright Society of the United States of America*, 1 BULL. COPYRIGHT SOC'Y 1, 1 (1953).

²⁵ *Id.*

²⁶ See Perle, *supra* note 10, at 403.

²⁷ *Id.* A few Gala attendees noted they were in attendance at this first meeting, including Richard Dannay and Roger Zissu.

²⁸ Marybeth Peters, *Reflections of the Register of Copyrights*, 50 J. COPYRIGHT SOC'Y v, vi (2003).

²⁹ Danzilo, *supra* note 11, at iii.

And so it goes. As ordinary people view photographs on their phones and stream movies from their tablets, copyright lawyers debate the finer points of publication, distribution, and fair use, just like we always have — in Copyright Society meetings across the country and even abroad.

In closing, in honor of both the great complexities of the copyright law and the collegiality of the Copyright Society's members, I would like to offer you some inspiration. I have no further wisdom from Cicero, unfortunately, but I will quote my own favorite statesman and professor, Albus Dumbledore. He said, "Differences of habit and language are nothing at all," he said, "if our aims are identical and our hearts are open."³⁰

Thank you.

³⁰ J.K. Rowling, *HARRY POTTER AND THE GOBLET OF FIRE* 723 (2000).