

THE LAW OF THE PRESS

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BY

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PREFACE.

THIS work is intended primarily as a handbook of law for writers, publishers, printers and others concerned in the production and dissemination of printed matter, whether in the form of books, newspapers, periodicals or otherwise. In writing it the author has endeavoured to be clear and accurate, and at the same time comprehensive and concise. It is improbable that this somewhat high standard has been attained; nevertheless, the result may be in some degree useful to the classes of persons for whom it is written, in indicating to them the legal pitfalls which lie in the paths they pursue in the course of their avocations.

It is hoped that the book may also be of some use to members of the legal profession, as a digest of the law of the subject with which it deals; though, so far as concerns the chapters on Libel and Copyright, it can have no pretensions to competing with the standard works on these branches of the law.

The chapter headings, as well as the full index provided, should facilitate reference to the text. The lay reader can, if he wishes, ignore the references to decided cases and statutes, although the citation of these authorities has provided a salutary check upon the author's imagination, and their inclusion, together with the table of cases, is due to the needs of the legal reader.

THOMAS DAWSON.

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APPENDIX.

COPYRIGHT LAW OF THE UNITED STATES

(REVISED BY THORVALD SOLBERG, REGISTER OF COPYRIGHTS.)

THE copyright law approved March 4, 1909, which took effect on July 1, 1909, provides that the application for registration of any work "shall specify to which of the following classes the work in which copyright claim belongs."

(*a*) Books, including composite and cyclopædic works, directories, gazetteers and other compilations; (*b*) periodicals, including newspapers; (*c*) lectures, sermons, addresses, prepared for oral delivery; (*d*) dramatic or dramatico-musical compositions; (*e*) musical compositions; (*f*) maps; (*g*) works of art, models of designs for works of art; (*h*) reproductions of a work of art; (*i*) drawings or plastic works of a scientific or technical character; (*j*) photographs; (*k*) prints and pictorial illustrations. The amendment of August 24, 1912, adds (*l*) motion pictures photo-plays; (*m*) motion pictures other than photo-plays.

The application for registration of any article should distinctly specify to which one of these classes the work belongs. An article is not entitled to registration unless it is reasonably possible to class it under one or the other of the designations named in the statute.

For works reproduced in copies for sale or public distribution.

1. Publish the work with the copyright notice. The notice may be in form "Copyright", 19 . . . (year date of publication) by . . . (name of copyright proprietor), or in the case of works specified above (*f*) to (*k*) the notice may consist of the letter C enclosed in a circle (C) accompanied by the initials, monogram, mark or symbol of the proprietor, provided that his name shall appear on some accessible part of the copies.
2. Promptly after publication send to the Copyright Office, Library of Congress, Washington, D.C., two copies (or if the work is by a foreign citizen, and is first published in a foreign country, one copy only) of the best edition of the work, with an application for registration. In the case of motion picture photo-plays and of motion pictures other than photo-plays a description of the work must be filed,

together with copies of the reels, and a money order payable to the Register of Copyrights for the registration fee of \$1.

In the case of books by American authors, or permanent residents of the United States, the copies deposited must be accompanied by an affidavit, under the official seal of an officer authorized to administer oaths, stating that the typesetting, printing and binding of the book have been performed within the United States. Affidavit and application forms will be supplied by the Copyright Office on request.

Books of foreign origin in a language or languages other than English are not required to be manufactured in the United States. In the case of a book in the English language published abroad before publication in this country, an Ad Interim copyright for thirty days¹ from the day of deposit of the foreign copy may be secured by depositing in the Copyright Office one complete copy of the foreign edition within thirty days after its publication abroad. If two copies of such book manufactured in this country are deposited with application for registration and fee (\$1) published during the Ad Interim term the copyright shall be extended for the full term of twenty-eight years.

For works not reproduced in copies for sale: Copyrights may also be had of certain classes of works (see *a b c* below) of which copies are not reproduced for sale, by filing in the Copyright Office an application for registration, with the statutory fee of \$1, sending therewith: (a) In the case of lectures or other oral addresses or of dramatic or musical compositions, one complete manuscript or typewritten copy of the work. This privilege of registration, however, does not exempt the copyright proprietor from the deposit of printed copies of a dramatic or musical composition or lectures where the work is later reproduced in copies for sale. A new application must be made in such cases and another fee \$1 paid. (b) In the case of photographs not intended for general circulation, one photographic print. (c) In the case of works of art (paintings, drawings, sculpture), or of drawings or plastic works of a scientific or technical character, one photograph or other identifying production of the works. In the case of motion picture photo-plays, a title and description and one print taken from each scene or act. In the case of motion pictures other than a photo-play, a title and description with not less than two prints to be taken from different sections of a complete motion picture.

In all these cases, if the work is later reproduced in copies for sale, two copies must be deposited.

For registration of any work subject to copyright, \$1, which sum is to include a certificate of registration under seal. But only one registration at one fee is required in the case of several volumes of the same book deposited in the Copyright Office at the

¹ Now four months; see p. 222.

same time. For every additional certificate of registration or copy of record under seal, 50 cents. In the case of photographs the fee shall be 50 cents where certificate is not requested. For recording and certifying an assignment of copyright, or for a certified copy of an assignment, \$1, if the instrument is not over 300 words in length, if more than 300 and less than 1,000 in length, \$2, if more than 1,000 words in length, \$1, additional for each additional 1,000 words or fraction thereof over 300 words. For comparing a copy of an assignment with the record of such document in the Copyright Office and certifying same under seal, \$1. For recording the transfer of the proprietorship of copyright articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For recording an extension or renewal of copyright, 50 cents. Remittances should be made by money order payable to the Register of Copyrights. Forms for application for copyright registration will be furnished on request.

The original term of copyright runs for twenty-eight years. Within one year prior to the expiration of the original term, the author, if living, or the widow or widower of the author, to the children of the author if he not be living; or if none of these be living, then the author's executors, or in the absence of a will, then the author's next of kin may secure renewal for a further term of twenty-eight years, making fifty-six years in all. In the case of composite works, if the proprietor secured the original copyright, he may also secure the renewal.

Copyrights are assignable by any instruments of writing. Every assignment of copyright must be recorded in the Copyright Office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States. "In default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded." Every assignment of copyright executed in a foreign country must be acknowledged by the assignor before a consular officer or Secretary of Legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or Secretary of Legation in *prima facie* evidence of the execution of the instrument.

Copyright Amendment of 1920.

An amendment of the United States Copyright Law approved December 18, 1919, has those features; limits granting of copyright to foreign authors or proprietors domiciled in U.S. at time of first publication, or to citizens, or to subjects of states or nations which grant (by treaty, convention, agreement or law) copyright

benefits giving substantially equal protection to U.S. citizens, of whose state or nation is a party to an international agreement—the existence of such reciprocal conditions to be determined by a proclamation of the President from time to time; such rights to last for fifteen months after the date of the President's proclamation of peace. In the case of a book first published abroad in English, the deposit of one complete copy of foreign editions, with request for reservation of copyright, shall secure an ad interim copyright good for four months after such deposit.

International Copyright Relations.

Copyright is not secured in foreign countries by action in the Copyright Office, but only by complying with the legislation of such countries.

Copyright relations have been established with the following foreign countries by proclamation of the President—Austria, Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain, and the British Possessions, Italy, Luxemburg, Mexico, Netherlands and Possessions, Norway, Portugal, Spain, Sweden, Switzerland, Tunis.

Copyright proclamations have been issued under sec. 1 (e) of the Act of 1909, securing copyright control of mechanical musical reproductions in the United States to citizens or subjects of Australia, Belgium, Cuba, France, Germany, Great Britain, Italy, Luxemburg, New Zealand, and Norway. The convention with Hungary includes such protection.

Copyright treaties have also been entered into with China, Japan, and Hungary (the latter in effect on October 16, 1912). The Copyright Convention of Mexico of 1902 has been ratified by the United States and is effective from July 1, 1908, as between the United States and Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador. The Pan-American Copyright Convention signed at Buenos Aires in 1910 was proclaimed July 13, 1914, and is effective as between the United States and Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Salvador, and Uruguay.

President Wilson, on April 14, 1920, signed a proclamation granting to subjects of Great Britain and Dominions, except Canada, Australia, New Zealand, South Africa, and Newfoundland, Copyright Protection. Protection is also granted to records, perforated rolls and other devices for production of music, work by mechanical means. The proclamation did not afford protection to works republished in either country since August 1, 1914, but provided protection for all works first produced or published after that date and before the President's proclamation of peace.

The British Government issued an order in Council protecting works first published in U.S. between August 1, 1914, and termination of the war, conditional upon publication in England not later than six months after the termination of the war.

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