

TITLE 17.—COPYRIGHTS

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Exclusive rights as to copyrighted works. 2. Rights of author or proprietor of unpublished work. 3. Protection of component parts of work copyrighted; composite works or periodicals. 4. All writings of author included. 5. Classification of works for registration. 6. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected. 7. Copyright not to subsist in works in public domain, or published prior to July 1, 1909 and not already copyrighted, or Government publications; publication by Government of copyrighted material. 8. Authors or proprietors, entitled; aliens. 9. Publication of work with notice. 10. Registration of claim and issuance of certificate. 11. Works not reproduced for sale. 12. Deposit of copies after publication; action or proceeding for infringement. 13. Same; failure to deposit; demand; penalty. 14. Same; postmaster's receipt; transmission by mail without cost. 15. Mechanical work to be done in United States. 16. Affidavit to accompany copies. 17. Making false affidavit. 18. Notice; form. 19. Same; place of application of; one notice in each volume or number of newspaper or periodical. 20. Same; effect of accidental omission from copy or copies. 21. Ad interim protection of book published abroad. 22. Same; extension to full term. 23. Duration; renewal. 24. Same; renewal; subsisting copyrights. 25. Infringement. <ol style="list-style-type: none"> (a) Injunction. (b) Damages and profits; amount; other remedies. (c) Impounding during action. (d) Destruction of infringing copies and plates. (e) Royalties for use of mechanical reproduction of musical works. 26. Rules of procedure. 27. Jurisdiction of courts in enforcing remedies. 28. Joinder of proceedings for different remedies. 29. Willful infringement for profit. 30. Fraudulent notice of copyright, or removal or alteration of notice. | <p>Sec.</p> <ol style="list-style-type: none"> 30. Importation of article bearing false notice, or piratical copies of copyrighted work. 31. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title. 32. Forfeiture and destruction of articles prohibited importation. 33. Regulations to prevent importation in mails of articles prohibited. 34. Jurisdiction of actions under laws. 35. District in which actions may be brought. 36. Injunctions; service and enforcement. 37. Transmission of certified copies of papers for enforcement of injunction by other court. 38. Review of orders, judgments, or decrees. 39. Limitation of criminal proceedings. 40. Costs; attorney's fees. 41. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright. 42. Assignments and bequests. 43. Same; executed in foreign country; acknowledgment and certificate. 44. Same; record. 45. Same; certificate of record. 46. Same; use of name of assignee in notice. 47. Copyright office; preservation of records. 48. Register and assistant register. 49. Same; deposit of moneys received; reports. 50. Same; bond. 51. Same; annual report. 52. Seal of copyright office. 53. Rules for registration of claims. 54. Record books in copyright office. 55. Certificate of registration; effect as evidence; receipt for copies deposited. 56. Catalogues of copyright entries; effect as evidence. 57. Same; distribution and sale; disposal of proceeds. 58. Records and works deposited in copyright office open to public inspection; taking copies of entries. 59. Disposition of articles deposited in office. 60. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works. 61. Fees. 62. Terms defined. 63. Registration of prints and labels. |
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Section 1. Exclusive rights as to copyrighted works.—Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in sub-

section (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights. And as a condition of extending the copyright control to such mechanical reproductions, that whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The pay-

ment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. It shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs. (Mar. 4, 1909, c. 320, §§ 1, 64, 35 Stat. 1075, 1088.)

2. Rights of author or proprietor of unpublished work.—Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor. (Mar. 4, 1909, c. 320, § 2, 35 Stat. 1076.)

3. Protection of component parts of work copyrighted; composite works or periodicals.—The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title. (Mar. 4, 1909, c. 320, § 3, 35 Stat. 1076.)

4. All writings of author included.—The works for which copyright may be secured under this title shall include all the writings of an author. (Mar. 4, 1909, c. 320, § 4, 35 Stat. 1076.)

5. Classification of works for registration.—The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

- (a) Books, including composite and encyclopedic works, directories, gazetteers, and other compilations;
- (b) Periodicals, including newspapers;
- (c) Lectures, sermons, addresses (prepared for oral delivery);
- (d) Dramatic or dramatic-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art; models or 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;
- (l) Motion-picture photoplays;
- (m) Motion pictures other than photoplays.

The above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this title, nor shall any error in classification invalidate or impair the copyright protection secured under this title. (Mar. 4, 1909, c. 320, § 5, 35 Stat. 1076; Aug. 24, 1912, c. 356, 37 Stat. 488.)

6. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.—Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this title; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works. (Mar. 4, 1909, c. 320, § 6, 35 Stat. 1077.)

7. Copyright not to subsist in works in public domain, or published prior to July 1, 1909 and not already copyrighted, or Government publications; publication by Government of copyrighted material.—No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof. The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. (Mar. 4, 1909, c. 320, §§ 7, 64, 35 Stat. 1077, 1088.)

8. Authors or proprietors, entitled; aliens.—The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title. The copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require. (Mar. 4, 1909, c. 320, § 8, 35 Stat. 1077.)

9. Publication of work with notice.—Any person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking an interim protection under section 21 of this title. (Mar. 4, 1909, c. 320, § 9, 35 Stat. 1077.)

10. Registration of claim and issuance of certificate.—Such person may obtain registration of his claim to copyright by complying with the provisions of this title, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in

section 55 of this title. (Mar. 4, 1909, c. 320, § 10, 35 Stat. 1078.)

11. Works not reproduced for sale.—Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 12 and 13 of this title, where the work is later reproduced in copies for sale. (Mar. 4, 1909, c. 320, § 11, 35 Stat. 1078; Aug. 24, 1912, c. 350, 37 Stat. 488.)

12. Deposit of copies after publication; action or proceeding for infringement.—After copyright has been secured by publication of the work with the notice of copyright as provided in section 9 of this title, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign State or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 15 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 11 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with. (Mar. 4, 1909, c. 320, § 12, 35 Stat. 1078; Mar. 28, 1914, c. 47, § 1, 38 Stat. 311.)

13. Same; failure to deposit; demand; penalty.—Should the copies called for by section 12 of this title not be promptly deposited as provided in this title, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of \$100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void. (Mar. 4, 1909, c. 320, § 13, 35 Stat. 1078.)

14. Same; postmaster's receipt; transmission by mail without cost.—The postmaster to whom are delivered the articles deposited as provided in sections 11 and 12 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (Mar. 4, 1909, c. 320, § 14, 35 Stat. 1078.)

15. Mechanical work to be done in United States.—Of the printed book or periodical specified in section 5, subsections (a) and (b) of this title, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this title. (Mar. 4, 1909, c. 320, § 15, 35 Stat. 1078.)

16. Affidavit to accompany copies.—In the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication. (Mar. 4, 1909, c. 320, § 16, 35 Stat. 1079.)

17. Making false affidavit.—Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited. (Mar. 4, 1909, c. 320, § 17, 35 Stat. 1079.)

18. Notice; form.—The notice of copyright required by section 9 of this title shall consist either of the word "Copyright" or the abbreviation "Copr.," accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor. On some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on

July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: "Entered according to Act of Congress, in the year —, by A. B., in the office of the Librarian of Congress, at Washington"; or, at his option the word "Copyright," together with the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B." (Mar. 4, 1909, c. 320, §§ 18, 64, 35 Stat. 1079, 1084; June 18, 1874, c. 301, § 1, 18 Stat. 79.)

19. Same; place of application of; one notice in each volume or number of newspaper or periodical.—The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice. (Mar. 4, 1909, c. 320, § 19, 35 Stat. 1079.)

20. Same; effect of accidental omission from copy or copies.—Where the copyright proprietor has sought to comply with the provisions of this title with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct. (Mar. 4, 1909, c. 320, § 20, 35 Stat. 1080.)

21. Ad interim protection of book published abroad.—In the case of a book first published abroad in the English language, the deposit in the copyright office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of four months after such deposit in the copyright office. (Mar. 4, 1909, c. 320, § 21, 35 Stat. 1080; Dec. 18, 1919, c. 11, 41 Stat. 369.)

22. Same; extension to full term.—Whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section 15 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the term provided in this title. (Mar. 4, 1909, c. 320, § 22, 35 Stat. 1080.)

23. Duration; renewal.—The copyright secured by this title shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further

term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication. (Mar. 4, 1909, c. 320, § 23, 35 Stat. 1080.)

24. Same; renewal; subsisting copyrights.—The copyright subsisting in any work on July 1, 1909, may, at the expiration of the term of twenty-eight years from the time of recording the title thereof as provided by former law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period of twenty-eight years. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term. (U. S. § 4053; Mar. 4, 1909, c. 320, §§ 24, 61, 35 Stat. 1080, 1088.)

25. Infringement.—If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) Injunction.—(a) To an injunction restraining such infringement;

(b) Damages and profits; amount; other remedies.—(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as herein-after stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of \$200 nor be less than the sum of \$50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of \$100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker

and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of \$5,000 nor be less than \$250, and such damages shall in no other case exceed the sum of \$5,000 nor be less than the sum of \$250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

First. In the case of a painting, statue, or sculpture, \$10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this title, except a painting, statue, or sculpture, \$1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, \$50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, \$100 for the first and \$50 for every subsequent infringing performance; in the case of other musical compositions \$10 for every infringing performance;

(c) **Impounding during action.**—(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) **Destruction of infringing copies and plates.**—(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

(e) **Royalties for use of mechanical reproduction of musical works.**—(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this title: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Rules of procedure.—Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States. (Mar. 4, 1909, c. 320, § 25, 35 Stat. 1081; Aug. 24, 1912, c. 350, 37 Stat. 480.)

26. Jurisdiction of courts in enforcing remedies.—Any court given jurisdiction under section 34 of this title may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree en-

forcing the remedies herein provided. (Mar. 4, 1909, c. 320, § 26, 35 Stat. 1082.)

27. Joinder of proceedings for different remedies.—The proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. (Mar. 4, 1909, c. 320, § 27, 35 Stat. 1082.)

28. Willful infringement for profit.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court: *Provided, however*, That nothing in this title shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit. (Mar. 4, 1909, c. 320, § 28, 35 Stat. 1082.)

29. Fraudulent notice of copyright, or removal or alteration of notice.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 and not more than \$1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of \$100. (Mar. 4, 1909, c. 320, § 29, 35 Stat. 1082.)

30. Importation of article bearing false notice or piratical copies of copyrighted work.—The importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited. (Mar. 4, 1909, c. 320, § 30, 35 Stat. 1082.)

31. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 15 of this title.—During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 15 of this title, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section 15 is prohibited: *Provided, however*, That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this title, and such unlawful use shall be deemed an infringement of copyright. (Mar. 4, 1909, c. 320, § 31, 35 Stat. 1082.)

32. **Forfeiture and destruction of articles prohibited importation.**—Any and all articles prohibited importation by this title which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this title may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud. (Mar. 4, 1909, c. 320, § 32, 35 Stat. 1083.)

33. **Regulations to prevent importation in mails of articles prohibited.**—The Secretary of the Treasury and the Postmaster General are empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this title, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this title, and which infringe the rights of such copyright proprietors or injured parties. (Mar. 4, 1909, c. 320, § 33, 35 Stat. 1083.)

34. **Jurisdiction of actions under laws.**—All actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the Supreme Court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands. (Mar. 4, 1909, c. 320, § 34, 35 Stat. 1084; Aug. 24, 1912, c. 300, § 8, 37 Stat. 505.)

35. **District in which actions may be brought.**—Civil actions, suits, or proceedings arising under this title may be instituted

in the district of which the defendant or his agent is an inhabitant, or in which he may be found. (Mar. 4, 1909, c. 320, § 35, 35 Stat. 1084.)

36. **Injunctions; service and enforcement.**—Any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants. (Mar. 4, 1909, c. 320, § 36, 35 Stat. 1084.)

37. **Transmission of certified copies of papers for enforcement of injunction by other court.**—The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office. (Mar. 4, 1909, c. 320, § 37, 35 Stat. 1084.)

38. **Review of orders, judgments, or decrees.**—The orders, judgments, or decrees of any court mentioned in section 34 of this title arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively. (Mar. 4, 1909, c. 320, § 38, 35 Stat. 1084.)

39. **Limitation of criminal proceedings.**—No criminal proceeding shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose. (Mar. 4, 1909, c. 320, § 39, 35 Stat. 1084.)

40. **Costs; attorney's fees.**—In all actions, suits, or proceedings under this title, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs. (Mar. 4, 1909, c. 320, § 40, 35 Stat. 1084.)

41. **Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.**—The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this title shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained. (Mar. 4, 1909, c. 320, § 41, 35 Stat. 1084.)

42. **Assignments and bequests.**—Copyright secured under this title or previous copyright laws of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will. (Mar. 4, 1909, c. 320, § 42, 35 Stat. 1084.)

43. **Same; executed in foreign country; acknowledgment and certificate.**—Every assignment of copyright executed in a foreign country shall 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 shall be prima facie evidence of the execution of the instrument. (Mar. 4, 1909, c. 320, § 43, 35 Stat. 1084.)

44. **Same; record.**—Every assignment of copyright shall 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. (Mar. 4, 1909, c. 320, § 44, 35 Stat. 1084.)

45. Same; certificate of record.—The register of copyrights shall, upon payment of the fee prescribed by section 61 of this title, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by section 61 he shall furnish to any person requesting the same a certified copy thereof under the said seal. (Mar. 4, 1909, c. 320, § 45, 35 Stat. 1085.)

46. Same; use of name of assignee in notice.—When an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this title. (Mar. 4, 1909, c. 320, § 46, 35 Stat. 1085.)

47. Copyright office; preservation of records.—All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights. (Mar. 4, 1909, c. 320, § 47, 35 Stat. 1085.)

48. Register and assistant register.—There shall be appointed by the Librarian of Congress a register of copyrights, and one assistant register of copyrights, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. (Mar. 4, 1909, c. 320, § 48, 35 Stat. 1085; Mar. 4, 1923, c. 265, § 1, 42 Stat. 1488.)

49. Same; deposit of moneys received; reports.—The register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose, by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this title, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances. (Mar. 4, 1909, c. 320, § 49, 35 Stat. 1085.)

50. Same; bond.—The register of copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties. (Mar. 4, 1909, c. 320, § 50, 35 Stat. 1085.)

51. Same; annual report.—The register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title. (Mar. 4, 1909, c. 320, § 51, 35 Stat. 1085.)

52. Seal of copyright office.—The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated. (July 8, 1870, c. 230, § 85, 16 Stat. 212; Mar. 4, 1909, c. 320, § 52, 35 Stat. 1085.)

53. Rules for registration of claims.—Subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title. (Mar. 4, 1909, c. 320, § 53, 35 Stat. 1085.)

54. Record books in copyright office.—The register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this title, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this title he shall make entry thereof. (Mar. 4, 1909, c. 320, § 54, 35 Stat. 1086.)

55. Certificate of registration; effect as evidence; receipt for copies deposited.—In the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section 10 of this title, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after June 30, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration. (Mar. 4, 1909, c. 320, §§ 55, 64, 35 Stat. 1086, 1088; Mar. 2, 1913, c. 97, 37 Stat. 724.)

56. Catalogues of copyright entries; effect as evidence.—The register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. (Mar. 4, 1909, c. 320, § 56, 35 Stat. 1086.)

57. Same; distribution and sale; disposal of proceeds.—The said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copy-

rights, not exceeding \$5 per annum for the complete catalogue of copyright entries and not exceeding \$1 per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time. (Mar. 4, 1909, c. 320, § 57, 35 Stat. 1086.)

58. Records and works deposited in copyright office open to public inspection; taking copies of entries.—The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress. (Mar. 4, 1909, c. 320, § 58, 35 Stat. 1086.)

59. Disposition of articles deposited in office.—Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein. (Mar. 4, 1909, c. 320, § 59, 35 Stat. 1087.)

60. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.—Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it. (Mar. 4, 1909, c. 320, § 60, 35 Stat. 1087.)

61. Fees.—The register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this title, \$1, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be 50 cents where a certificate is not demanded. For every additional certificate of registration made, 50 cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), of this title, or for any copy of such assignment or license, duly certified, if not over three hundred words in length, \$1; if more than three hundred and less than one thousand words in length, \$2; if more than one thousand words in length, \$1 additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section 1, subsection (e), 25 cents for each notice if not over fifty words, and an additional 25 cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, \$1. For recording the extension or renewal of copyright provided for in sections 23 and 24 of this title, 50 cents. For recording the transfer of the proprietorship of copyrighted 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 any requested search of copyright office records, indexes, or deposits, 50 cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time. (Mar. 4, 1909, c. 320, § 61, 35 Stat. 1087.)

62. Terms defined.—In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire. (Mar. 4, 1909, c. 320, § 62, 35 Stat. 1087.)

63. Registration of prints and labels.—In the construction of this title, the word "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other article of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, \$6, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same. (June 18, 1874, c. 301, § 3, 18 Stat. 70.)

CORRUPT PRACTICES ACT

See chapter 8 of Title 2, CONGRESS.

COSTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COTTON FUTURES ACT

See Title 26, INTERNAL REVENUE.

COTTON STANDARDS

See Title 7, AGRICULTURE.

COUNCIL OF NATIONAL DEFENSE

See Title 50, WAR.

TITLE 17.—COPYRIGHTS**COURT OF CLAIMS**

See Title 28, JUDICIAL CODE AND JUDICIARY.

COURT OF CUSTOMS APPEALS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COURTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

Bankruptcy courts; see Title 11, BANKRUPTCY.

Consular courts; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

Military courts; see Title 10, ARMY.

United States Court for China; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

COURTS OF INQUIRY

See Title 10, ARMY.

COURTS-MARTIAL

See Title 10, ARMY.

CREDIT BANKS

See Title 12, BANKS AND BANKING.

CREDIT CORPORATIONS (AGRICULTURAL)

See Title 12, BANKS AND BANKING.

CUBAN INDEPENDENCE

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

CURRENCY

See Title 31, MONEY AND FINANCE.

