

COPYRIGHT CASES, A SUMMARY

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Copyright cases, a summary by Arthur S. Hamlin

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ARTHUR S. HAMLIN

**COPYRIGHT CASES,
A SUMMARY**

THE AMERICAN PUBLISHERS' COPYRIGHT LEAGUE

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The American Publishers' Copyright League was instituted in 1886, its organization constituting practically a continuation of the earlier Publishers' Copyright Association. The general purpose of the League was to give consideration to the interests of authors and publishers in the protection of literary property, and to take immediate action in securing the enactment by Congress of an international copyright measure, the work in behalf of which had been begun as far back as 1837.

The international provisions of the present copyright statute were secured by the bill of March, 1891. During the thirteen years since that date, it has, however, been found that continued watchfulness and frequent action were required not only for the purpose of preserving the international features of the present statute, but also to protect domestic copyright against so-called "amendments," which would have had undesirable and unsatisfactory results. It has also proved important to secure the enactment from time to time of certain amendments to the statute for the better protection of the producers of literary property. The Executive Committee of the League have utilized the services of the Secretary and of its Counsel for such action as was required in Washington for these purposes. Further work in this direction will be required before a copyright statute can be secured consistent in its provisions and satisfactory in its working. For the supervision of this work, the maintenance of the Copyright League is important.

The members of the League are at liberty to make application, through the Secretary, to the Counsel of the League, Stephen H. Olin, Esq., for opinions regarding the interpretation of the copyright statute, or the effect of decisions of the Solicitor General; or of opinions of the Register of Copyrights.

Publishers of books, music, and works of art, and dealers in books, music, and works of art are eligible for membership in the League. Each firm may be represented at the meetings of the League by any partner delegated for the purpose.

Representatives of European Houses which are carrying on publishing business in this country are eligible for membership.

The annual dues are Ten Dollars.

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ARTHUR S. HAMLIN

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ARMY AND
NAVY

The Knickerbocker Press, New York

Introduction.

The purpose of this compilation is to bring together, for convenient reference on the part of publishers, authors, and others interested in copyright property, a summary, as comprehensive as is practicable in a volume of such compass, of the issues that have arisen and the decisions that have been given under the statutes controlling copyright and literary property, since the enactment of the International Copyright Law of 1891.

The collection includes reports of all decisions rendered by American courts since that date, excepting those that related merely to matters of practice or of pleading. It has been the intention to group together a series of cases which, as summarized, present something more than a mere digest of the legal principles involved but which do not call for the space that it would have been necessary to devote to decisions reported in full. The book is addressed to the layman rather than to the lawyer; and it is on this ground that such cases or such portions of cases as have to do merely with the technicalities of procedure are omitted. For convenience of reference, the text of the United States' statutes on copyright in force on the 1st of January, 1904, has been included.

The compiler has also included a selection of certain English cases of recent date which present matters likely to prove of interest to American publishers and authors. The plan and scope of the compilation rendered it impracticable to include in it any general

collection of foreign cases. In addition to the court decisions, the volume presents a brief summary of the recent decisions of the Treasury Department bearing upon the importation under the copyright law, of books and works of art, as in the absence or in advance of judicial decisions, such rulings constitute the highest authority upon the questions with which they are concerned. The editor has not undertaken (except in one or two instances) to add to the conclusions arrived at or the principles laid down by the courts. It has seemed sufficient to connect together by references the various decisions that have relation to each other and to indicate any cases in which conflicts or inconsistencies might seem likely to result from the rulings of courts with different jurisdictions.

If the volume thus shaped may prove of any service in directing public opinion towards the inadequacies, the inequalities, and the incongruities which characterize the provisions of the present copyright law of the United States, the labor involved in its preparation will be well repaid.

The editor takes this opportunity of expressing his own cordial approval of a suggestion that has been made more than once by authors and others interested, in regard to the necessity for a thorough revision or reshaping of our copyright statute. He is in accord with the recommendation that the framing of a satisfactory copyright act which shall have for its purpose an equitable and adequate protection for the producers of intellectual property and which shall be so worded as to carry out that purpose effectively, should be entrusted to a commission of experts. Such a commission should comprise representatives of the several interests to be considered: producers of works of litera-

ture, of art, and of music, publishers of works of art, of books, and of newspapers. The commission should also include a skilled copyright lawyer and it might be in order to add some representative of the general public who would have no direct property interests in the results of such a bill as may be framed. As such a commission, possessing the requisite authority, would naturally be constituted under an Act of Congress, it would also, according to the usual routine, include representatives of the Senate and of the House of Representatives. All existing copyright statutes of the world, excepting that of the United States, have been the work of commissions of experts. The members of these commissions have had authority to summon witnesses and to take testimony, and after having devoted sufficient time to the mastery of the details of a subject which is of necessity complex and which certainly calls for expert training and for expert experience, they have presented their conclusions in the form of a report containing the specifications of the legislation recommended. The copyright laws of the states of Europe have, without an exception, been based upon such recommendations. With the co-operation of such a commission, it ought to prove practicable to secure a copyright statute which should give due consideration to all the interests involved and which should be sufficiently consistent in its provisions to obviate the necessity of the large proportion of copyright issues that have arisen from the unnecessary complexity of the provisions of the existing statute and from the difficulty, and in some cases the impracticability, of fulfilling the obligations imposed by this statute.

A. S. H.

NEW YORK, April 15, 1904.