

December 1956

A Manual of Copyright Practice

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Recommended Citation

Allen D. Choka, *A Manual of Copyright Practice*, 59 W. Va. L. Rev. (1956).

Available at: <https://researchrepository.wvu.edu/wvlr/vol59/iss1/15>

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BOOK REVIEWS

A MANUAL OF COPYRIGHT PRACTICE, 2d ed. By Margaret Nicholson. New York: Oxford University Press. \$6.50.

In spite of the plethora of law publishers who sell their law books at extremely healthy prices, none has apparently seen fit to undertake the publication of a definitive work on copyright law. The leading authority (Weil, *American Copyright Law*) carries a 1917 publication date. Ball's 1944 treatise (*Law of Copyright and Literary Property*) somehow failed to make the grade. Probably the most valuable "book" writing of recent date has resulted from the Federal Bar Association lectures on literary property which have been collected and published by Commerce Clearing House. While the law reviews have been invaluable for treatise purposes, the copyright field definitely needs a Wigmore, a Mertens or a Loss. Under these circumstances, a new publication on copyright law is eagerly perused by copyright practitioners, even if it be but a revision of an earlier edition, as Nicholson's book is.

Nicholson's book falls into the category of books that are extremely difficult to review because they are neither fish nor fowl. It is easy to criticize a fish because it does not have fine plumage; yet it must certainly be commended for its foresight in not having feathers to impede its swimming ability. The same is true of books dealing with the law which do not profess to be legal treatises. They may be damned for their generalizations, over-simplifications and of subtlety; yet they must be praised (at least some of them) for their ability to present the law in an easy, understandable manner to the public. The legal profession suffers because of lack of common understanding with the laity. Every opportunity should be welcomed to break down the feeling that the law is composed of an amalgam of archaic words and interminable delays.

In the copyright field Nicholson does this admirably. Without doubt she has written the most understandable work on copyright law in existence today. She has written, to use her own words, for the "author, editor, agent, permissions department, publisher and his secretary." She has written to answer the day-to-day questions dealing with copyright law that arise in publication offices. She deals with such matters as the proper application form to be used to register architectural plans; whether a date is needed on maps to secure a copyright; whether Denmark extends copyright protection

to non-citizens and for how long; whether the registration fee for a label is \$4 or \$6; and in what classification a ballet that tells a story should be placed. In short, this is a handy desk-book for those dealing with the mechanical problems of copyright.

It is more than just a desk-book however. In format, it is divided into four parts. The first serves as a general introduction to copyright law and presents a brief, over-all view of the field. The second, comprising about 140 pages of the book's 260, deals in encyclopedic form with the major areas of copyright law. Under 49 separate headings, such as "Unpublished Works", "Renewals", "Notice", "Fees", "Applications", etc., Nicholson has collected the important factors dealing with the subject matter of the heading. The third part consists of questions frequently raised about copyright law and the fourth presents filled-in application forms together with the full text of the Copyright Law, Universal Copyright Convention and Berne Convention. With the exception of legal procedure and penalties, a fairly complete statement of the law is presented. The practice of copyright law goes beyond the narrow area delimited by the Copyright Act. Nicholson recognizes this and her coverage extends to the field of titles (which many lawyers are still amazed to find cannot be copyrighted), unfair competition and moral rights. Even within the strict copyright area, she has gone beyond her avowed limitation of presenting only the routine and mechanical aspects of the law by including a brief discussion of infringement and fair use.

The main purpose of the revision is to include the Universal Copyright Convention requirements. This is justification enough as the impact of the Convention has been great. In addition, a few Federal Trade Commission requirements have been sprinkled throughout the book and a great part of it has been rewritten. Those who use the first edition should obtain the revision.

The layout of the book has been improved since the first edition and the printing made more readable. It is well indexed and includes a "Selected Bibliography" plus citations to a few cases.

It is always difficult to figure out exactly where such a book as this fits into a law library. Since it is written for those unschooled in threading through legalese, it suffers from the defects inherent in such writing. However, the monumental ignorance of copyright principles that so many lawyers have, makes the book a welcome

addition to the small number of copyright treatises in print today. Although the preface protests that the book is not for "copyright lawyers or even law students who plan to specialize in copyright law", this leaves a large segment of the legal profession to whom the book will be useful. Outside of New York and Hollywood, it is doubtful that there are many specialists in copyright law. A large part of copyright practice rests with the general practitioner. Since, in turn, a large part of this practice deals with matters covered by Nicholson's book, it definitely has a place in the law office. For those who plan to become specialists in this field, there is no better primer! for those who are already specialists, there is no handier desk-book.

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A TREATISE ON ADMINISTRATIVE LAW. By Morris D. Forkosch, Indianapolis, Indiana: The Bobbs-Merrill Company, Inc. 1956. Pp. xiv, 856. Regular edition: \$17.50. Student edition: \$12.00.

Over the past century American society has grown infinitely more complicated. Complexity has helped generate expansion of the role of government in our lives. Increased governmental activity is manifested in part through administrative agencies—bodies which, under the traditional tri-partite division of sovereign powers, are neither fish nor fowl. Because the activities of local, state, and federal bureaucrats affect a great many private interests, lawyers and other citizens have become increasingly aware of, and interested in, the procedures followed by them. Interest in administrative government has generated fierce court battles;¹ it has resulted in legislation, such as the *Administrative Procedure Act*;² it has been reflected in law schools by admission of Administrative Law to the

¹ The *Chenery* cases, decided under the Public Utility Holding Company Act of 1935, 49 STAT. 803, 15 U.S.C. § 79 (1952), went three rounds in the courts. Twice the controversy reached the Supreme Court, *SEC v. Chenery Corporation*, 318 U.S. 80 (1943); *SEC v. Chenery Corporation*, 332 U.S. 194 (1947), and in the third round the litigants made an effort to get that far. *In re Federal Water and Gas Corporation*, 87 F. Supp. 289 (D. Del. 1949), *affirmed*, 188 F.2d 100 (3d Cir. 1951), *cert. denied*, 341 U.S. 953 (1951).

The *Morgan* litigation made four trips to the Supreme Court. *Morgan v. United States*, 298 U.S. 468 (1936); *Morgan v. United States*, 304 U.S. 1 (1938); *United States v. Morgan*, 307 U.S. 183 (1939); *United States v. Morgan*, 313 U.S. 409 (1941). It lasted through nearly a dozen years of administrative and court action.

² 60 STAT. 237 (1946), 5 U.S.C. §§ 1001-11 (1952).