

LIBRARY OF CONGRESS  
COPYRIGHT OFFICE  
WASHINGTON

NO.

RCD-SMF

October 28, 1925.

Dear Madam:

As explained to you by Mr. DeWolf in your interview at the Copyright Office today, the Office has no judicial powers under the law and therefore cannot make any statement as to the validity of copyright registrations, or as to the rights of specific parties in cases of dispute. It is possible, however, that some general statements of the principles and provisions of the copyright law will assist you.

Copyright in photographs, as in all works, is based on authorship and the right to secure registration belongs in the first instance to the person who made the work. The sale or transfer of one copy of a photograph or other copyrightable work does not imply the sale of the copyright. Section 41 of the Copyright Act of 1909 is specific on this point. It reads as follows: "That 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", etc.

Copyright does not become the property of the first person to reach this Office with an application for any material, but belongs only to the person having a lawful right to it and the fact that a registration may have been made by someone other than the author prior to the author's registration would not deprive the author of his rights.

Respectfully,

*Thorvald Solborg*  
Register of Copyrights.

Miss Laura Gilpin,  
Colorado Springs,  
Colorado.