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An Outline of Copyright Law, by Richard C. De Wolfe

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BOOK REVIEWS

An Outline of Copyright Law. By RICHARD C. DE WOLFF.
John W. Luce & Company, Boston, 1925, pp. 330.

This book is exactly what it purports to be, an outline or handbook of copyright law, and is written in a popular rather than in a technical style. The text of the book is divided into twelve chapters and the appendix consists of one hundred pages, devoted to copyright statutes, rules of the copyright office for the registration of copyright claims, and various copyright conventions entered into by the United States and foreign countries.

The chapter headings give some idea of the general topical treatment, beginning with an interesting though brief chapter on the history of copyright legislation in England and America and the relation of such legislation to the common law rules on copyright. Subsequent chapters deal with statutory definitions, procedure before the copyright office, the renewal and transfer of copyright claims, the infringement of copyright rights, the subject matter of copyright, the rights granted by common law and statutes, and international copyright relations. Considerable stress is placed on motion pictures and the problems of copyright law in connection with them. A final chapter of advice to authors is excellent and gives evidence that the author has had very considerable practical experience in copyright work, which of course he has.

The law of copyright is not taught in many law schools and it is doubtful whether the subject should be taught as a case course, considering the time which is required for the teaching of a subject by that method. The subject is now largely a statutory one, and although a number of the problems involved in the subject are difficult and require much thought and labor to master, still it is true that a general treatment of the subject in summary is sufficient for the average law school student. Copyright law is now a specialized work and few general practitioners are called upon to handle copyright cases. Nevertheless, every practitioner should know something of the subject, for it is quite possible that in a general practice some question touching copyright may arise. This book might well be included in the list of reading course books which is being put into the hands of students in several law schools in order that a general outline of some fields of the law might be gained by the student even though that particular subject is not included in the regular case course curriculum.

The book does not pretend to be an exhaustive treatise, and students will find scattered through its pages many leading citations to cases and the larger works of Drone and Weil. The book is a careful piece of work, and the author has done more than merely state rules, for the treatment is critical throughout. In a number of cases the author suggests modifications of the law of copyright which he believes to be needed and these suggestions are usually convincing and are the result of years of work in the copyright office and private copyright practice.

The average reader might be surprised to learn that a printer or binder holding copies of a book under a lien for materials or labor cannot sell them, except as waste paper, because the author cannot be divested of his statutory exclusive right to vend the books. See p. 73. Titles are not protected by copyright, a fact probably not well known to many lawyers engaged in general practice. The common law protection is also a matter not well understood by many. Pages 127 ff. contain many practical hints and helps to both authors and their attorneys when dealing with motion picture interests.

The book is printed in an attractive form and instead of putting references in footnotes the author has included them in brackets in the body of the text. References to Drone and Weil, and to leading cases, as well as to the rules of the copyright office are made in connection with the different topics treated. On the whole, this little book should find a comparatively large group of readers among the general public as well as among the members of the bar.

OLIVER P. FIELD

Lycurgus, or the Future of the Law. By E. S. P. HAYNES.

E. P. Dutton and Company, New York, 1926. pp. xi; 82.

According to the author's preface this book is written for laymen and not for lawyers. Furthermore it is confessedly a very brief and sketchy account of some of the greatest problems in the law. Thus the chapters are entitled, I. Legislation, II. The Law Courts, III. Corporations. IV. The Criminal Law, V. Family Law, VI. The Land Laws. VII. Costs and Fusion, VIII. Private International Law, IX. Individual Liberty. The whole consists of eighty-two pages, but since it appears as one of the little volumes of the "Today and Tomorrow Series" these eighty-two pages would not make more than twenty pages in the average law journal. Mr. Haynes is an Oxford graduate and has had some experience as an English solicitor. From "Who's Who, 1926" it appears that Mr. Haynes has given most of his time to writing of a general character and that he has been engaged in many other interests besides the law in the past few years. Thus he is also the author of "Divorce At It Might Be," "The Enemies of Liberty" and other books.

The introduction is perhaps the best thing in the book. Here the author sets forth those things which he feels brings the law into contempt. He lists them in outline form. The pleasing thing about this is that, while the whole book is really in outline form, it is not labelled an outline as the introduction is.

It is likely that a layman reading the book would find it interesting and entertaining. If he read closely he would probably carry away some ideas in regard to legal matters. For lay readers, however, the difficulty with the book is that it is really too short and that the author jumps about amid legal conceptions with so little explanation or detailed content to his ideas that one must be a pretty well trained layman to profit from the book. Of course the book does not purport to be a professional work for lawyers. It is likely that lawyers might get a better grip of its content than laymen because the lawyers would have a background with which to estimate the many suggestions that the author presents in outline form without argument or explanation.

In the field of criminal law the author laments the blind tendency in the old law by which certain acts were visited with certain severe punishments regardless of the moral turpitude of that particular act and the effect on the criminal of the punishment. These are, of course, characteristics of the early criminal law and the author is in agreement with most modern authorities when he insists that crime is a problem which should be handled in the most practically way for the advantage of society and the improvement of the individual criminal. Both in the field of criminal law and in the field of divorce the author seems anxious to get away from the union of law and theology which once existed and to place legal rights and obligations in criminal and divorce law upon the actual advantage of society and the individuals concerned. He insists that this does not mean a weakening of morality; rather it means the upholding of the highest moral code that is possible for the social group at this time.