

Copyright Notices

Special Edition • April 2009

Barbara Ringer: 1925–2009



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Barbara Ringer, 9th Register of Copyrights, Dies

JUDITH NIERMAN

BARBARA RINGER, the principal architect of the 1976 Copyright Act who served as Register of Copyrights from 1973 to 1980 and as Acting Register from 1993 to 1994, died April 9, 2009, in Lexington, Virginia. She had been in declining health for several years. Ringer was known for her brilliance in drafting legislation, her authorship of works on copyright, and her ability to harmonize divergent points of view. She was a key advisor to Congress in the preparation and passage of legislation resulting in the first major revision of the copyright law since 1909, and the resulting Copyright Act of 1976 remains her most significant legacy.

The movement toward the comprehensive revision of U.S. copyright law began before World War II but was stalled by the war effort. Register of Copyrights Arthur Fisher (1951–60), succeeded by Register of Copyrights Abraham Kaminstein (1960–71), reignited the impetus

political strategist, the one who figured out how to deal with all the divisive interests.”

Former Assistant Chief of Examining Arthur Levine, who worked in the Office from 1963 to 1971 before entering private law practice, said that during the revision process, 12 people wrote the Register’s reports and drafted legislation and committee reports. “Those 12 people were Barbara Ringer, an amazing woman. Without Barbara Ringer, there would not have been a copyright revision act in 1976.” For her leadership in the revision of the U.S. copyright law, Ringer received the President’s Award for Distinguished Federal Civilian Service, the highest honor designed for extraordinary achievement in federal service, in a White House ceremony in 1977. She was recognized by her peers in 1979 when she received the prestigious Jefferson Medal from the New Jersey Patent Law Association, given each year to one who has made exceptional contributions in the field of patents, trademarks, or copyrights.

Ringer helped draft the Universal Copyright Convention (UCC) in 1955. She served as rapporteur for the establishment of the 1961 Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcast Organizations, and she played an active role in other international conferences, including the 1967 Intellectual Property Conference at Stockholm that resulted in revision of both the Berne Convention and the UCC and harmonization between developing and developed countries. Ringer was instrumental in the establishment and drafting of the 1972 Geneva Treaty on the Protection of Phonograms. In 1973 she was an alternate representative on the U.S. delegation to the Intergovernmental Copyright Committee meeting in Paris. The following year she served as an alternate representative on the U.S. delegation to the Diplomatic Conference to Negotiate a Convention Relating to Distribution of Program-Carrying Signals in Brussels.

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toward copyright revision, an effort that encompassed 21 years and continued until Public Law 94-553 was signed into law on October 19, 1976. “Barbara was the heart and soul of that project,” said former member of Congress Robert Kastenmeier, who served for many years as chairman or acting chairman of the House of Representatives subcommittee that dealt with copyright issues and who worked closely with Ringer and the Copyright Office to achieve enactment of reform. She not only crafted the legislative material, he said, but she was also “the

After 1980 she described herself as retired and said that the only professional association she maintained was membership in CLIPS, the Committee for Literary Property Studies formed by former Authors League counsel Irwin Karp. This committee proposed changes to the renewal system, submitted an amicus brief in the Supreme Court *Rear Window* case involving the right to create derivative works, and counseled the House subcommittee on renewal issues. Together with committee members, she drafted the Copyright Renewal Act of 1992 that repealed termination and provided for automatic renewal of copyright for works copyrighted between 1964 and 1977, works that Ringer felt had been treated unfairly in the 1976 Act. In 1988 she advocated for U.S. entry into the Berne Convention when legislation was blocked in the Senate.

In 1993 Ringer returned to the Copyright Office to serve as cochair of the Librarian's Advisory Committee on Copyright Registration and Deposit (ACCORD) and then as acting Register of Copyrights from November 1993 to August 1994. The 20-member ACCORD advisory group, comprised of distinguished private-sector academics, writers, members of the judiciary, librarians, and copyright attorneys, was charged with advising the Copyright Office and the Library on improvements to the registration and deposit system in light of the proposed Copyright Reform Act of 1993, which was never enacted. ACCORD's meetings detailed the future role of the copyright law and the business of the Copyright Office in the digital age, and its report to Congress suggested ways to improve the registration and deposit system to the benefit of the creative community, the American public, and the Library of Congress. For her contributions to that effort and for her lifetime contributions to the field of copyright and to the Library of Congress, she received the Library's Distinguished Service Award in 1995.

While guiding the ACCORD committee, Ringer also directed the Copyright Office, including working on regulations relating to cable and satellite licensing. At the time that Congress created the Copyright Arbitration

Memories of Barbara Ringer

ARTHUR LEVINE

In 1962, shortly after finishing law school, I came to Washington to interview for jobs. One of the interviews was with Barbara, and I immediately knew that, no matter the job, she was the person for whom I wished to work. During the interview, her warmth, intellect, humor, and passion for copyright made a huge impression on me.

At the time, Barbara was the chief of the Examining Division. She was a protégé of Registers Arthur Fisher and Abraham Kaminstein ("Kami"). Under both Registers she devoted most of her waking hours to the revision of the 1909 Copyright Act. Her efforts included drafting legislation, writing position papers, leading meetings among dissident interest groups, and occasional gentle but effective head-knocking. The congressmen who were on the relevant congressional committees relied heavily on her expertise.

I remember the day in April 1967 when the revision bill was being considered on the floor of the House of Representatives. I was sitting in the gallery and could look across at Barbara and Kami, who were suffering through the debates on liability of cable television operators. I could see the consternation and disappointment in their faces as it seemed that all of their work would be for naught. Barbara's determination was perhaps best shown over the following weekend when, in a series of meetings, she and Kami were able to assist the opposing parties to reach a consensus agreement. The bill passed the House of Representatives the next week.

After Kami's retirement and for the next nine years, Barbara used her considerable skills to guide the effort toward what became the 1976 Copyright Act. Simply put, if not for Barbara Ringer, there would have been no 1976 Copyright Act. Barbara wrote the 1976 Act and the committee reports that accompanied it and, with the assistance of Jon Baumgarten, who became Copyright Office general counsel, wrote the Copyright Office regulations implementing the 1976 Act.

Barbara was a pioneer in women's rights. She was one of a handful of women in her class shortly after

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Royalty Panel (CARP) in 1993, she proposed a system that was very similar to the current Copyright Royalty Board. Colleagues agree that she was 15 years ahead of the time with her concern for continuity between decisions of the CARP.

While Ringer was Acting Register, copyright restoration provisions from the General Agreement on Tariffs and Trade were included in legislation drafted outside the Copyright Office. Ringer felt that the expertise to draft such legislation lay inside the Office, and she saw major flaws in the draft. At a high-level interagency meeting, she was given 24 hours to redraft the text. Sending her staff home for the night, she wrote section 104A of the copyright law, making significant improvements that included the concepts of “reliance parties” and automatic restoration of copyright. The next day, “I saw that a master had been at work in the night,” said Eric Schwartz, who served as Copyright Office staff director of ACCORD. “It was remarkable.”

In addition, Ringer foresaw the analog world quickly converting to a digital one where the Copyright Office records of registrations and recordings should be digitally interlaced. She advocated that to remain relevant, the Office must move to a digital database interwoven with the registration system, a step that the Copyright Office is now in the process of completing. “We are on the verge of enormous technological change,” she said in 1993. “The Library and the Office should be at the center of what’s going on.” She also spoke of the copyright records as something “extremely valuable” that will provide the foundation for a copyright management system that will be useable, free, and online.

A transplant from the Midwest to the District, Ringer devoted most of her working life to copyright revision and the Copyright Office. Born in Lafayette, Indiana, in 1925, she was a 1945 Phi Beta Kappa graduate of George Washington University, where she also earned a master of arts degree in 1947. She was a 1949 graduate of the Law School of Columbia University. A member of the American Bar Association, the



PHOTO BY ROTKIN, P.E.I.



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Ringer (above) and Kaminstein (to Ringer's right) attend one of many hearings on copyright revision. Ringer (left) celebrates at the 1967 Intellectual Property Conference at Stockholm that established the World Intellectual Property Organization and adopted a new article to the Berne Convention dealing with exceptions to authors' rights.

D.C. Bar Association, and the Federal Bar Association, she was admitted to practice before the District of Columbia Bar, the U.S. Court of Appeals, and the U.S. Supreme Court.

She joined the Copyright Office staff as an examiner in 1949, just as Fisher's drive for revision gained momentum. She served successively as head of the Renewal and Assignment Section (1951); assistant chief (1955), acting chief (1960), and chief of the Examining Division (1961); assistant Register of Copyrights for Examining (1963); and assistant Register of Copyrights (1966). In each of these position, she was intimately involved with the nearly quarter-century-long program for the general revision of the U.S. copyright law. As assistant Register of Copyrights, she had a pivotal role in the formulation of legislation relating to revision and had extensive



PHOTOS BY IRENE KELLOG

Barbara Ringer in June 1993 as cochair of the Advisory Committee on Copyright Registration and Deposit

responsibilities in the management and policy-making of the Copyright Office

In 1972, after frequently working as the only woman in a field of men, she left the Office when she was unfairly passed over for the position of Register, which went to a less-qualified man. Although she loved the Library and the Copyright Office and said she could not rest easy in her grave if she damaged either, she sued the Librarian of Congress for discrimination. It was something she had to do, she told friends. Ringer became director of the Copyright Division of the United Nations Educational, Scientific, and Cultural Organization in Paris, where she served until she assumed the position of Register of Copyrights in November 1973, the first woman to hold the office. As Register she led the Copyright Office in implementing the sweeping changes brought about by the 1976 Copyright Act, which required rewriting regulations, creating new forms, and establishing new practices.

An accomplished writer and speaker, Ringer authored two monumental revision studies while serving as Examining Division assistant chief: Study Number 26, “The Unauthorized Duplication of Sound Recordings,” and Study Number 31, “Renewal of Copyright.” She presented important lectures, including the first R. R. Bowker Memorial Lecture given in October 1974 entitled “The Demonology of Copyright,” which was published and has been much cited, and the Manges Lecture at Columbia University Law School in 1990.

“During her long career at the Copyright Office, she was the inspirational leader of the copyright bar and a lifelong advocate for the

rights of creators,” said Adria Kaplan, former executive director of the Kernochan Center for Law, Media, and the Arts at Columbia Law School. Ringer was an ever-vigilant champion and defender of authors and authorship. “My philosophy has always been to reward authors for what they do, not to punish them for what they don’t do,” she said regarding the legal formality of registration. When accepting the Gold Medal awarded by the Confédération Internationale des Sociétés d’Auteurs et Compositeurs (CISAC) in Toronto in 1978, she said, “In the remaining years of my career, I hope that I can continue to work toward the most worthy goal I can imagine: improvement in the condition of authorship. I consider your medal not only a recognition of something accomplished, but a challenge to continue the fight.”

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Ringer was a gracious woman of tremendous focus, curiosity, and good humor who fostered the professional development of many younger attorneys whom she mentored. “A presentation by Barbara Ringer on the Copyright Office, given as part of the Library’s orientation program for new employees, inspired me to seek employment in the Office, which I joined in February 1966. She became my role model as I went through

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the second world war at Columbia Law School. She eagerly mentored and encouraged women employees in the Copyright Office. The use of both male and female pronouns in the text of the Copyright Act was done at Barbara's insistence. It may have been the first piece of legislation to use dual sex designations. Her dedication to civil rights was equally strong. It did not surprise me on August 28, 1963, to bump into Barbara and her, and my, dear friend Mary Lyle on the Mall awaiting Martin Luther King Jr.'s "I Have a Dream" speech.

Barbara's commitment to civil rights was more than symbolic. She fought within the Library of Congress against discriminatory practices, and her efforts initially cost her the appointment as Register of Copyrights. It was clear to those of us in the Copyright Office and in private practice that Barbara was by far the most qualified person to succeed Abraham Kaminstein as Register of Copyrights. However, Barbara was passed over for the position. In a unique lawsuit, Barbara sued the Librarian of Congress, claiming that she had been denied the appointment based on sexual and racial discrimination. The basis for her claim of discrimination based on race was that she was denied the position because of her public advocacy of the rights of African Americans in the Copyright Office. The hearing officer agreed with her contentions, and a federal judge affirmed the hearing officer's conclusions. Barbara subsequently was appointed Register of Copyrights.

Arthur Levine started in the Copyright Office in 1963 as an examiner in the Miscellaneous Section. In 1966 he was appointed assistant chief of the Examining Division. He left the Office in 1971 and is now of counsel with Finnegan, Henderson, Farabow, Garrett & Dunner LLP.

law school at night while working as a music examiner by day," said Marybeth Peters, Register of Copyrights. "Barbara was passionate about authors and authors' rights; she was passionate about the Copyright Office and the Library. Knowing her and working with her was a great gift that I will treasure forever."

Ringer enjoyed the respect of the wider copyright community and also that of the Copyright

Office staff. "Barbara was a wonderful chief of the Examining Division," said Dorothy "Penny" Keziah, retired head of the Music Section. "She knew how to be an administrator and was a very efficient lady. The staff respected her for her knowledge and her capacity to extend that knowledge to the staff." Ringer was well known in the Library, said lifelong friend Mary Lyle, who was assistant chief of the Renewals and Documents Section, as a pioneer advocate and champion of part-time work schedules, women's programs, and a child care center. "Frequently her actions were quietly done and therefore went generally unrecognized. She liked it that way," said Gayle Harris, who served as special assistant to the Register. "One major example of this was the creation of the Little Scholars Child Development Center. A number of us worked on the project, but in truth, Barbara's behind-the-scenes efforts brought it to fruition."

After Ringer retired from the Office in 1980, she joined the Washington, D.C., law firm of Spencer & Kaye. She bought 100 acres in Bath County, Virginia, and had a house built, eventually moving there full time from her home in the District. She enjoyed needlework and crocheting, her bird feeders, and her three cats and was active in the Bath Animal Welfare organization. Ringer did archival work on Americana and folk music in her local library while still retaining her ties with the copyright community. In 1992 she was appointed to the Library's National Recording Preservation Board as a music and film resource.

Although not technically trained in music, Ringer loved opera and other forms of music. She was known for her "encyclopedic knowledge of movies," noted Office of the Librarian Special Assistant David Albee, who worked closely with her for many years. "She had a reference library containing 1,500 volumes on film and 20,000 films, all of which have been given to the Library of Congress's National Audiovisual Conservation Center in Culpeper, Virginia."

The only child of her parents, Ringer once referred to herself as "the last leaf on the tree." She leaves no immediate family but many friends. She served the Library of Congress and the Copyright Office with the highest distinction. Rest easy, Barbara. ©