
Journal

of the

Copyright Society

of the USA



Barbara Ringer and Copyright History:
Remembering a Mentor, Colleague and Friend

MORTON DAVID GOLDBERG

VOL. 56, No. 4

SUMMER 2009

MEMORIAL TO BARBARA RINGER

IN MEMORIAM: BARBARA RINGER



(1925–2009)
Register of Copyrights (1973–1980)
Acting Register of Copyrights (1993–1994)

RI

B
and di
three

SI
ackno
author
of cop
well-k
propel

P
thority
mony,
highes
dent's
that A
the en
centur

H
Librar
not me
her str
Office
rian L

SI
two of
Boors
conflic
gress &
curren
outsta
munity

*Partne
Past Pr
tants to
right L

**BARBARA RINGER AND COPYRIGHT HISTORY:
REMEMBERING A MENTOR, COLLEAGUE AND FRIEND**

by MORTON DAVID GOLDBERG*

Barbara Alice Ringer was born in Lafayette, Indiana, May 29, 1925, and died in Lexington, Virginia, April 9, 2009. She had served more than three decades with the United States Copyright Office.

She served her country twice as Register of Copyrights, and was long acknowledged as one of the country's — and the world's — most eminent authorities in copyright law and a major contributor to the advancement of copyright legislation and international copyright relations. And, far less well-known, she made a significant contribution to the recognition of the proper roles of women and minorities in the copyright field and beyond.

President Gerald Ford recognized her as “the Nation’s foremost authority on copyright law and international issues” in a White House ceremony, when he conferred upon her the United States government’s highest honor for achievement in the federal career services, The President’s Award for Distinguished Federal Civilian Service. Barbara received that Award for her successful efforts and leadership over sixteen years in the enactment of the first major copyright legislation in more than half a century, the Copyright Act of 1976.

Her receipt of The President’s Award and her receipt (twice) of the Library of Congress Award for Distinguished Service were the vindication not merely of her long efforts to update our copyright system but, as well, her struggle to overcome gender and race discrimination in the Copyright Office and its parent, the Library of Congress, during the regime of Librarian L. Quincy Mumford.

She received the recognition from the Library, its highest award, from two of Mumford’s eminent successors: in 1976, from Librarian Daniel J. Boorstin, for her “brilliant ability to grasp, communicate, and reconcile conflicting viewpoints and strongly held opinions” in working with Congress and the many private sector interests involved; and in 1995, from the current Librarian, James H. Billington, for her “unfailing dedication and outstanding contributions” both “to the world intellectual property community” and “to the Copyright Office [and] the Library of Congress”

*Partner, Cowan, Liebowitz & Latman, P.C., New York; Honorary Trustee and Past President, The Copyright Society of the U.S.A.; Member, Panel of Consultants to the Register of Copyrights on the General Revision [1976] of the Copyright Law.

A remembrance

This piece is a remembrance of Barbara *qua* Barbara, from the perspective of others and from the perspective of my own interaction of a few decades with the Copyright Office. A reader not familiar with her contributions may read what I've written as a witness's recall of the play-by-play in an "inside baseball" history, but that's alas the risk of a remembrance.

I've not written a discussion of her views on the policies, provisions and practices of laws and treaties or her strongly-held philosophical perspectives that informed those views. So, I've not bitten off a scholarly analysis of her prolific writings, and I've eschewed the trammels of burdensome citations (even to myself) and footnote documentation. All that's for scholars, for them to expound and expand after they review her scholarly writings and the laws and treaties to which she contributed her ideas and her expression over more than four decades.

I've tried not to duplicate the excellent pieces by Judith Nierman and Arthur Levine that have already appeared in the April 2009 Special Edition of the Library of Congress "Copyright Notices," commemorating Barbara's life.

My adjectives and adverbs will tip off the reader early on that I've long been a fond admirer of Barbara. Jonathan Swift said that "who'er excels in what we prize / appears a hero in our eyes." Barbara excelled.

The Copyright Act of 1976

I first met Barbara and her distinguished predecessor as Register, Abraham L. Kaminstein ("Kami," to just about everyone) in the early 1960s through a variety of bar-related and quasi-governmental activities relating to their work in the revision program that culminated in the 1976 Act. I came to know them in activities of entities such as the predecessors of the American Bar Association Section of Intellectual Property Law and the American Intellectual Property Law Association, and in groups such as the Panel of Consultants to the Register of Copyrights on the General Revision of the Copyright Law and other governmental entities with sesquipedalian titles such as the Panel on Legal Aspects of Computerized Information Systems, of the Committee on Scientific and Technical Information ("COSATI").

In the last one, I participated with such luminaries as Barbara, Richard Posner and Stephen Breyer, with all of whom I was listed as "contributor" (much as a dictionary would define both Warren Buffett and me as "investor").

In those days, Barbara was Chief of the Examining Division of the Office and then Assistant Register, and was Kami's most significant collaborator in assisting, and then leading, the twenty-year program leading to the 1976 Act. It's fair to say that Barbara not only drafted far more of

the
mar
guis
rect
in o
ing
Cop

and
on
alm
efell
cajo
pres
gave
for
for

Barl
Gen
The
publ
cuss
who
whic

the
ute,
telev
had
worl
has
nize
an 'i

Barl

the
lowi
whic
and
past

the Act than any other person (or group of persons) but, as another of her many awards, the Government Patent Lawyers Association 1977 Distinguished Achievement Award, put it: "Her imaginative leadership in directing efforts toward revision of the copyright law, and her perseverance in overcoming obstacles and resolving differences between many conflicting interests, make her the person most responsible for enactment of the Copyright Act of 1976."

Some of what Barbara did for copyright revision in the United States and internationally is attested to in an eight-page letter that Kami wrote on April 27, 1974. He wrote it to Princeton's Woodrow Wilson School almost three years after his retirement, nominating Barbara for the Rockefeller Public Service Award. I was fortunate to succeed in coaxing and cajoling Barbara to give me a copy of his letter, because it so well expresses much of what I might say about her, just more eloquently. She gave me the copy twenty-five years later when I assembled documentation for a submission to the American Bar Association, seeking another award for her, of which more later.

Kami's letter told the people at Princeton that he "relied primarily on Barbara Ringer to do the initial drafting of both the 1961 Report on the General Revision and the revision bill" that the Office later proposed. The House Judiciary Subcommittee No. 3 later held twenty-two days of public hearings on the bill, with testimony from 150 witnesses, and discussed it in fifty-one executive sessions. And it was Barbara, Kami said, who analyzed the bill and all the comments on it for the Subcommittee, which unanimously approved it in 1966.

He went on to say that there was every hope that Barbara (by 1974, the Register) would be able to achieve an overall revision of the 1909 statute, notwithstanding the "Gordian knot of CATV" ("community antenna television," the precursor to today's cable systems) and other issues that had to be addressed in the Senate Judiciary Committee. He said she was working with that Committee and several federal agencies, and that she has the respect of all government and private sector parties, "who recognize her not only as able and talented but, perhaps more importantly, as an 'honest broker.'"

Barbara's international contributions

Kami's letter also documented Barbara's achievements in resolving the period of crisis that international copyright relations had entered following the 1967 adoption of the Berne Convention's Stockholm Protocol, which he characterized as a "direct threat to the standards of protection and to the structure of international copyright which had evolved over the past one hundred years."

Even though the United States would not become a member of Berne until 1988, Barbara prepared a blueprint in November, 1967, for resolution of the crisis and traveled back and forth to Paris and Geneva for the next three years to work out compromises. Then, it was Barbara who, as chair of an ad hoc preparatory committee comprising representatives of the key copyright countries, prepared the initial draft of the text that was later adopted by the Committee with her basic provisions. That text was presented to the diplomatic conferences in Paris to amend the Berne Convention and the Universal Copyright Convention in July, 1971, and at their conclusion they adopted what are now the Paris Texts of the two Conventions.

Kami noted: "As my alter ego as Rapporteur General, Ringer produced the first draft of the Universal Copyright Convention single-handedly, working night and day." During this period, he suffered the stroke that led to his retirement as Register on August 31, 1971; and he said that Barbara thereafter "not only took over but speeded the effort" for international revision.

In Kami's view and that of many others, her "leadership and abilities have been of exceptional value" not only to the United States government but to "everyone in the world whose works are affected by the level and structure of international copyright protection." And, as further evidence that she had become a major figure in international copyright, Kami cited her well-regarded tenure as Director of the Copyright Division of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris from May, 1972 to November, 1973.

Among Barbara's accomplishments in international copyright was of course her achievement in effecting the 1976 Act's reforms in American copyright law that were necessary preliminaries in making United States membership in Berne possible two decades later. And her passion for international reforms continued even after her first retirement as Register in 1980. She remained an active participant in the movement for American adherence to Berne and was prominent among the witnesses called upon for the significant hearing on Berne that Senator Mathias called before his Judiciary Subcommittee on Patents, Copyrights and Trademarks on May 16, 1985.

In the mid-1980s, she also made herself available to the members of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention that the State Department had convened to review the laws of the United States and of the fifty states to analyze their compatibility with Berne. As a member of the Working Group, I was grateful to Barbara for her insights. She was not a member, but I know that the extensive Final Report could not have been written without those insights and her earlier endeavors as well.

Bar

with

van
botl
ernu
vers
was

cluc

cau
tha
Wh
L. C
bar
Reg
onl
tion
as :
brawhi
wit
Muin
wre
An
Aw
for
othRe
cou

