

Computer Program Copyrighted for First Time

Columbia Law Student Gets Approval for Plans—Sees Wide Industry Impact

A second-year student at the Columbia University School of Law has obtained the first copyright granted for a computer program.

The student, John F. Banzhaf 3d, who is 23 years old and a graduate in electrical engineering of the Massachusetts Institute of Technology, cited numerous legal cases to support his position in a presentation to the Copyright Office in Washington.

Mr. Banzhaf said he thought the action would have considerable effect on the computer programming industry, enabling companies to lease and rent programs under the protection of copyright.

He said he had spoken with officials at several computer programming concerns who expressed great interest in his project and told him they were interested in obtaining copyrights for their programs.

However, some industry spokesmen expressed doubts about Mr. Banzhaf's idea. They asserted that there had never been any question of whether a copyright could be obtained for a computer program. One Washington lawyer in the field



John F. Banzhaf 3d, who attends Columbia University Law School, studied electrical engineering as an undergraduate.

said that the acquisition of a copyright would be impractical because "all it does is aid disclosure while it gives you no protection."

The lawyer explained that the essence of a computer program

is the particular expression of an idea. Only the expression, not the idea, can be copyrighted.

By copyrighting the program, however, the idea would be

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made public, and companies therefore prefer to treat their programs as "trade secrets, like Coca-Cola treats its formula," the lawyer said.

Mr. Banzhaf maintained, however, that "there are several other kinds of programs where the element to be protected is not an essential idea, programs which merely require several thousands of man-hours of diligent work to draw up." He added:

"An example would be if I took the information in The New York Times and put it in a code so I could readily obtain a particular item. Now, there's no idea to be protected. What is being protected is the work that has gone into the compilation." This also applies to translation programs, he said.

A computer program is a series of instructions, recorded in special mathematical language on punched cards or magnetic tape, that activates and directs electronic calculators.

Mr. Banzhaf's first applications for copyright were rejected. He then buttressed his case with legal data and an article he wrote on the subject, and finally obtained registration certificates for two programs.

Court Cases Programed

One was for determining the modern designation for old Supreme Court cases, and was published in the Columbia Law School News, a student publication.

The other was for computing automobile braking distances, and was in the form of a magnetic tape.

The auto program is considered the more significant, because whether or not such a tape is copyrightable has been controversial for years.

A spokesman for the Copyright Office said that Mr. Banzhaf's application "was in such a form that we decided we could, under the law, make the registration." She said that in order for something to be granted a copyright, it must be "intelligible to a human being."

The spokesman confirmed that the copyright was the first one registered for a computer program, but she said, "We don't know how extensively computer programs will be registered in the future. Each application is considered on its own merits."

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