



Sno-King Stamp Club Philatelic News

Everett, 2nd Wednesday, 7:30 PM – 9 PM

Snohomish County PUD

2320 California Street

Edmonds, 3rd Friday, 7 PM – 9 PM

South County Senior Center

220 South Railroad Avenue

Volume 24

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Number 8

Online at: <http://sno-kingstampclub.freehostia.com/> copies of these newsletters available there, too!

Everett Meeting

Wednesday, **September 12th**, 7:30 PM

- **APS Circuit Books** - The circuit books arrived in time! We have Canada, USA, British empire, Czechoslovakia, Turkey, Far East, India, Balkans, Russia, and German states.

See the next page for the complete details

Please join us and pick through the books.

Most meetings also include **show-and-tell**, along with time to **buy and sell** stamps

[**Edmonds** meetings are on hold until further notice to sort out some
how / where / when details]

2018 Club Officers

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Everett 2018 meeting dates at the Snohomish P.U.D. (2nd Wednesday of each month):
9/12, 10/10, 11/14, (Dec Dinner)

President's Column

Maybe, we should have the club's Canada collectors arm-wrestle for the right to have first dibs on the six-cent mint Jubilee, perhaps the outstanding highlight of the APS circuit books which will occupy club members at our September meeting. That meeting takes place **Wednesday, September 12**, at the Snohomish County PUD.

The latest batch of circuit books are superior to our last selection and are perhaps superior to previous offerings. The club should have no trouble meeting the \$200 minimum for exemption from APS's five-percent surcharge. Possibly, some club high-roller might meet that \$200 threshold unassisted.

Here are the circuit books, along with some highlights:

- Two Canada books, with a booklet of the Circus issue.
- Two books of USA plate blocks, with plate blocks of six of 2-cent and 5-cent civil aeronautics and Valley Forge stamps, plate block of four of 10-cent Frederick Remington and plain block of six of Molly Pitcher
- Three British empire, with Hong Kong 36 featuring Shanghai cancellation, Barbados 8 and Great Britain Victoria-era officials
- Two Czechoslovakia, one featuring mint stamps with labels
- Two Turkey, one back of book and other featuring Turkey 704, 724, 725, 771 and 773
- Far East, mostly Hong Kong
- India
- Balkans, with Greece 45 mint
- Russia, mint with souvenir sheets
- USA back of book, with early special deliveries, F1, O61 MNH and C1 with precancel
- German states, with high-catalog Wurttemberg, notably 60.

Bring your want lists and inventories, so you don't pass on something you crave.

As before, I will ask each member to list, on a form, each stamp he or she purchases. I will use those forms to apply the club's rubber stamp to the books and calculate the club's payment to APS. I will hold the circuit books for several weeks after September 12 so members unable to attend that meeting can still make purchases.

It will cost money to mail these circuit books to APS. At the meeting, we will vote on whether to levy a surcharge of pay mailing costs from the club treasury.

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In our last issue, I posed a question of ethics. It posited any stamp dealer who sells stamps at a percentage of catalog value. Any dealer with a sizable stock will have merchandise with catalog values several years old. Assume that you induce a dealer to lower the catalog value by alerting him to a decreased value in the current catalog. Does this obligate you to alert the dealer to increases in catalog values of stamps you wish to buy.

Art Van Bergeyk of Aurora Stamps says no. He reasons that is a particular stamp has sat for years unsold at a lower catalog value is unlikely to sell with a jacked-up value. Moreover, it costs him too much to

assign an employee to revalue thousand of singles and sets in dozens of red boxes every year when the new Scott catalogs arrive.

This means that if you buy at Aurora Stamps, you can have your cake (take advantage of decreases in catalog values) and eat it too (pay a percentage based on old catalog values of stamps which have increased in value) without suffering pangs of conscience.

While we are on the subject of Aurora Stamps, here is a buying tip for anyone shopping there. Aurora Stamps places its more desirable stamps in stock books and sells at 60 percent of catalog value. It stores the bulk of its stock in "102 cards" arranged in red boxes. For this merchandise, it charges 50 percent of catalog value.

If you see a stamp you crave on a 60-percent shelf, check to see if the identical item can be found in a 50-percent red box. On a recent visit, we found such a stamp, which carries a catalog value of \$50. Thus, you could acquire it for \$30. Or, you can buy it for \$25. Ain't consumer choice grand? If you encounter such a situation, be sure to weigh your alternatives carefully.

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Congratulations to member Alex Hamling for winning a \$25 gift certificate from the American Philatelic Society. Alex was one of several who scored a perfect five-for-five on the APS stamp stumpers quiz in July. Alex was awarded the gift certificate when APS drew his name for all those who got perfect scores on the July quiz.

Those stamp-stumper quizzes are challenging. I tried the August quiz and scored a pathetic one in five--the stamp-stumper equivalent of the Mendoza line. For one, I was unable to identify which West Indies waterfall had been obliterated since it was depicted on a postage stamp. Alex, please tell us you attained this perfect score without any assist from Google.

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As we last went to press two months ago, news broke of a federal court ruling directing the U.S. Postal Service to pay a Las Vegas sculptor more than \$3.5 million, plus interest, for using his "Lady Liberty" creation without permission. Wishing to provide background not covered by press reports, we reviewed the 37-page decision by the U.S. Court of Federal Claims. This provided intriguing information on the history of the claim and on postal service procedures to using images protected by copyright.

In 2008, the postal service decided to replace the year-old Liberty Bell design on its "workhorse" forever stamp. Any "workhorse" stamp carries the bulk of first-class mail and is distinguished from commemorative and thematic issues. The postal service decided to issue a stamp depicting the Statue of Liberty.

The postal service had used images of the Statue of Liberty on 23 different stamps. For the replacement "workhorse" stamp, it wanted something "different and unique," one postal service employee testified. It reviewed dozens of photographs, including some archived by Getty Images, which licenses photographs.

One photo captured the postal service's attention. It was "very different from anything we had done before," one postal service official testified. Thinking the photograph depicted the actual Statue of Liberty, the postal service paid Getty Images \$1,500 for the right to use the photograph. Now, Getty Images served as licensing agent for only the photographer, not for Robert Davidson, the sculptor.

Three months after the Lady Liberty stamp was issued, the postal service learned that this stamp actually depicted a replica statue which stands in front of the New York-New York Hotel in Las Vegas. By then, more than a billion Lady Liberty stamps had been printed. An internal postal service memo stated it was reviewing its legal obligations. That issue remained unsettled as billions more stamps went into circulation.

In the mid-1990's, a Las Vegas hotel-casino developer hired Davidson to create a replica of the Statue of Liberty, to complement the New York-skyline effect of the hotel. Davidson completed this project in October, 1996.

At trial, Davidson testified extensively about the creative process he used to sculpt his replica. His creation was more than a note-for-note replica of the Statue of Liberty. He desired to create something more suitable for Las Vegas. The New York harbor statue is too harsh and masculine, he told the court. He aspired to a more feminine appearance. To help him achieve this, he used a photograph of his mother-in-law.

He testified that he examined many photographs of the Statue of Liberty, but found none that captured its "three-dimensional feel." This he had to create, using his own resources. He rounded the face and modified the image in other ways to give it a more feminine appearance.

In 2011, Davidson's wife purchased some Liberty stamps from the post office. "Our statue is on the stamp," she excitedly told her husband. In January, 2012, he filed a copyright for his statue, this 16 years after he completed the statue. In the meantime, he had licensed the statue to no one. Nor, had he taken action to enforce his rights to the creation.

That he waited 16 years to copyright his statue did not impair his right to demand compensation for the postal service's use of his creation. It simply held him to a higher burden of proof, which the court stated he met.

Among its many legal arguments, the postal service maintained that he was not entitled to a copyright of the statue. The postal service likened the statue to an architectural work which cannot be copyrighted. The court ruled that there were enough differences between the New York and the Las Vegas statues that Davidson was entitled to be compensated for his artistic touches. The court commented that these artistic touches were what enticed the postal service to use Davidson's production.

Once that question was settled, the postal service told the court it should award Davidson only \$5,000. That is the maximum that the postal service pays for using people's art work. Many artists happily accept such compensation. With it, they get attribution, a hot marketing point.

The court told the postal service those transactions involve a willing seller and a willing buyer. Davidson was not a willing seller. The postal service continued printing stamps even after learning they depicted Davidson's statue. It did not revise its publications to credit Davidson as the artist whose work adorned a "workhorse" definitive.

Reading between the lines, it appears the court dismissed most of the postal service's legal arguments as laughable. "This is nonsense," it stated with regard to one.

Here's how the court calculated its award of \$3,554,946.93: \$5,000 as the maximum payment for the billions of Lady Liberty stamps which did nothing more than carry mail and \$1,476 as Davidson's share of royalties the postal service collected for licensing "philatelic products" such as T-shirts: The bulk of the award remaining represents Davidson's five-percent share of the "profit" which the postal service presumably made from Lady Liberty stamps hoarded by collectors.

Interest will balloon the total award to more than four million dollars. Recently, the court directed the parties to calculate interest. The court provided a framework, which is 2.33 percent annual interest from the December 1, 2010, date of issue through September 1, 2018.

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Interested in a few different email newsletters?

We get information from a few different sources from time to time whether it be a local Northwest stamp club or association or other occasional sources.

Would you like to get these forwarded to your email when we get them?

Simply send a quick note to Kurt Lange - ktk.lange@frontier.com - and make the title something like "Forward Other Stamp Newsletter Emails to me" or anything similar to that and I'll include you on the mailing list.

(In general about one a month or so - we won't fill your inbox with them!)

Additionally - the usual annual reminder - If you would prefer OUR club's newsletter (the one you're currently reading) in email format instead of a paper one mailed to your mailbox, drop me a note and we'll switch you to that email list.

2018 new USPS issues for September

September 7 Forever **John Lennon** (one design, four colors)
NEW YORK, NY

September 13 Forever **First Responders**
MISSOULA, MT



September 22 Forever **Birds In Winter**
QUECHEE, VT



September 29 Forever **Hot Wheels**
FORT WORTH, TX



