

Opinion No. 59-63

June 10, 1959

BY: FRANK B. ZINN, Attorney General

TO: Honorable Betty Fiorina Secretary of State State Capitol Building Santa Fe, New Mexico

Under the filing requirements of Section 6 of the "Protection of Copyrights Act", a certified copy of each contract or license must be filed. A blanket certification of several contracts or licenses is not sufficient.

OPINION

{*101} This is written in reply to your recent request for an opinion on the question of whether, under the "Protection of Copyrights Act", it is necessary for an organization to file a certified copy of each individual contract or license, or if the organization can attach a blanket certification when it is filing a number of contracts or licenses.

It is my opinion that the organization must file a certified copy of each performing rights contract or license.

The statute in question is Section 6 of Chapter 220, Laws 1959. The portion which I deem controlling reads as follows:

"Each performing rights organization . . . shall file **a certified copy of each** performing rights contract or license . . ." (Emphasis supplied)

It is a well known rule of statutory construction that unless {*102} there is ambiguity in a statute, construction is uncalled for. **Atlantic Oil Producing Co. v. Crile** (1930) 34 N.M. 650, 287 P. 696.

The words above quoted are clear and unambiguous. Their meaning is plain. The statute does not say that a certification of a contract is to be filed but rather says a **certified copy** of each contract is to be filed. This is capable of only one meaning, i.e., that each contract copy must be certified individually.

It would seem that the intention of the legislature was to require that each copy of a contract or license be certified. Legislative intent must be ascertained primarily from the language of the statute and if the language used is plain and unambiguous, the legislature must be understood as meaning what is expressly declared. **State v. Thompson** (1953) 57 N.M. 459, 260 P. 2d 370. The expressed intention of the legislature in Section 6 is that a **certified copy of each** contract or license be filed.