

MEMORANDUM

July 22, 1938

Remitter: Alexander Hamilton Institute
Title: "Has Your Mind A Feeder"
Question: Adequacy of copyright notice

The copies of the work in question consist of a four page folder. On the outside back page appears the copyright notice in the following form:

ALEXANDER HAMILTON INSTITUTE
Astor Place New York City

three
lines of
text

Printed in U.S.A. Copyright, 1938

It is the opinion of Mr. Wise and Mr. Smith that this notice of copyright is adequate and that registration should be made as applied for. It has been repeatedly held by the Register of Copyrights that the notice of copyright on the back of a four page folder is acceptable. In this case, the name of the Alexander Hamilton Institute is above the statement "Copyright, 1938" but it is believed to be sufficiently associated therewith as to constitute a copyright notice. On the other hand, Mrs. Brady is of the opinion that the notice is inadequate as to the form - the elements not being sufficiently closely associated as to constitute a copyright notice - and also as to position. It is her belief that the notice should appear on the page bearing the title or the page immediately following the title page.

Respectfully submitted,

W. H. Wise

Chairman, Revisory Board

Reject--order of Mr. DeWolf
7/25/38

But see attached appeal
HAH says "Enter but write"
8/5/38 ~~was approved~~

MP-141

Notice

MEMORANDUM

TO: The Register of Copyrights

July 27, 1938

Remitter: Alexander Hamilton Institute (42333)--Class A

Title: "Has Your Mind a Feeder"

Question: Adequacy of copyright notice

The Alexander Hamilton Institute has submitted for copyright a four-page folder entitled "Has Your Mind a Feeder." The copyright notice is placed upon the last page, which page, however, has been held to be acceptable in the case of four-page folders. The whole difficulty in this case concerns the form of the copyright notice, which is as follows:

ALEXANDER HAMILTON INSTITUTE
Astor Place New York City

Organized to meet the demand for
more concrete and exact information
in business--the basis of efficiency.

Printed in U.S.A.

Copyright, 1938

It is the opinion of Mr. Smith and Mr. Wise that these elements are so closely associated as to constitute a copyright notice. Furthermore, this notice is in accord with similar notices that have been accepted, but in each instance the applicant has been advised that a better form of the notice is to have the name of the copyright owner follow the other two elements. Mrs. Brady, on the other hand, feels that the application should be rejected on the ground that the form is not adequate, the name Alexander Hamilton Institute being placed at too great a distance from the statement "Copyright 1938" to be associated therewith as a copyright notice. The case when submitted to Mr. DeWolf for consideration resulted in a decision to reject the application.

Mr. Wise and Mr. Smith respectfully request reconsideration. To them it seems an obvious error to reject this copyright notice as fatally defective. Section 18 of the Copyright Act states that "the word "Copyright" or abbreviation "Copr." shall be accompanied by the name of the copyright proprietor...." It is respectfully submitted that the name of the Alexander Hamilton Institute does accompany the statement "Copyright 1938."

"There can hardly be any doubt who owns the copyright here. The name while not in immediate juxtaposition may be regarded as serving the double purpose of sponsorship and ownership; and the case comes, I think, fairly within the closing paragraph of Register's memorandum of December 27, 1937, so as to permit entry, but write, "--HAH-8/5/38

Respectfully submitted,

W. H. V. Ho

L. C. Smith

--HAH-8/5/38