

Notice.

## MEMORANDUM

November 29, 1938

Remitter: Carr Liggett, Advertising (68251)--Class A

Title: "He'll Love It. A Smart Swagger Styled Spaide, etc."  
in "Esquire" December, 1938.

Question: Adequacy of copyright notice.

The application filed is for an advertisement printed on page 211 of the December, 1938, issue of "Esquire." It consists of a large amount of pictorial matter and some text matter. The notice of copyright consists of the letter "C" in a circle, the year date 1938 and the name of the copyright owner. Since there is considerable text matter in addition to the pictorial elements there is a division of opinion as to whether the notice of copyright is adequate. The notice in question appears directly under one of the pictures.

It is the opinion of Mr. Smith and Mr. Wise that registration should be made as applied for, and that the applicant be advised that in the future the full form of the copyright notice should be used where <sup>there</sup> it is <sup>considerable</sup> desired to ~~cover~~ the text as well as the pictorial matter. Mrs. Brady, on the other hand, is of the opinion that the application should be rejected since the advertisement consists of both text and pictorial matter and the notice is adequate only for the pictorial matter.

Respectfully submitted,

*W. Harvey Eise Jr.*

Chairman, Revisory Board

Accept registration of Ad under Class K but write suggesting "Copr." where there is substantial text as well as illustrations--  
order of Mr. Howell 12/3/38

MEMORANDUM

November 29, 1938

Remitter: John S. Swift Co., Inc. (68092) Class A  
Title: The Labor Market and Labor Problems  
Question: Adequacy of copyright notice

The title-page of the work in question is as follows:

THE LABOR MARKET AND LABOR PROBLEMS

W. V. OWEN  
Associate Professor of  
Economics  
Purdue University

\*

Copyright 1938

Planographed by John S. Swift Co., Inc....Indianapolis, New York, Chicago, St. Louis

It is the opinion of Mrs. Brady and Mr. Wise that the notice of copyright in the case under consideration is inadequate. It is not clear whether "Copyright 1938" is intended to accompany the name of the author, W. V. Owen, or the name of the publisher, John S. Swift Co., Inc. Accordingly, it is their opinion that the application should be rejected. It may be noted at this time that the John S. Swift Co. has been repeatedly advised as to the correct form of the copyright notice to use on its publications. On the other hand, it is the opinion of Mr. Smith that the notice is adequate and that the application giving the name of the copyright owner as W. B. Owens should be passed for registration.

The Board is unanimous in its opinion that the copyright notice in the following form appearing on the back of the title page of "Interview Problems" is acceptable: "Copyright 1938 by the Authors." The names of both authors appear on the same page above this notice.

Respectfully submitted,  
*W. Harvey Elsey*  
Chairman, Revisory Board

Reject "Labor Market and Labor Problems" order of Mr. Howell 12/2/38.  
"Cannot say from the position of notice whether the proprietor is the author or the publisher."

## M E M O R A N D U M

November 29, 1938

Remitter: Norcross (Trust)--Class K

Title: "Greeting Card - #100V17 - For One I Love" and  
"Greeting Card - #100V18 - Like the sweet old-fashioned Valentine"

Question: Adequacy of copyright notice.

The copyright notice in the case of the works in question consists of the word "Copyright" and the name Norcross, and this appears on the back page of the copies.

The copies submitted for "Greeting Card - #100V17 - For One I Love" consist of "print or pictorial" matter and it appears that the notice is on the same plate as that of the pictorial matter. On the inside or back page there is pasted another "print". It is the opinion of Mr. Wise and Mr. Smith that registration can be made for this work under Class K since the notice is physically on the face of the plate which bears the print. The fact that there has been affixed on the back page another print by mechanical means is not sufficient to justify rejection of the application. Mrs. Brady, on the other hand, is somewhat doubtful whether the notice in this case is adequate. The pasting of the print on the inside or back page raises a doubt as to whether the case may be regarded as coming within those described in the memorandum of the Register of Copyrights of November 23, i.e., where the notice is physically on the same plate as that of the print the deposit is acceptable.

In the case of the application for registration of "Greeting Card - #100V18 - Like the sweet old-fashioned Valentine" the copies are of somewhat different character. On the face of the copy a decorative design is found, prepared and probably affixed to the cover by some mechanical process, but it is not printed from a plate. The notice of copyright, therefore, cannot be said to be upon the same plate as that of the picture. With the exception of this decorative artistic lace design which encircles small artificial flowers in an artistic raised frame there is insufficient material to justify registration either under Class G as a work of art or under Class K as a print or pictorial illustration.

It is the opinion of Mr. Smith that this application should be accepted. Mrs. Brady and Mr. Wise, on the other hand, feel that the material does not meet the requirements for registration because of the position of the copyright notice. The case is not believed to be covered by the

Norcross, November 29, 1938

memorandum issued by the Register of Copyrights on November 23, 1938. The notice of copyright is not on the same plate as that of the print for the simple reason that there is no plate upon which any print has been etched or drawn. The artistic or pictorial matter in each instance is affixed by pasted or other mechanical means to the face of the greeting card folder.

Respectfully submitted,

*W. Harvey Wise Jr.*

Chairman, Revisory Board

- "1. 100V17 Even if the envelope can only be regarded as part of the other for effect only and not physically, that should not prevent registration of the print bearing the title 'For One I Love'.
- "2. 100V18 "Like the Sweet Old-fashioned Valentine". Reject for reasons given by Mr. Wise in memo.
- "3. Reject also the other three for lack of notice."

Order of Mr. Howell 12/2/38