

MP-86

Notice

MEMORANDUM

March 17, 1938

Remitter: Allan N. Mann, Esq. (12304)

Titles: "St. Joseph and Child A-126; Madonna and Child, A-124; Christ on Mt. Calvary, A-120; Resurrection A-119; Sacred Heart, A-118; and Christ With Dove of Peace, A-117."

Subject: Notice of copyright acceptable for prints.

Alan N. Mann, Esquire, of New York City, recently submitted for copyright registration in behalf of Edward O'Toole Co., Inc., applications for six devotional cards. These cards, which are small, consist of a print depicting some religious scene or event, and on the back in each case is printed the copyright notice in the full authorized form. Mr. Mann was advised that the copyright notice in the case of a print or pictorial illustration should be applied to the print itself and that a notice appearing on the back thereof is not a sufficient compliance with the Copyright Act. In response the applicant has based his case on the proposition that the Register of Copyrights lacks the authority to pass upon the sufficiency of the notice. The writer should be correctly advised on this point, but the Office should consider the problem of whether an adequate notice has been employed.

As stated, the prints under consideration, which consist of small devotional cards, have the copyright notice in full statutory form printed on the back in each case. The law authorizes an abbreviated form of the notice in the case of prints and where such notice is employed it is agreed that the copyright symbol "C" in a circle accompanied by the initials, mark or monogram of the copyright proprietor must appear on the face of the print, provided, of course, that on some accessible portion of the copies, etc., the full name shall appear, is acceptable. Here the applicant has not elected to use the abbreviated notice, but has employed the full form of the copyright notice and has applied it to the back of the cards. The law, it is submitted, is silent as to the position of the full form of the copyright notice when used for prints. The position of the full statutory notice is prescribed only in the case of a book, printed publication, periodical, and musical composition. The notices in the cases under consideration are in the full statutory form, but appear on the back of the prints. In the absence of express provisions of the copyright law on this subject, the basis for rejection of the applications on the ground of inadequate copyright notice is not clear. It is the opinion of the Revisory Board that the applications for these works should be accepted.

Respectfully submitted,

**W. E. Wise**

Chairman, Revisory Board