

Notice

M E M O R A N D U M

February 24, 1939

Remitter: Cyril F. Walsh (No Fee)--Class A?

Title: "Will your car pass this inspection" (A Mailing Piece)

Question: Whether material submitted contains sufficient copyrightable material to justify registration.

Mr. Walsh argued the case before the Revisory Board and the facts received are briefly as follows:

Mr. Walsh went to the District Building and obtained access to a blank form listing the various items which are to be checked on cars at the annual inspection. Part of this he has reproduced on a rectangular sheet and immediately under has written the statement "Copyrighted by C. F. Walsh--1939." The facsimile of the D. C. Inspection Chart with the copyright notice is placed on the sheet in a horizontal position and is encircled with black lines. Above this and separated by two horizontal lines extending the entire width of the sheet are five lines of text matter.

When the material was first submitted Mr. Walsh stated that "the lady in the room" expressed the opinion that registration could be made and confirmed this by taking him to another lady assistant. He was there assured that registration could be made, and, accordingly, has proceeded with the printing and now submits an application. He pointed out at that time, and upon his visit to the Office yesterday, that he intends to reproduce the facsimile of the D. C. Inspection Chart in another chart and intended to include thereon a notice of copyright. It was explained to him by a gentleman at the front of the room (it is believed Mr. MacCarteney) that there would be no copyright in the form, but it would be a kind of a sign "Beware of the dog." In other words, it was made clear that he would have no copyright in the form but there would be no objection to including the copyright notice thereon.

Mr. Walsh was advised by the Revisory Board, consisting of Mr. Wise, Mr. Smith, and Mr. Pierce that the notice of copyright should be eliminated from the blank form. He was also advised that the position of the notice in the case of the work submitted was of such a character as to mislead the public. It clearly indicates a claim of copyright on the "D. C. Inspection Chart" whereas the only claim of copyright is upon the five

lines of text at the top of the sheet. He was instructed in future printings to place the notice in such a position as to be applicable to the material in which he has a copyright claim. In the meantime, the question of whether registration can be made upon the present deposit is submitted to the Register of Copyrights for consideration, there being a division of opinion by the Board as to its acceptability.

Respectfully submitted,

W. Harvey Wise Jr.

Chairman, Revisory Board

"I would reject on the ground that his notice is confined to the chart which is not subject to copyright."--order of Mr. Howell, 3/2/39

Notice

MEMORANDUM

February 24, 1939

Remitter: Dartnell Corporation (A-124970)

Title: "Press On! The Gold Book of Selling"

Question: Division of opinion as to adequacy of copyright notice. ~~Appeal.~~

The claim of copyright on the back of the title-page reads as follows: "Copyright in the United States, Canada and Great Britain by The Dartnell Corporation." At the top of the page appears this statement "First Printing November, 1938." There is no intervening printed matter between the two statements. On the face of the title-page the year date 1938 also appears. The question to be determined is whether the notice appearing on the back of the title-page is adequate.

It is the opinion of Mr. Smith that registration may be made as applied for. The three elements appear on the same page and are not separated by intervening text matter. Mr. Wise, and Mr. Pierce, on the other hand, feel that the notice of copyright is inadequate. The year date 1938 is not in juxtaposition to the word "Copyright" and the name of the copyright owner. Furthermore the date as used on the back of the title-page has reference to the first printing. In view of the established practice, Mr. Wise and Mr. Pierce feel bound to vote for rejection of the application.

Respectfully, submitted,



Chairman, Revisory Board

Enter--order of Mr. Howell 3/1/39--"He should be given benefit of the doubt. But write that year date should follow word "Copyright." Stick to the orthodox way--only safe rule."