

MP-247

Notice

MEMORANDUM

March 14, 1939

Remitter: Blank and Stoller Corp. (15339)--Class J.

Title: "His Holiness, Pope Pius XII"

Question: Division of opinion as to whether notice is sufficiently complete to enable registration to be made.

The photograph deposited contains the notice of copyright in the following form: "© Blank Stoller." The application gives the name of the copyright owner as Blank & Stoller Corp.

It is the opinion of Mr. Smith, Mrs. Brady, and Mr. Pierce that the name appearing in juxtaposition to the letter "C" in a circle is not the full name of the copyright owner, thereby not adequately identifying the copyright proprietor; also doubt is expressed whether this is a true photograph of Pope Pius XII. On the other hand, it is the opinion of Mr. Wise that registration should be made as applied for. The surnames Blank and Stoller accompany^{ing} the letter "C" in a circle adequately identify the copyright owner, Blank and Stoller Corp. An inquiry addressed to this Office giving the information stated on the photograph would enable the registration to be promptly located.

Respectfully submitted,

W. Harvey Wise, Jr.
Chairman, Revisory Board

Enter--order of Mr. Howell 3/21/39

MEMORANDUM

March 14, 1939

Remitter: Emilie B. Blick (2294)--Class A

Title: "The Other Dwarf."

Question: Division of opinion as to whether notice is sufficiently complete to enable registration to be made.

The notice of copyright which appears at the end of this contribution reads as follows: "Copyright, A. M. Blick, December 25." Upon the same page as this contribution is printed is the date of issue, which is December 25, 1938.

It is the opinion of Mr. Smith, Mrs. Brady, and Mr. Pierce that the notice of copyright is fatally defective, lacking the year date, and that the application must therefore be rejected. It is the opinion of Mr. Wise, on the other hand, that registration should be made as applied for. The month and day of publication are given, and the article is published in the December 25, 1938 issue, and it is this month and day, December 25, which appears in the copyright notice. There is little doubt, therefore, that the year date is 1938. It is the belief of Mr. Wise that registration should be made as applied for. The applicant should be advised that in the future the year date must be placed in the notice of copyright.

Respectfully submitted,

W. Harvey Wise
Chairman, Revisory Board

Reject--HAH 3/21/39. "Day of month can hardly be deemed the year date."

MP- #247

Notice
~~Books~~

MEMORANDUM

March 14, 1939

Remitter: Wisconsin Auto Stores, Inc. (33523)--Class A

Title: "Economy Boys--Four Star \$20 All or Any Part of \$20 Budget Account Book"

Question: Division of opinion as to whether application sufficiently identifies the page upon which the notice of copyright appears.

The work deposited consists of a budget account book, containing a number of payment coupons which are obviously intended to be detached from time to time. The notice of copyright appears on the back page directly beneath the text matter which fills the entire page. At the top of this page appears the title "Economy Boys 'Four Star' \$20--All or Any Part of--\$20 Budget Account Book." This title is given upon the application.

It is the opinion of Mr. Smith, Mrs. Brady, and Mr. Pierce that the application should be rejected because the notice of copyright appears upon the back cover. Mr. Wise, on the other hand, feels that registration should be made as applied for. The title given in the application likewise appears immediately above the full page of text printed on the back page of text. Furthermore, it should be noted that the budget account book contains some blank forms and it seems possible that these would ~~be~~ be considered coming within the class of blank books and blank forms which the courts have held not subject matter of copyright. In any event, the notice of copyright appears upon the same page as the text matter which is identified by a title, and that title appears in the application.

Respectfully submitted,

W. Harvey Wright
Chairman, Revision Board

Reject--Notice on back cover is inadequate. See recent case of Richards v. N. Y. Post, March 26, 1938: 23 F. Sup. 619, 38 U.S.P.Q. 475. Order of Mr. Howell 3/21/39