

MP-492

PERIODICAL
CONTRIBUTION

MEMORANDUM

June 28, 1940

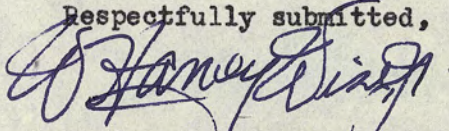
Remitter: Boot & Shoe Recorder (39967)--Class A

Title: "Compare Johnsonian...Check These Features" in
"Boot and Shoe Recorder" May 18, 1940.

Question: Division of opinion as to adequacy of copy-
right notice for periodical advertisement.

The work in question consists of a two page advertisement for shoes. A number of illustrations are used, and there is considerable text. The notice of copyright does not include the year date. The application describes the work as a "print."

In the opinion of Mr. Smith and Mr. Wise registration may be made as applied for in view of the Register of Copyrights ruling that Class KK is not applicable to newspaper contributions. Mrs. Brady on the other hand takes the position that the large amount of text matter brings the work within the classification of "book," and therefore the Office should reject the application because the notice of copyright lacks the year date.

Respectfully submitted,

Chairman, Revisory Board

Register as a print, order of Colonel Bouvé.

MP. 492

NOTICE

MEMORANDUM

June 28, 1940

Remitter: General Motors Sales Corp. (13272)--Class A.

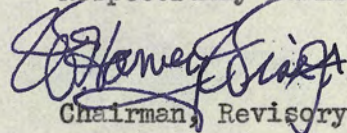
Title: "Frigidaire Repair Shop Manual."

Question: Division of opinion as to adequacy of copyright notice in work as first published.

On February 23 the Office received an application in the name of the General Motors Sales Corporation accompanied by copies bearing the following notice: "Copyright 1940 by Frigidaire Corporation." Upon conducting correspondence requesting an explanation of the variance the Office has received new copies upon which the following notice has been stamped: "Copyright 1940 by Frigidaire Division General Motors Sales Corporation." Applicant advises that some thousand copies were distributed bearing the notice with the name of the Frigidaire Corporation. The remaining stock has been stamped and is being distributed. The Examiner takes the position that the distribution of 1,000 copies with only the name Frigidaire Corporation in the notice is a publication with an inadequate copyright notice and leaves the Office with no recourse other than to reject the application.

Mrs. Brady supports the Examiner. Mr. Wise and Mr. Smith on the other hand take the position that registration can be made if space (1) of the application is amended to read as follows: "Frigidaire Division of General Motors Sales Corporation." There seems little or no doubt in their minds that the Frigidaire Corporation would be readily associated with the Frigidaire Division of the General Motors Sales Corporation if, in fact, it would not be recognized as one and the same concern by members of the public. It is the opinion therefore of Mr. Wise and Mr. Smith that the Office is without authority to reject this application, and registration should be made for what it may be worth.

Respectfully submitted,



Chairman, Revisory Board

Write first an appropriate letter--H.A. Howell 7/3/40
(see HAH's letter dated July 9, 1940.)