

MEMORANDUM

PUBLISHED

July 9, 1940

Remitter: Charles Rotstein (36887)--Class A.

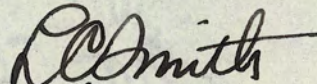
Title: "A Novel Method of Sales and Business Promotion and Advertising"

Question: Doubtful publication of work in form deposited.

Earlier correspondence with applicant questioned whether the work was actually published in the form deposited. In response the statement was made that "publication was effected by distribution to several persons by mail and in person. The copies published as above were typewritten carbon copies of which an original and copy were deposited with you. The copies received by you are therefore representative of the 'best edition' available."

In view of this statement on the part of the attorney for the applicant Mr. Pierce is of the opinion that registration should be made as applied for. Mr. Smith and Mrs. Brady, however, feel that the attorney has not been fully advised as to the real meaning of publication as understood by this Office and that, therefore, further correspondence should be had with him so that he may be given an opportunity for a more complete statement respecting publication.

Respectfully submitted,



Acting Chairman, Revisory Board

Write first concerning publication.--H.A.Howell.

BOOK
(See "Published")

MEMORANDUM

July 9, 1940

R_mitter: Charles Rotstein (36887)--Class A.

Title: "A Novel Method of Sales and Business Promotion and Advertising"

Question: Doubtful publication of work in form deposited.

Write first concerning publication--H.A.Howell

See "book"



July ⁹ 11, 1940

Book

With reference to the book entitled "Dimo," copyrighted by Sarah Larkin. Remitter, Clarence A. O'Brien, 1333 F St., Washington, D. C.

Division of opinion as to whether copies of U.S. edition deposited represent an edition printed from type set or plates made wholly within limits of U.S.

The original deposit of this work was filed on May 3, with an A-3 application covering the work by a foreign author in a foreign language and published abroad. Application also stated the author to be Sarah Larkin of the United States. Copyright Office letter May 21, rejecting the application referred to the statutory requirements of American manufacture in the case of a book by a citizen of the United States. On July 5 two other copies were filed with an affidavit stating that the deposits had been made from type set in the United States by Scribner Press. A cursory comparison of the original deposit with the two which accompanied this affidavit of American manufacture showed beyond question that all three copies were made from the same plates. The two copies purporting to have been manufactured in the United States by the Scribner Press differ from the foreign publication only in the binding and in the addition of the copyright notice and the statement "Printed in the United States of America," both of which appear on the back of the title page and are in a type entirely different from the type used throughout the book. In my opinion, the deposits may have been ^{printed} manufactured in the United States but they were produced from the original foreign plates, and therefore in violation of provisions of Secs. 15 and 30 of the Copyright Act. I therefore voted that they be rejected.

Wm. C. Brady

JUL 11 1940

Write first for facts--order of Mr. Howell 7/11/40.

NOTICE

M E M O R A N D U M

July 9, 1940

Remitter: Kerr Glass Mfg. Corp. (42007)--Class A.

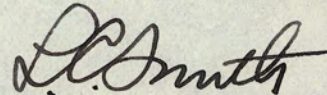
Title: "How to Use Kerr Caps and Lids"

Question: Does Owner's name appear in notice?

The copy consists of a single strip of paper which when folded makes eight small pages. At the bottom of one of these pages which is intended to be the title-page appears "Copyright 1940." The name Kerr appears prominently on two different places on this title-page. When the strip of paper is opened within a space of about one inch* appears the name of the copyright claimant Kerr Glass Mfg. Corp.

Mr. Smith and Mr. Pierce are of the opinion that the words "Copyright 1940" are accompanied by the name of the copyright claimant and that, therefore, entry should be made. Mrs. Brady, however, is of the opinion that the notice is fatally defective in that it does not contain the name of the copyright owner. Her memorandum is attached hereto.

Respectfully submitted,



Acting Chairman, Revisory Board

* from the words "Copyright 1940"

Reject--order of Mr. Howell, but write.

July 11, 1940

With reference to the folder "How to Use Kerr Caps and Lids."

Copyrighted by Kerr Glass Mfg. Co.

Remitter: Same

The title of this folder as cited in the application and affidavit is found on the cover, and reads "How to Use Kerr Caps and Lids." At the bottom of the cover appears the legend "Copyright 1940." This defective notice read in conjunction with the name "Kerr" appearing above it as a part of the title and printed as a trade name would hardly be considered to advise the public of the name of the copyright owner, given in the application as "Kerr Glass Mfg. Corp." It is true that this full form of the name appears on what is probably the back of the folder, but not in conjunction with the word "Copyright." I cannot find that there is a notice of copyright as required by the statute and I do not believe that a suit for infringement would be maintained. Therefore, I see no reason for making a registration.

M. L. Busby.