

MP-514

1 Book

MEMORANDUM

July 31, 1940

Remitter: Arno W. McGraw (23416)--Class A.

Title: "An Opportunity is Offered"

Question: Division of opinion as to whether registration should be made notwithstanding the applicant's failure to answer our letters.

It may be that the doubt could have been solved in the first place in favor of registration, since there is no apparent incompleteness in the copies, which merely refer to a book about the World's Fair intended to be circulated with them. This book about the World's Fair is not the subject of the application. Possibly also the method by which the copies are manufactured, which is one frequently adopted, does not clearly indicate that publication has not taken place.

On the other hand, where the Office has taken the position that it cannot register without more information, and where its requests for such information are ignored, it stultifies our action to merely give in and register without the information, thus implying that there was no need of asking it to begin with. In the opinion of Mr. DeWolf and Mrs. Brady, therefore, the Office should maintain its consistency by refunding in such cases. The applicant may always reopen the matter if he desires.

Respectfully,

A. L. DeWolf

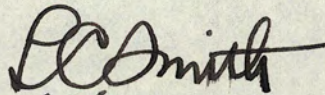
Acting Chairman, Revisory Board

August 3, 1940

Mr. Howell approves entry.

Minority opinion to accompany memorandum dated July 31, 1940,
referring to unfinished business No. 23416 of Arno W. McGraw.

Mr. Smith is of the opinion that the deposit should not have been questioned in the first instance, in that it is complete in itself and it does not appear that the copyright claim extends to any more than the single folded sheet which was deposited. He therefore recommends entry.



L. C. Smith

August 3, 1940

Mr. Howell approves entry.

NOTICE

MEMORANDUM

July 31, 1940

Remitter: Union Oil Co. of California (48177)--Class F.

Title: "Topographic Map of Southern California Oil and Gas
Fields and Connecting Highways."

Question: Is the notice adequate?

The notice on the map reads:

Union Oil Co. of California
 Geological Department
 Drawn by John Wise
 September 1939

Copyright

As printed, the words "Union Oil Co. of California" is in the larger type, the notations below being in successively smaller type, but all are close together. It is all one statement. In these questions about the notice it is often difficult to draw a line as to how far the name of the owner may be from the word "Copyright" and still leave the notice good. It seems to the majority in this case that the notice substantially complies with the statute.

Mr. DeWolf and ^{Mr. Smith} Mrs. ~~Brady~~ feel that the notice satisfies the requirement of the statute, while Mrs. ^{Smith} Brady holds that it does not.

Respectfully,

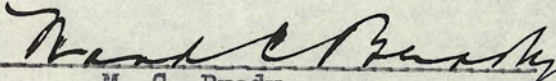
A. L. DeWolf
 Acting Chairman, Revisory Board.

August 6, 1940

Enter. Order of Mr. Howell.

Minority opinion to accompany memorandum dated July 31, 1940,
referring to unfinished business No. 48177 of Union Oil Co. of
California.

With respect to the notice of copyright on the deposit entitled "Topographic Map of Southern California Oil and Gas Fields and Connecting Highways," Mrs. Brady dissents from the opinions held by Mr. DeWolf and Mr. Smith that this notice is adequate for the following reasons: on this deposit the three required elements which constitute a valid notice do not appear in conjunction, but are widely separated. The name given in the application as the copyright owner is separated from the word, "Copyright," by three lines of printing. The first line consists of the legend, "Geological Department;" the second line reads, "Drawn by John Wise," and the third line, "September 1939." Beneath this last line appears the word, "Copyright," which is further isolated from the other required elements for a notice by a printed line at the top and bottom. The name of the copyright owner and the date of the initiation of the term appear to me to be matters of conjecture for the public, and I therefore consider this notice to be fatally defective.


M. C. Brady AUG -2 1940

August 6, 1940

Enter. Order of Mr. Howell.

Entire Order Helt

MP-514

NOTICE

MEMORANDUM

July 31, 1940

Remitter: Interstate Printers and Publishers (47962)--Class A.

Title: "Farm Mechanics Job Sheets" and "Farm Management Job Sheets"

Question: Is the notice adequate?

The question is essentially whether the presence of the name of the copyright owner given in the application anywhere upon the title page sufficiently satisfies the requirements of the statute that the word "Copyright" and the year date are to be "accompanied by" the name of the copyright owner. The majority opinion in this case is that where the name of the copyright owner is used as a publisher's imprint, and especially where other names, to wit, those of the authors, also appear on the title page, there is no clear indication who owns the copyright, and moreover the notation "Copyright 1940" is so far removed from the name of the claimant that this name cannot be properly read into the notice as a part thereof.

Mr. DeWolf and Mrs. Brady feel that the notice is inadequate, and the application should be rejected, while Mr. Smith holds that entry should be made.

Respectfully,

R. DeWolf

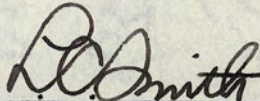
Acting Chairman, Revisory Board

August 6, 1940

Enter. Order of Mr. Howell.

Minority opinion to accompany memorandum dated
July 31, 1940, referring to unfinished business No.
47962 of Interstate Printers and Publishers.

Mr. Smith is of the opinion that the provisions of the statute in reference to the copyright notice have been met, in that the three essential elements to be found in the notice are in such position upon the copy that it can be said they accompany one another. This conforms with previous decisions of the Board and of Mr. Howell in similar cases. Reference is especially made to memorandum dated January 8, 1940, in the case of Frease and Bishop, in which the facts were almost identical with the instant case. There was a division of opinion on the part of the members of the Revisory Board. Mr. Howell ordered the work entered.



L. C. Smith

August 6, 1940

Enter. Order of Mr. Howell.

MP-514

Enter: per order HGH

NOTICE

MEMORANDUM

July 31, 1940

Remitter: Georgia Wharton Lamb (46270)--Class A.

Title: "Following the Trail"

Question: Adequacy of first copyright notice.

Is the following notice adequate for a book republished with new matter:

Copyright 1939
By Georgia Wharton Lamb
Published by the
Manassas Journal Press
Manassas, Virginia
Printed in U.S.A.
Revised Edition, Copyright 1940

It contains the copyright owner's name with the word "Copyright" and the year date of publication of the new matter. The notice is incomplete as to the new matter. But taken as a whole it might be regarded as sufficiently conveying to the public the fact that the new edition was copyrighted by Georgia Wharton Lamb and published in 1940. On the other hand, the Office has taken the position in its circular letters June 26 and July 11, that the original notice was fatally defective, and the applicant has accepted that in her letter of June 27. Mr. DeWolf and Mrs. Brady feel that this is another case where it would seem that the Office must maintain some consistent line of action, and that the application should be rejected if in fact the book was published with the notice in its earlier form.

Respectfully,

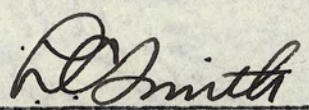
R. L. DeWolf
Acting Chairman, Revisory Board.

August 6, 1940

Enter. Order of Mr. Howell.

Minority opinion to accompany memorandum dated July 31, 1940, referring to unfinished business No. 46270 of Georgia Wharton Lamb.

Mr. Smith is of the opinion that the notice appearing in the copy deposited in the first instance should have been accepted, that no further question should be raised at this time concerning the notice itself. The only matter remaining is to determine the correct date of first publication.



L. C. Smith

August 6, 1940

Enter. Order of Mr. Howell.

