

COMMERCIAL PRINT
(See "book")

MEMORANDUM

September 24, 1940

Remitter: Monarch Publishing Co. (51843)--Class A.

Title: "Time is the Priceless Ingredient"

Question: Is the deposit a commercial print and is notice
acceptable?

Register as A1 as applied for--H.A.Howell

COMMERCIAL PRINT
(See "Book")

M E M O R A N D U M

September 24, 1940

• Remitter: Borden Co. (60201)--Class A.

Title: "Life in the Land of Mince Pie"

Question: Should registration be requested for three commercial prints contained in a booklet which itself is not subject to copyright?

Reject--but do not suggest KK application at this time.--H.A.Howell.

MP-566

COMMERCIAL
PRINT

MEMORANDUM

September 24, 1940

Remitter: Lester Harrison Associates, Inc. (58623)--Class A & KK

Title: "Advance Sale of Furs", "August Sale of Furs" (single page) and (booklet) and "Our Greatest August Fur Sale."

Question: Whether registration may be made as a commercial print or label or as a book.

The four cases herein referred to have been given careful consideration by the Revisory Board consisting of Mr. De Wolf, Mr. Wise and Mr. Smith. The results reached are believed to be in strict accordance with the rules set forth by the Register of Copyrights in the letter to Mr. Otto Kleppner of the Kleppner Co., Inc.

I. a. "Our Greatest August Fur Sale", published June 10, 1940.

The copy consists of more than one sheet when unfolded. Therefore it must be regarded as a "book." The notice of copyright is on the back and therefore misplaced. Accordingly the application must be rejected.

b. "August Sale of Furs" published June 5, 1940

The copy consists of several pages stapled together, thus making the work a book. The notice of copyright appears on the back page. The Office must therefore reject the application.

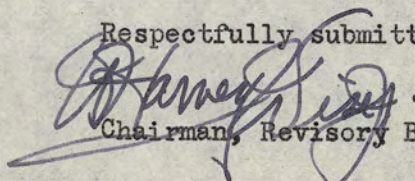
II. a. "Advance Sale of Furs" published June 5, 1940.

This work when unfolded consists of a single sheet. Registration may be made under class KK as an advertising print.

b. "August Sale of Furs" published July 10, 1940.

The work consists of one sheet. Therefore registration is permissible as a commercial print.

Respectfully submitted,


Chairman, Revisory Board

Approved--H.A.Howell.

CLASSIFICATION?
(See "Commercial
Print")

M E M O R A N D U M

September 24, 1940

Remitter: Lester Harrison Associates, Inc. (58623)--Class A & KK

Title: "Advance Sale of Furs" et al. (3 others)

Question: Whether registration may be made as a commercial print
or label or as a book.

Works consisting of more than one sheet when folded are "books"

Works consisting of only one sheet are "commercial prints"

MP-566

BOOK

MEMORANDUM

SEPTEMBER 24, 1940

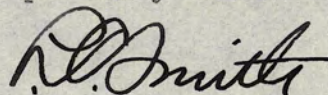
Remitter: Borden Co. (60201)--Class A.

Title: "Life in the Land of Mince Pie."

Question: Should registration be requested for three commercial prints contained in a booklet which itself is not subject to copyright.

Mr. De Wolf and Mr. Wise are of the opinion that the question should not be raised, and that rejection should be limited to the booklet itself which does not bear the copyright notice in the proper place. Mr. Smith, however, holds that if it is admitted that the booklet itself is published, then the commercial prints within the booklet are published. The three commercial prints bear separate copyright notices and hence class KK application should be requested giving the date of publication as of September 9, rather than to wait until the ads appear as periodical contributions for the first time (as it appears) later in the fall of 1940.

Respectfully submitted,



Member of Revisory Board

Reject--but do not suggest KK application at this time.--
H.A. Howell.

BOOK
(See "Commercial Print")

MEMORANDUM

September 24, 1940

Remitter: Lester Harrison Associates, Inc. (58623)--Class A & KK

Title: "Advance Sale of Furs" and 3 others

Question: Whether registration may be made as a commercial print or
label or as a book.

Works consisting of more than one sheet when folded are "books".
Works consisting of only one sheet are "commercial prints".

MP- 566

BOOK

MEMORANDUM

September 24, 1940

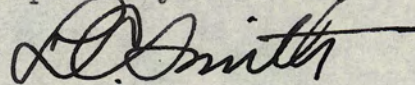
Remitter: Monarch Publishing Co. (51843)--Class A.

Title: "Time is the Priceless Ingredient."

Question: Is the deposit a commercial print and is notice acceptable?

Mr. De Wolf and Mr. Wise are of the opinion that the notice is acceptable and secondly that the work is not a commercial print and hence should be registered under class A as applied for. Mr. Smith agrees that the notice is acceptable, but holds that the work is a commercial print and should be registered under class KK in view of the fact that it is advertising an article of manufacture, namely, a plaque.

Respectfully submitted,



Member of Revisory Board

Register as Al as applied for.--H.A.Howell.

NOTICE
(See "Book")

M E M O R A N D U M

September 24, 1940

Remitter: Monarch Publishing Co. (51843)--Class A.

Title: "Time is the Priceless Ingredient"

Question: Is the deposit a commercial print and is notice acceptable?

Register as A1 as applied for--H.A.Howell.

MEMORANDUM

October 2, 1940

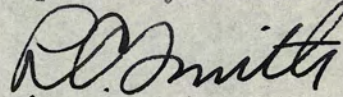
Remitter: George D. Grebenstchikoff (33883)--Class A.

Title: "The Turbulent Giant."

Question: Can a book which has been published in an edition of three hundred copies with an improper notice be recalled after such publication and the correct notice placed upon the copies?

Mr. Wise and Mrs. Brady are of the opinion that the copyright claimant can recall the 300 copies which were distributed and place the correct copyright notice upon them, and that following that registration can be made using the application now in hand, which gives the date of publication of the copies with the incorrect notice. Mr. Smith, however, is of the opinion that when the 300 copies were distributed with the improper notice the work was automatically thrown into the public domain, and that it is now too late for the copyright claimant to do anything which would give him statutory copyright protection in the work. This position has been taken again and again in correspondence issued by this Office.

Respectfully submitted,



Member of the Revisory Board

Reject--order of Mr. Howell.