

MP-581

PERIODICAL
CONTRIBUTION

MEMORANDUM

October 12, 1940

Remitter: Charles R. Stuart (64269)--Class A.

Title: "Nearly Half a Million Automobile Buyers" in
"Los Angeles Times."

Question: Division of opinion as to whether a work classifiable
as a print applied for as a "book contribution"
should be rejected as a book without suggestion
as to print (K5) registration.

The copy consists of a pictorial illustration with some
text matter, the purpose of which is to advertise a certain
bank. At the bottom of the article is the following notice
of copyright: © 1940 Bank of America. The applicant has
applied for registration using form A5 and checked the item
"book."

Mrs. Brady is of the opinion that the application should
be rejected as a book without further comment. In the opinion
of Mr. Smith the applicant should be written to advising that
his A5 application should be checked to indicate that the work
is a print in conformity with the copyright notice. Mr. Wise
is of the opinion that the application should be rejected as
a book, but that the applicant should be advised that an appli-
cation filed on form A5, designating the work as "print"
will be considered.

Respectfully submitted,

W. H. Hamey
Chairman, Revisory Board

If this advertises automobiles or any other merchandise, it
would undoubtedly be registrable in KK; but it only advertises
banking business, and hence is eligible for entry as A5-K.--H.A.Howell.

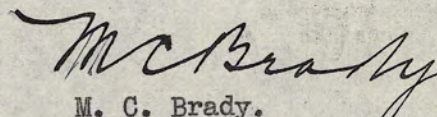
MINORITY MEMORANDUM

October 16, 1940

Remitter: Chas. R. Stuart (No. 64269)

Title: "Nearly Half a Million Automobile Buyers" in LOS ANGELES
TIMES October 2, 1940.Question: Advisability of suggesting to remitter that he file
a new application changing his own description of
the deposit which he has called a "book".

The application filed describes the deposit, quite accurately, as a book. It is an advertisement consisting preponderantly of text matter describing a plan for financing automobile buyers. It is illustrated at the top by a large print of an automobile with a sketched background indicating an "Auto Show". Considerable text matter is below the illustration, and at the bottom of the text the notice of copyright is found in the following defective form: "©1940, Bank of America." In view of the fact that the application is made for a "book," there does not appear to be any reason for this Office to take action other than the rejection recommended by the Examiner.



M. C. Brady.

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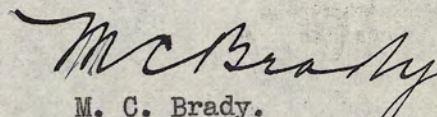
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NOTICE

MEMORANDUM

October 10, 1940

Remitter: Semco Color Press, Inc. (63856)--Class A.

Title: "Group Experiences in Homemaking Classes"

Question: Adequacy of copyright notice.

The title-page of the work appears as follows:

Group Experiences
in
Homemaking Classes

by

Millie V. Pearson
Professor and Head, Home Economics Education
Oklahoma Agricultural and Mechanical College

*

First Edition
Copyright 1940

*

College Book Store
Oklahoma Agricultural and Mechanical College
Stillwater, Oklahoma

Mrs. Brady and Mr. MacCarteney are of the opinion that the copyright notice does not contain the name of the copyright claimant, and, therefore, the application for the registration of the claim should be rejected. Mr. Smith, however, feels that registration should be made because he is of the opinion that there is great doubt whether there has been a noncompliance with the copyright statute in view of the fact that it can be argued that the name of the copyright claimant (the author) does accompany the word "Copyright" and the year date of publication 1940 which appear halfway between the name of the author and the name of the publisher. His conclusion is further supported by action taken in certain of similar cases coming before the Revisory Board and in some instances the Assistant Register of Copyrights.

Reject by order of Register
of Copyrights. H. A. Howell,
October 12, 1940

Respectfully submitted,

R. Smith

Acting Chairman, Revisory Board

MINORITY MEMORANDUM

October 11, 1940

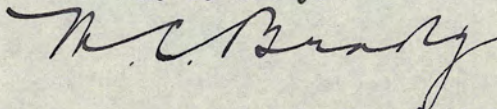
Remitter: Bertie Lee Fenton (No. 64248)

Title: "The Tops in Permanent Waving"

Question: Adequacy of copyright notice.

Deposit is a pamphlet, the title page having at the top the title "The Tops In Permanent Waving." The legend "Copyright 1940" appears two inches below this title, and two inches below the words "Copyright 1940" is the name "Fenton of Hollywood" and the address "Post Office Box 589, Hollywood, California." The application filed with this deposit gives the claimant as Bertie Lee Fenton, 6838 Sunset Blvd., Hollywood, California. In consideration of the informality of the notice and the differences in the name of the copyright owner and the address, it seems doubtful that the notice is adequate. However, as it is the practice of the Office in such cases to give the benefit of the doubt to the registration, it would seem possible to record a claim in the name of "Fenton of Hollywood, trade name of Bertie Lee Fenton," with the address as given in the deposit, if such a statement would be a statement of fact.

M. C. Brady.



Enter as applied for - accept claim - order of Col. Bouvé, Oct. 22, 1940.