

THE LIBRARY OF CONGRESS—COPYRIGHT OFFICE

P
PHOTOGRAPHS

MEMORANDUM

TO THE REGISTER OF COPYRIGHTS
THE LIBRARY OF CONGRESSFROM W. Harvey Wise, Jr.
October 10, 1940REFERRING TO application of Mr. Paul Strand for registration of his work
entitled "Photographs of Mexico."

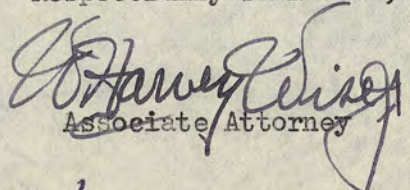
An examination of the copy of this work submitted shows it to be of a most unusual type. It consists of a container with some twenty separate photographs. The container takes the shape of a book, on the cover of which is the statement "Paul Strand" in large bold letters, and at the bottom in smaller type the statement "1. Photographs of Mexico." The container which is of the following dimensions 13"x17" opens in the conventional manner as a book. A large pocket is found on the inside in which is a folder containing the twenty photographs by Mr. Strand. Immediately preceding the photographs in the paper folder are three pages of text matter. Following this is the contents page listing the titles of the separate photographs. Beneath this appears the following copyright notice "Copyright 1940 by Paul Strand."

The classification of such a work as a book was doubtless without the contemplation of the framers of the Copyright Act. It is certainly not a book in the usually understood and accepted meaning of the term, but it does more clearly come within the classification of "book" than any other category of copyrightable works. Therefore, it is believed that the classification chosen by the applicant is the most appropriate for this work.

If the classification "book" is accepted, the next problem which presents itself is that of the position of the copyright notice. The notice in the case of a "book" must be placed upon the title-page or the page immediately following (see Section 19 of the Copyright Act). In the case under consideration, however, there is no title-page. There is no provision in the law which forbids registration of a book because of the fact that it does not have a title-page. It follows that where a book does not have a title-page the notice cannot be placed upon it or the page immediately following. Under such circumstances it seems that the spirit of the law may be met when the notice is placed in a conspicuous and accessible position which would not be overlooked by any member of the public examining or making use of the book. In the case under consideration it is believed that the most conspicuous position has been chosen for the notice. It is placed on the page listing the titles of the photographs and just precedes the first photographic copy.

Under these circumstances it is recommended that registration be made as applied for.

Respectfully submitted,


Associate Attorney




(over)

MINORITY MEMORANDUM

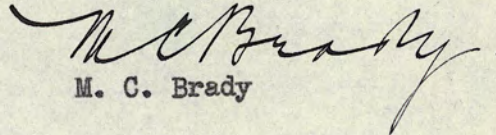
October 10, 1940

Remitter: Rosendale, Thomas & Muller (No. 62419)

Title: "Rules of Game"

Question: Sufficiency of title in application.

Mrs. Brady dissents from the majority opinion with respect to the adequacy of the title used in the application and affidavit to identify this deposit. The descriptive, "Rules of Game," printed on the cover of the pamphlet has been used by the remitters as title. The deposit is a two page leaflet containing the rules for the game, "Factory and Supply Conscription and Concentration Camp." The above title is used as "a title heading," and should therefore be used in the application and affidavit to properly identify the deposit.


M. C. Brady

Return application for complete title for identification; "Rules for Game - Factory and Supply Conscription and Concentration Camp."
H. A. Howell, October 15, 1940.

MP-587

LECTURE

MINORITY MEMORANDUM

October 16, 1940

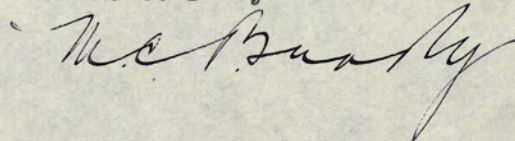
Remitter: John A. Hellsten Swanson (No. 56566)

Title: "The Black Sciences by Fin the Warlock"

Question: Registration as a corrective entry. See this statement in the application.

This second application for a previously registered lecture appears to be made because the original deposit, received and recorded for copyright in 1939, was a carbon copy, badly executed. See claimant's letter. However, as the examination of the original deposit discloses considerable revision and new matter, the registration could be made if application were filed stating this to be a revised version with new matter. This statement should be given after the title in line (6), and would constitute a valid reason for a new registration.

M. C. Brady



Write for application. "Revision with new matter" would be more orthodox for purposes of recording.--H.A. Howell.