

COPYRIGHT OWNER
(See "Book")

MEMORANDUM

October 19th 1940

Remitter: American Trading Association

Title: "Das Geliebte Land"

Question: Author is German refugee domiciled in this country.
Book published with copyright notice in name of
publisher, whose business is being liquidated by
Nazi Commissar. Can registration be made in name
of author?

Register in name of both author and publisher in view of
current international situation.--H.A.Howell.

MP-589

MP-589

LCS:LBG
10-29-40

THE LIBRARY OF CONGRESS—COPYRIGHT OFFICE

MEMORANDUM

Book

TO THE REGISTER OF COPYRIGHTS
THE LIBRARY OF CONGRESSFROM Louis C. Smith
October 19, 1940

REFERRING TO the application for registration of a copyright claim in the name of Chajim Bloch for work entitled "DAS GELIEBTE LAND".

HISTORY

Briefly the past history of this application is as follows:-

On May 24, 1940 there was received from the American Trading Association a copy of manuscript material properly falling under the classification "book" entitled "In the Sphere of the Skies", with an application on Form D-2 and a remittance of \$1.00. The letter accompanying this work stated that it was a condensed synopsis of one of the episodes appearing in the book published in Vienna under the title "The Beloved Country". It further stated that if a copy of the original German version were required, the same would be sent upon request. This Office refunded the remittance of \$1.00 with no other information than that contained in its Circular 66 which was sent with the refund check.

The American Trading Association returned the dollar on July 6 with a new D-2 application form, apparently not understanding this Office's circular 66. On July 19 there was received from the American Trading Association a postcard referring to the work in question which apparently was misdirected to this Office, for it appears that it should have been sent to a Dr. Geyer. This postcard was filed without action by the Office.

On July 22, the Office explained in a letter why the material in the form then deposited could not be registered, and added that the book itself, if it were actually published in Vienna bearing a copyright notice, would be subject to registration, Form A-3 being sent for possible use. On July 27 there was received from the American Trading Association in response to this Office's letter of July 22 a letter inquiring whether it was the wish of the Copyright Office that they mail a copy of the German version of the book. Apparently this Office's letter was not clearly understood by them. On August 8, this Office wrote to the effect that if the work were published with the copyright notice, a copy should be deposited with Form A-3 and registration fee of \$2.00.

On August 16 there was received from the American Trading Association two copies of the German version entitled "Das Geliebte Land" with registration fee of \$2.00 and application on Form A-3 which gave as the name of the copyright claimant the author, Chajim Bloch, and his citizenship as Czechoslovakia. The application A-3 was sent in duplicate, the title being given both in English and German, not of the book, but of one of the episodes which the book contains under the German title, "Auf Dem Irrweg" (pages 157 to 176).

On August 28 the Office wrote in regard to the variance of claim in view of the fact that the book contained the name of R. Löwit Verlag in the notice, and further requested an application giving the title as "Das Geliebte Land", explaining that the copyright in the book applied to all the copyrightable component parts. As pointed out by this Office in the letter, the separate portion of the book to which the present application referred did not bear a separate copyright notice

On September 9, there was received from the American Trading Association a letter stating that it did not know the present whereabouts of the publisher whose name appeared in the notice, and furnished a statement from the author to the effect that to his knowledge the owner of the firm of R. Löwit Verlag was in a Concentration Camp at the time he, the author, left Vienna in 1939. With this communication there was received a new application on Form A-3 giving the correct title of the book, the copyright owner's name, however, still appearing in space (1) as Chaim Bloch. In this application the author's citizenship is given as Austria. On September 25, this Office wrote that there should be given in space (1) of the application only the true legal name of the copyright owner, and that hence an application should be filed in the name of R. Löwit Verlag. (No information was furnished in this letter regarding the effect that an assignment would have upon the situation.) On October 11 there was received a letter from the American Trading Association enclosing three application Forms A-3, all giving the same information. The name of the copyright claimant was given as the author, Chaim Bloch, and his citizenship, Austria. The title of the work was given as "Das Geliebte Land" and immediately beneath was given the title of the separate episode, "Auf Dem Irrweg". The date of publication was given as "end of February, 1938". (In this regard it is to be noted that the earlier applications received never gave a date of publication even though this Office's letter of September 25 requested that the exact date of publication be given). The letter of transmittal sent with these applications, in addition to a statement by the author, explained:

- 1). That the author was a citizen of Austria.
- 2). That the proprietor of the firm of R. Löwit Verlag (the name of the copyright claimant appearing in the notice) was in a Concentration Camp at Buchenwald and that there are present rumors that he died about a year ago.
- 3). That the firm of R. Löwit Verlag is being liquidated at this time by a Nazi Commissar.

The author points out that if the Copyright Office were to insist that he obtain consent of the Nazi Commissar to permit the completion of the registration of his own intellectual property that it would give rise to unjust claims, and asks that in consideration of these circumstances, the author be permitted to register the copyright claim in his name.

PROBLEM PRESENTED.

Considering all of the foregoing facts, the Revisory Board is of the opinion that the original copyright claimant and owner is the firm of R. Löwit Verlag, and that the author has brought forth no evidence to the contrary. Hence it is not possible to make a registration in the name of the author for the copyright claim covering the work in question. While the liquidation of the publishing firm by the Nazi Commissar may result in injustice to the author, nevertheless it would appear that the provisions of the Copyright Law require that this action *by the Reg.* be taken. However, in view of the unusual circumstances, the matter is presented to the Register of Copyrights for further possible consideration.

"The situation is exceptional; due to war no communication can be had with publisher Löwit. I suggest entry in names of both publisher and author and let them straighten it out post bellum. Return application for adjustment."--H.A.Howell

H.A. Howell