

MINORITY MEMORANDUM

October 30, 1940

Remitter: *Merle Armitage*
Ramiel McGehee (No. 66177) - Class A.

Title: "Designed Books"

Question: Position of notice of copyright.

The undersigned dissents from the majority opinion with respect to the position of the notice of copyright in the book in question. ~~Because the page on which it is found is the sixth page from the title page~~

The format of the book is unusual. There are two fly leaves following the cover, then a leaf bearing the title "Designed Books" on the obverse, and the statement of authorship "By Ramiel McGehee" on the reverse. Then follows a blank leaf, then a leaf bearing the dedication "To Lynton R. Kistler" on the obverse, and an advertising statement on the reverse. This advertising statement which is concerned with the publisher of the book under discussion continues to the obverse page of the next leaf, and the imprint is also found on that page, and on the next or reverse page, which is the sixth from the title page, the notice of copyright is printed.

It was suggested by the other members of the Board that the notice in the book under consideration is similar to the notice in the publication entitled "Photographs of Mexico." I submit, however, that there is a title-page in the book entitled "Designed Books," and there was admittedly none in "Photographs of Mexico." It was of very doubtful classification as a "book", and registered in that class only because it could not be placed in any other. The following excerpt from the memorandum submitted by Mr. Wise in re "Photographs of Mexico", however, points out not only (1) the doubtful classification, (2) the total lack of title-page, but also (3) the requirement of the statute with respect to the position of the notice when there is a title-page:

"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)."

I think this is an excellent proof of the position I take in the case under consideration at this time.

Register as applied for. A very modernistic design. Notice meets the spirit of the Act.--
order of Col. Bouvé.

M C Brady
M. C. Brady