

MEMORANDUM

January 8, 1941

Remitter: McLoughlin Bros., Inc. (78944)--Class A.

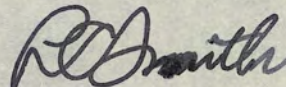
Title: "Blacky" and "Brownie"

Question: Adequacy of copyright notice.

A copy has been deposited bearing a notice on the reverse of the title-page giving the year of publication of the first edition of the work and a notice on the back cover giving the year of publication of the present edition. Application form A2 submitted claims copyright upon the new matter consisting of the pictorial matter contained on the front cover. This situation is the same both in the case of the work entitled "Blackie" and the one entitled "Brownie."

Mrs. Brady and Mr. MacCarteney reject both applications because they hold that the notice printed on the back cover *was* intended to be applicable to the new matter has been misplaced. Mr. Smith is for the acceptance of the applications, for it is his opinion that the notice appearing upon the reverse of the title-page is sufficient to cover all of the copyrightable component parts of the book, including the new matter. This has been the position of the Office in numerous past cases where the copy did not bear a notice giving the most recent year date of publication. In those cases it was held that the applicant merely lost the difference in years in his copyright term between the year date of publication given upon the copy and the actual year date of publication, in this case being a loss of one year. Hence to be consistent with previous action registration should be made for the present work for it is not felt that the presence of any additional notice elsewhere upon the copy would have any effect, for the law provides that there need be but one notice and if that notice is sufficient and placed upon the copy as provided by the statute it covers all of the copyrightable component parts as provided by Section 3 of the law and not merely a portion of the work.

Respectfully submitted,



Acting Chairman, Revisory Board

Reject--notice misplaced--write and explain. H.A.Howell 1/11/41