

DRAWING
(See "Comic Strips")

M E M O R A N D U M

March 31, 1941

Remitter: Harry Andrew Gallagher, Jr. (59671)--Class G.

Title: "Eastman and Violet"

Question: Is the deposit an unpublished drawing?

Continue practice of registering as unpublished drawings comic strips telling a continuous story in several frames.--order of Col. Bouvé

COMIC STRIPS

MEMORANDUM

March 31
~~April 1~~, 1941

Remitter: Harry Andrew Gallagher, Jr. (59671)--Class G.

Title: "Eastman and Violet"

Question: Is the deposit an unpublished drawing?

The deposit consists of two pieces of cardboard upon each of which appear two frames of cartoon matter. The four frames when properly arranged relate a comic story of a pair of nitwits in a department store. The story is only properly understood by the addition to the pictorial matter of substantial text matter, both conversational and descriptive.

Mr. Wise and Mr. MacCarteney are of the opinion that this complete work can be considered an unpublished drawing so that registration of the copyright claim can be made by the use of application form G2.

Mr. Smith is of the opinion that the work cannot be considered an unpublished drawing because it is made up of a combination of a number of separate drawings, each contained in their own frame in addition to the text matter essential to a proper understanding and appreciation of these drawings. It is the opinion, therefore, of Mr. Smith that works of this nature should be properly classified as unpublished books and the applicant informed that until after actual publication with the copyright notice he should rely on his common law protection. The present case might be considered analogous to an unpublished map which in some years gone by might have been registered either in Class I as a technical drawing or in class G as a work of art, according to the technical or artistic character of the work. Today a map regardless of whether it contains technical features or some artistic, pictorial, etc., matter which lends to the character of the map, must first be published with the copyright notice before registration of a copyright claim can be made. In other words, there is no registration of a copyright claim possible to the unpublished work for the purpose of protecting those portions of the map which might be considered technical, scientific, or artistic. So in the present case when the comic strip is actually published this Office will require that registration be made for it under class A because the work as a whole must be considered as a book, for the text forms such an integral part of the drawing that it cannot be divorced from it without destroying the author's true expression of his ideas in writing.

Continue practice of registering as unpublished drawings comic strips telling a continuous story in several frames.--order of Col. Bouvé.

Respectfully submitted,

R. E. Smith

Member, Revisory Board