

NOTICE

(Advance Month in)

MINORITY MEMORANDUM

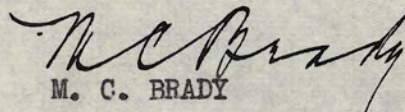
May 26, 1941

Remitter: Kirby Block & Company (No. 36910).

Title: "Sales Plan".

Question: Advanced date (of month) in notice of copyright.

The undersigned dissents from the opinion of the other members of the Revisory Board, who hold that the notice of copyright in the deposit in question is fatally defective. The deposit, a publication entitled "Sales Plans," is published with date of issue June 1941. It also bears this date in the notice of copyright--"Copyright June 1941 Kirby, Block & Company." The affidavit accompanying the application and copies, however, gives the date of publication as April 15, 1941, thus declaring a date prior to the month of issue, June 1941, which appears in the notice. However, as the use of the month in the notice of copyright is not a requisite of the statute and the notice includes the year in which copyright was secured by publication, the use of the month is surplusage and does not in the opinion of the undersigned constitute a deterrent to the recording of this claim to copyright. A letter of instruction to the remitter might be considered, calling his attention to the exact form of the notice with reference to the variance in question and the position of the name of the copyright proprietor.



M. C. BRADY

Write first as to conflict in date of publication between application and affidavit and use of June in notice. It could not have been first published in all three months.--H.A.Howell 6/3/41.

MP-765

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(Advance month in)

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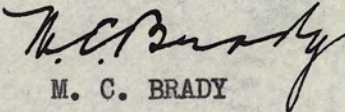
May 26, 1941

Remitter: Kiwanis Magazine (No. 35680)

Title: Kiwanis Magazine Vol. 26, No. 5, May 1941

Question: Advanced date (of month) in notice of copyright.

The undersigned dissents from the opinion of the other members of the Revisory Board, who hold that the notice of copyright in the deposit in question is fatally defective. The deposit, a monthly magazine, entitled "Kiwanis Magazine" is published with date of issue May 1941. It also bears this date in the notice of copyright-- "Copyright May 1941 by Kiwanis International." The application filed with the copies, however, gives the date of publication as April 29, 1941, thus declaring a date prior to the month of issue, May 1941, which appears in the notice. However, as the use of the month in the notice of copyright is not a requisite of the statute, and the notice includes the year in which copyright was secured by publication, the use of the month is surplusage and does not in the opinion of the undersigned constitute a deterrent to the recording of this claim to copyright. A letter of instruction to the remitter might be considered.


M. C. BRADY

Enter as applied for--H.A.Howell 6/3/41. "The 'May' in the notice means the May issue."