

CLASSIFICATION.

MINORITY MEMORANDUM

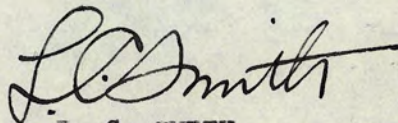
August 11 and 12, 1941

Remitter: Samuel P. Orange (53164)

Title: "America In My Heart" - Lyrics & drawing.

Question: Is the drawing deposited subject to registration under Class G?

The work as deposited consists of an unpublished poem, immediately beneath which is a heart enclosed within a larger heart, thus forming a border, which border contains X marks and the initials A.I.M.H. The smaller heart represents a simple shield, the upper portion of which is blue and the lower portion made of a few red and white stripes. The Examiner considers the present deposit subject matter under Class G, no doubt due to the fact that works of an equally simple nature accepted by the Office in the past and registration made, may have misled her. Two of the members of the Revisory Board, Mr. Pforzheimer and Mr. MacCarteney, cannot help but feel that the deposit cannot be considered as a work of art. It is suggested that when this Office writes to the applicant that it point out when the complete work (unpublished poem and drawing) is published with the copyright notice registration can be made for it as a "book". Mr. Smith recognizes the deposit as a drawing. It is a borderline case as to whether or not the drawing is so simple in nature that it contains no original authorship, and he therefore recommends that the benefit of the doubt be given to the applicant and registration made of the copyright claim to the drawing upon the receipt of a proper application. It is of course to be pointed out that no copyright claim can be made to the poem itself until after it has actually been published with the copyright notice and registered as a "book", or else set to music and deposited here as an unpublished work, or published with the copyright notice and registered as a published work.



L. C. SMITH

Examiner sustained as to rejection of manuscript. Omit any reference to drawing. WHW, 8-16-41 After consultation with Col. Bouvé.