

MP 857

Notice

MINORITY MEMORANDUM

August 21, 1941

Remitter: Clifford & Lawton, Inc. (54528) Class A

Title: "Interior Decorator Hand Book, Fall 1941"

Question: Is copyright notice adequate?

The copyright notice appearing on the title-page reads as follows:

Copyrighted 1941

Matson Hall, business manager

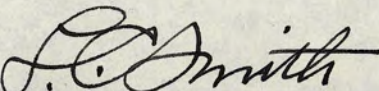
Estelle Quinlan, editor

Published by

CLIFFORD & LAWTON, INC.

The distance between each of these lines in the copy is approximately one-quarter of an inch. The name "Clifford & Lawton, Inc." is more than twice the size of any of the other words in the notice. The copyright claimant given in the application is Clifford & Lawton, Inc., and the name of the author is William O. Hall. The name of William O. Hall does not appear upon the title-page. Mr. MacCarteney and Mr. Pforzheimer sustain the examiner in rejecting the notice as defective, contending that the name of the copyright claimant does not appear in the notice. Mr. Smith, however, is of the opinion that the notice is acceptable, and that, due to the heavy black type in which the name "Clifford & Lawton, Inc.," is written, and its close proximity to the words "Copyright, 1941," there is sufficient notice to the public that "Clifford & Lawton, Inc.," is the copyright claimant. It is difficult to maintain the position that the public could not recognize the copyright owner when the only other names appearing upon the title-page are those of employees of the copyright claimant; namely, the business manager and the editor of the publication. It is only natural for one to assume that the employer would control the product resulting from the labor of his employees. The Copyright Act itself recognizes this fact when in Section 62 provision is made that "...the word 'author' shall include an employer in the case of works made for hire." Any doubt which might exist under these circumstances as to the adequacy of the copyright notice should be resolved in favor of the copyright owner.

Respectfully submitted


Chairman, Revisory Board

Notice of copyright adequate. Name of copyright proprietor sufficiently closely associated to word "Copyright" and the year date as to fully advise the public as to the name of the copyright proprietor.--W. H. Wise 8/26/41.