

MINORITY MEMORANDUM

NOTICE

August 14, 1942

Remitter: Sawyer, Edith Woods, Mrs. (W.R.No.40493)

Title: Poems by Mrs. Edith Woods Sawyer

Question: Is the notice of copyright acceptable where the name of the copyright claimant appears on the title page of the work and "Copyright 1942" on the page immediately following, no other name appearing anywhere in the work.

The work in question is a pamphlet consisting of four pages (other than the front and back covers), each of which contains a poem by the claimant. The cover carries the title and the name and picture of the author who is also the claimant. The other two elements of the notice, "Copyright 1942," appear on the page immediately following the title or cover page. No other writing appears on these pages.

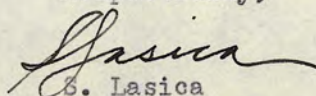
The majority opinion would reject the notice and registration. The minority opinion (Mr. Lasica) is that this notice is acceptable and that the claim should be registered. The work falls in the statutory class "book". Under Section 19 the prescribed position of the notice of copyright for books is "upon its title page or the page immediately following." While in this case the notice in its entirety does not appear either upon the title page or the page immediately following, it does appear partly on one of these pages and partly on the other. Therefore, it cannot be said that, strictly speaking, all the elements of the notice taken together do not appear within the space prescribed by the Statute. The public cannot be misled. All the elements of the notice are present; all the elements are on the pages named in the Statute. Any person interested would be bound to look for the notice on these two pages and nowhere else. He could hardly overlook the notice as a whole. There is no other writing on these pages, except the title and the claimant's picture. The name of the claimant appears twice on the title page and twice in the body of the work. This is the only name appearing anywhere in the entire work. Even the claimant's address is given in the copies.

Only recently the Board has unanimously accepted the notice in a similar case as shown by an entry in the Board Minutes of June 10, 1942, page 1313, item 5, reading as follows:

"5. Greenwood, Annie S. (35315) Class A. 'Changing Your Life.' The notice of copyright on the back of the title page omits the name of the claimant. However, the name of the claimant, who is the author, appears on the outside cover, on the title page and on the page across from the copyright notice; in fact it is the only name in the book. The board holds that such a notice is acceptable inasmuch as the only name appearing in the copy is that of the copyright claimant and the public would not be mistaken, therefore, as to the claimant. Request application on Form A-2 since this is a revised edition. Warn as to future notices."

For the reasons set forth and for the sake of consistency, the Minority concludes that this notice should be accepted and the claim passed for registration.

Respectfully,



S. Lasica

Member, Revisory Board

I am unable to convince myself that the notice in this case is good.

R. C. D., Aug. 20, 1942

THE LIBRARY OF CONGRESS—COPYRIGHT OFFICE

MEMORANDUM

MP-1384

REFERRING TO "Poems by Mrs. Edith Woods Sawyer".

NOTICETO: Mr. Richard S. MacCarteney
Chairman, Revisory Board

DATE August 20th, 1942

I am unable to convince myself that the notice in this case is good.

In the case cited in the Minority Memorandum, that of Annie S. Greenwood, June 10, 1942, the word "Copyright" and the year date appeared on the left-hand page, which was the back of the title page, and the name of the copyright owner on the right-hand page, so that both were visible at the same time when the book was open at that page. Evidently the thought of the Board was that the case was one analogous to that of a commercial print in the form of a folder, which may be opened out to one page on which the notice appears. The decision in the Greenwood case represents to my mind the extreme one to which we should go in piecing together a notice from fragments in different places. The Minority opinion in the present case goes one step farther and puts together a notice from parts on two different pages.

If the name of the copyright owner can be taken from one page and put into a notice on another page in order to complete it, the same process could be used with the other elements of the notice, to wit the year date or the word "Copyright". Unless we are to abandon all together the intention and effort to determine in every case whether the notice substantially complies with the copyright law, I think we should not accept a notice like the present one.

*Richard W. DeWolf*Acting Assistant
Register of Copyrights