

NOTICE
OMITTED

MINORITY MEMORANDUM

May 26, 1944

Remitter: Jones, Glenn D.

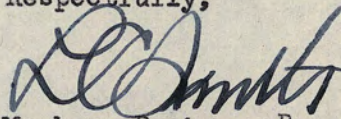
Title: "Mickey's Equilibrium"

Question: "Can a photograph reproduced in a newspaper be now registered as unpublished?"

The Majority contend that the photograph and its reproduction in the paper are two separate and distinct works, each subject to copyright.

The Minority contends that the publication of the photograph in the paper is a reproduction of the photograph itself, and hence its publication in the paper without a notice throws the work into the public domain and prevents the original photograph from being registered as an unpublished work.

Respectfully,



Member, Revisory Board

P. S. It is to be noted that the King Features Syndicate has in recent years deposited for copyright actual photographs of the Dionne Quintuplets rather than copies of the periodicals in which they later appeared. Query: "Under the circumstances, is this Office entitled to make demands upon King Features Syndicate for the periodical contributions themselves?"

Don't stir up this ghost!

H.A.H.

DECISION: I am not convinced that the reproduction in a newspaper necessarily throws the original photograph into the public domain. Photographs (J) and prints (K) are in different categories and each entitled to separate copyright. Recommendation giving applicant benefit of doubt approved.

H.A.H., 6/10/44