

MINORITY MEMORANDUM

NOTICE
NAME OF CLAIMANT

June 27, 1944

Remitter: Augsburg Publishing House (MP-2287)

Title: "Our Neighbors"

- Question 1. Is registration in order when the application gives the name of the claimant exactly as it appears in the notice, the descriptive part of the name being represented by initials?
2. Is reconsideration by the Board on the same facts in order?

1. The claimant's name is given in the notice and in space (1) of the application as "Women's Missionary Federation of the N.L.C.A.". This name also appears in the imprint and on pages 4, 18 and 28 of the copies.

The Examiner first rejected the claim on the ground that the notice lacks the full name of the copyright owner. The claim was referred to the Board and it unanimously suggested entry as applied, holding that under the Sarony case the name identifies the claimant and is at least administratively acceptable. Then the Examiner submitted the claim for reconsideration, recommending that the Office write for a new application giving in full what the initials stand for, which is clearly a descriptive part of the claimant's name. On reconsideration, the Board disagreed.

The Minority is of the opinion that the notice is acceptable and that the claim should be passed for entry as the Board ruled in the first place. The claimant's name is given adequately in the notice and in the application. It appears in this form in the imprint and in the body of the work. The part represented by the initials is only descriptive and not necessary for the record or to identify the claimant. The first decision of the Board should therefore stand.

2. Under the Office Memorandum dated September 21, 1942, paragraph (2), a claim is not subject to reconsideration by the Board on the same facts. The Board's decision prevails as against the Examiner's, except where the request for reconsideration involves new facts which were not before the Board in the first instance. For this further reason, the first decision of the Board should stand.

Respectfully,

DECISION: The notice and application agree and are fair on their face, and I do not think we should enter the region of surmise. The "N.L.C.A." is descriptive and not an essential part of the name. Therefore, I recommend entry as applied for.

S. Casica
S. Casica, Chairman,
Revisory Board.

H.A.H., 6/27/44