

## MINORITY MEMORANDUM

December 11, 1944

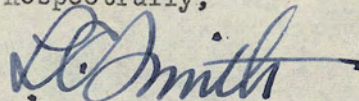
Remitter: Simon and Schuster, Inc. [MP-2443]

Title: "An American Program"

Question: Is copyright notice containing name of deceased person valid?

Office practice notwithstanding, the Minority is of the opinion that this work is not in the public domain, which would permit any one to reproduce it. A great doubt exists that the position taken by the Majority is correct, and the Minority holds that in view of this doubt registration of the copyright claim should be made in the name of the executor or administrator of the estate of the deceased copyright claimant. The Minority has written a number of memoranda in the past in which arguments were furnished to support this contention.

Respectfully,



Member, Revisory Board

DECISION: Suggest to publisher that he take up the matter with counsel and advise us as to his conclusions.

H.A.H., 12/12/44

NOTICE  
IN NAME OF  
DECEASED CLAIMANT

THE LIBRARY OF CONGRESS—COPYRIGHT OFFICE  
MEMORANDUM

REFERRING TO application of Viking Press, Inc. (received September 16, 1944) for registration of "Forward Commandos!" by Marjorie Bianco:

DATE October 20, 1944.

To Mr. Lasica  
Chairman, Revisory Board

The above application was accompanied by a letter stating that the author, who is also the copyright claimant and whose name appears in the notice of copyright, "died last week," i.e., before September 15, the date of publication. The situation presented is one which has come up for consideration by the Revisory Board and by the Register of Copyrights in a number of previous cases, six of which I have examined. The remitters and dates of receipt of applications in these cases are as follows:

Société des Gens de Lettres	Feb. 12, 1938
Rockhill, Margaret H. (estate of)	June 26, 1941
D. Appleton-Century Co., Inc.	July 24, 1941
Clarence A. O'Brien	Aug. 9, 1941
J. B. Lippincott Co.	May 14, 1942
Yale Univ. Press Printing Office	Jan. 24, 1944

Only in the case first named, "En Marge des Vivants," was registration made, but this case appears not to have received the consideration of the Revisory Board, nor are there any memoranda discussing the legal question involved. In all the other cases it was decided that registration was not permissible. A full and careful discussion of the matter is contained in the memorandum of Colonel Bouvé, the former Register of Copyrights, dated August 4, 1942 in relation to "Murder Will In."

It seems, therefore, that the question is to be regarded as settled unless and until arguments to the contrary have been presented. A letter has been written to the Viking Press inviting presentation of such arguments, and the matter may be reopened if any new considerations are advanced in their reply.

*Richard C. DeWolf*  
Richard C. DeWolf  
Acting Register of Copyrights